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THE
LEAGUE OF NATIONS
AND
REDUCTION OF ARMAMENTS

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NOTE

This pamphlet is one of a short series issued by the Information Section of the Secretariat of the League of Nations on various aspects of League work. Other pamphlets deal with the constitution and organisation of the League, the Permanent Court of International Justice, the financial reconstruction of Austria, political activities, financial and economic work, the financial administration of the League and allocation of expenses, health, mandates, transit, minorities, the administration of Danzig and the Saar, intellectual co-operation, and humanitarian activities.

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CONTENTS

	Page
INTRODUCTION	5
THE LEAGUE ORGANISATION.	7
<i>Chapter I</i> PRIVATE MANUFACTURE OF ARMS	19
<i>Chapter II</i> VARIOUS MEASURES.	16
1. The Limitation of Budget Expenditure.	17
2. Chemical Warfare.	21
3. Reduction of Naval Armaments.	26
<i>Chapter III</i> EXCHANGE OF INFORMATION AND STATISTICAL ENQUIRY	29
<i>Chapter IV</i> GENERAL PLAN FOR REDUCTION OF ARMAMENTS.	38
Treaty of Mutual Assistance.	40
<i>Annex.</i> Text of the Treaty of Mutual Assistance.	50

THE LEAGUE OF NATIONS AND REDUCTION OF ARMAMENTS

INTRODUCTION

The reduction of armaments forms the subject of Articles 1 (paragraph 2) and 8 of the Covenant. The Articles between the 1st and the 8th are devoted solely to the constitution of the various organisations of the League of Nations, so that among the tasks outlined in the Covenant the reduction of armaments is in the forefront as one of the most essential entrusted to the League. The question is raised, in Article 1, in connection with the conditions to be fulfilled by any newly adhering State (1), but it is Article 8 which contains the main provisions (2).

This Article reads :

“The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with

(1) Article 1, paragraph 2 : “Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.”

(2) It should be remembered that this task is closely connected with the Treaties of the Versailles series, by virtue of the short preamble to the military, naval and air clauses of these treaties (Part V of the Treaty of Versailles), the text of which is as follows : “In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.”

national safety and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

"Such plans shall be subject to reconsideration and revision at least every ten years.

"After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

"The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise, how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

"The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes, and the condition of such of their industries as are adaptable to warlike purposes."

The work therefore falls into three sections :

1. Plans for the reduction of armaments;
2. Control of the private manufacture of munitions and implements of war;
3. Exchange of information regarding armaments.

This treatise will consequently be divided into three chapters devoted respectively to these three parts of Article 8, and a fourth chapter will be devoted to a brief examination

of the various measures recommended or adopted by the League of Nations for the solution of certain subsidiary problems coming under the general heading of armaments. For the sake of clearness, however, the order followed will not be that of Article 8, but

1. Control of private manufacture;
2. Various measures relating to armaments;
3. Exchange of information;
4. General plan.

THE LEAGUE ORGANISATION

In Article 9 the Covenant designates the machinery for carrying out the tasks defined in Articles 1 and 8:

"A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally."

The Commission, as constituted by a decision of the Council at its session held at Rome on May 17th, 1920, consists of technical delegations of each of the countries represented on the Council, composed in each case of a naval, a military and an air representative. The Commission is divided into three sub-Commissions, entrusted respectively with military, naval and air questions, with three officers of the respective arms as secretaries, who are to be placed at the disposal of the Commission by the Secretary-General of the League of Nations.

The First Assembly came to the conclusion that the problem raised questions which were not necessarily of a technical nature only and that, in such matters, the Council might

profit by obtaining more varied expressions of opinion. It therefore adopted a resolution, inviting the Council :

“To instruct a Temporary Commission, composed of persons possessing the requisite competence in matters of a political, social and economic nature, to prepare for submission to the Council, in the near future, reports and proposals for the reduction of armaments as provided for by Article 8 of the Covenant;

“To form within the Secretariat a section to serve as a centre of information for the Commission in question and also as a channel for the publication and exchange of the information referred to in the Covenant.”

The Council adopted this view and appointed a Temporary Mixed Commission on the following basis :

Six persons of recognised competence in political, social and economic matters;

Six members of the Permanent Advisory Commission for Naval, Military and Air Questions, selected by this Commission;

Four members of the Provisional Economic and Financial Committee.

Six members of the Governing Body of the International Labour Office—three employers' representatives and three workmen's representatives (1).

The Council also authorised the Secretary-General to form the civilian secretariat of the Temporary Commission for the duration of this Commission.

(1) As the employers' group in the Governing Body did not desire to choose representatives among its own members, the Council itself appointed the employers' representatives.

A Disarmament Section was accordingly created within the Secretariat and the secretariats of the two Commissions—the Permanent Advisory Commission and the Temporary Mixed Commission—were amalgamated into one department.

From that time onwards the work was carried on simultaneously by the two Commissions working in collaboration; liaison being ensured by the six members of the Permanent Commission who are also members of the Temporary Mixed Commission, and by the Disarmament Section of the Secretariat.



CHAPTER I

PRIVATE MANUFACTURE OF ARMS

This problem, specifically raised by the Covenant, was discussed at the First Assembly, which requested the Council to instruct the competent Commissions to investigate the question without delay. The Council referred the matter to the Permanent Advisory Commission, which reached the following conclusions in February 1921 :

1. No direct action other than that already provided for by the Treaties of Peace can be taken in the case of producing States against the right of their private factories to manufacture war material.

2. Even if at some future time measures were contemplated to diminish production, no action should be taken to prevent non-producing States from becoming producers if they had the will and the means.

The Temporary Mixed Commission took up the consideration of the problem in August of the same year. Noting the expression "evil effects" which is employed in the Covenant, it examined the principal objections raised to the private manufacture of arms and discussed the two methods proposed to obviate such evil "effects" :

1. The absolute prohibition of private manufacture; and
2. The control of private manufacture.

The Commission considered that the first method should be rejected as contrary to the interests of States which do not produce all the munitions they require. Having thus pronounced in favour of control, the Commission suggested

the following measures, as likely to render control more effective :

- 1) The prohibition of all export of arms without a special licence from the Government of the exporting country;
- 2) The prohibition of all import of arms without a licence from the Government of the importing country;
- 3) Such licences to be published by the League of Nations;
- 4) No munitions or implements of war to be manufactured without a Government licence, and, possibly, that such licences should be published by the League of Nations;
- 5) Conversion of bearer shares of armament firms to nominal shares;
- 6) Armament firms to publish, at stated intervals, complete reports on their financial situation, and any contracts entered into by them;
- 7) An audit of the accounts of private armament firms;
- 8) No person interested in an armament firm to be permitted to hold stock in similar firms in other countries;
- 9) Such persons not to be permitted to publish, or hold stock in companies publishing newspapers;
- 10) Non-nationals to be prohibited from holding stock in private armament firms;
- 11) No patent relating to munitions or implements of war to be issued to non-nationals;
- 12) No warship to be transferred from one flag to another without notice being given to the League of Nations.

To institute this system of control, it became evident that an international conference would be necessary. Two difficult problems were raised in this connection, particularly the problem as to how such a conference should be composed, for it was obvious that it ought to include all the great producing States. It was then that the members of the Commission began to realise the close connection between this

question and that of the control of the international traffic in arms. Apart from the serious difficulties which the prohibition of private manufacture would involve, and the obstacles of all kinds which would have to be overcome in order to make prohibition effective, the Commission came to the conclusion that, if the international currents of the traffic in arms and munitions were subjected to a sufficient measure of supervision by an international authority above all suspicion, it would matter very little if private manufacture were left entirely free. The Commission therefore concentrated its attention on the problem of controlling the traffic in armaments. This had been subject of the Convention of St. Germain, signed at St. Germain-en-Laye on September 10th, 1919, by the representatives of the following Powers : Belgium, British Empire, Bolivia, China, Cuba, Czechoslovakia, Ecuador, France, Greece, Hedjaz, Italy, Japan, Nicaragua, Panama, Poland, Portugal, Roumania, Kingdom of the Serbs, Croats and Slovenes, Siam, United States of America (2).

(1) This Convention contains 26 articles divided into five chapters. The first chapter deals with the exportation of arms and munitions. The High Contracting Parties undertake to prohibit the exportation of such arms and munitions as are defined in Articles 1 and 2, except under certain conditions or in order to satisfy the requirements of their own Governments or of the Government of any one of them. A Central International Bureau, placed under the authority of the League of Nations, is instituted for the purpose of collecting and preserving documents of all kinds relating to the trade and circulation of arms and munitions. Each of the High Contracting Parties undertakes to publish and to transmit to the Central International Bureau and to the Secretary-General of the League of Nations an annual report mentioning cases in which exportation has been authorised and giving information as to the quantity and destination of the arms and munitions to which such authorisation applies.

Chapter 2, which deals with the importation of arms and munitions, establishes zones of prohibition and maritime control in which the High Contracting Parties undertake to prohibit the importation and transport of such arms and munitions as are referred to in Articles 1 and 2. These zones include the whole of the African Continent with the exception of the territories of Algeria, Libya and the Union of South Africa; Trans-Caucasia, Persia, Gwadar, the Arabian Peninsula and the continental territories of Asia which were under the control of the Ottoman Empire on August 1st, 1914, and the maritime zone consisting of the Red Sea, the Gulf of Aden, the Persian Gulf, and certain parts of the Sea of Oman.

Chapters 3 and 4 deal with measures of control on land and sea; while Chapter 5 contains general provisions. In an additional protocol, the signatories to the Con

This Convention clearly could not attain its object unless ratified by all the Powers, and particularly by those countries in which the manufacture of arms and munitions is most highly developed. The Assembly and Council therefore, in view of the reiterated advice of their competent Commissions, devoted all their efforts to obtaining as general a ratification as possible of the Convention of St. Germain, and on their instructions, an enquiry was undertaken on this subject by the Secretary-General. This enquiry showed, according to the data available on September 7th, 1922, that out of 20 signatory States 10 had ratified the Convention, namely :

- Brazil
- Chile
- China
- Greece
- Guatemala
- Haiti
- Peru
- Siam
- Venezuela
- Persia (1)

The main feature of the replies from States which had not ratified was a willingness to ratify if all the principal Powers were ready to do so.

The conclusion of the Temporary Mixed Commission was as follows :

"It will be seen from this statement that the principal Powers which have replied to the enquiry make their ratification dependent on that of the other principal signatory Powers. This reservation would seem to refer especially to the United States of America, which are signatory to the Convention and which had not, up to the present, replied to the invitation addressed to them."

Subsequently, however, in reply to a note addressed to

vention declare, on behalf of their respective Governments, that they regard it as contrary to the intentions of the High Contracting Parties and to the spirit of the Convention that any Contracting Party should, pending the coming into force of the Convention, adopt any measure contrary to its provisions.

(1) Persia's ratification, dated March 27th, 1920, was not communicated to the League of Nations.

the Government of the United States on November 21st, 1921, the Secretary-General of the League of Nations was informed that "while the Government of the United States was in cordial sympathy with efforts to restrict traffic in arms and munitions of war, it found itself unable to approve the provisions of the Convention and to give any assurance of its ratification".

The Third Committee of the Assembly (1922), after discussing the question, came to the following conclusion :

"This reply puts an end to the hopes that the Convention of St. Germain in its present form would receive general acceptance.

"As has already been said, it is most desirable that some treaty should be universally accepted for the control of the international trade in arms, and that all civilised countries should co-operate in a common policy of regulation.

"Whether that can be done, however, depends on the attitude of the United States of America. It is important, therefore, that the Members of the League should endeavour in every way to meet the views of the United States Government, and to secure their co-operation in a common policy."

In the light of this report, the Assembly passed the following resolution :

"The Assembly, having noted the proposal of the Temporary Mixed Commission for an international agreement for the control of the manufacture of arms by private companies, urges the Council to consider the advisability of summoning at an appropriate moment a Conference of the Members of the League to embody this agreement in the form of a Convention. The Assembly is further of the opinion that States not Members of the League should be invited to partici-

pate in this conference and to co-operate in the policy or which it may agree.

"The Assembly considers it highly desirable that the Government of the United States should express the objections which it has to formulate to the provisions of the Convention of Saint-Germain as well as any proposals which it may care to make as to the way in which these objections can be overcome."

The attitude of the United States Government now constituted the key to the problem. The Council therefore decided to despatch a letter to the Government of the United States in order to explain the general facts of the situation and to inform it of the desire expressed by the Assembly in the second paragraph of its resolution.

It was during the discussions of the following Assembly (September 1923) that the reply of the United States Government reached the Secretariat. The Government stated that it was in cordial sympathy with any efforts suitable to restrict traffic in arms and munitions of war, referred in this connection to the legislative provisions with respect to the regulation of the shipment of arms from the United States and set forth the reasons which made it impossible for the Government to ratify the Convention of Saint-Germain. These included the inability of the Government of the United States to undertake to obtain the enactment of the laws which were essential in order to put the Convention into force and to establish effective control, and the intimate connection between certain provisions of the Convention and the League of Nations, of which the United States was not a Member. The reply did not give any information as to the second part of the Third Assembly Resolution, inviting any proposals which, in the opinion of the United States, would be calculated to solve the problem.

The Assembly considered, however, that the League should persevere in its efforts, as the matter was of such infinite

importance to the cause of international peace. It recommended the Council to invite the Temporary Mixed Commission to prepare a new Convention or Conventions to replace that of Saint-Germain, and to draw them up in such a form that they might be accepted by the Governments of all countries which produce arms or munitions of war. To ensure the success of this undertaking, the Assembly recommended that the Council should invite the United States Government to appoint representatives to co-operate with the Commission in this work.

As regards the question of the private manufacture of arms, so closely connected with that of the traffic in arms, the Assembly of 1923 recommended the Council to have the question of a draft convention for the control of private manufacture examined by the Temporary Mixed Commission in co-operation with the Economic Committee of the League of Nations, and when it had received the report of the Temporary Mixed Commission on the two cognate questions, to consider the possibility of summoning an international conference to draw up conventions on the subject.

The Council, in December 1923, authorised the preliminary examination thus suggested.

CHAPTER II

VARIOUS MEASURES

The main task of reducing armaments can only be accomplished after lengthy preparation, and in favourable political conditions. This is the opinion held by all organisations of the League which have been engaged in the work

17

since the League was established. While not relaxing their efforts to meet the complexities of the problem itself, these organisations came to the conclusion that it would be advisable to recommend the immediate adoption of other measures. These were perhaps, more modest than a general scheme for the reduction of armaments, the control of the traffic in arms and their private manufacture, and the establishment of a system of full and frank exchange of information, but they were calculated to limit, to some extent, the evils of a system of armed peace which had developed unchecked during the period preceding the outbreak of the great War.

Among these measures, which have frequently occupied the attention of the two Commissions, the Assembly and the Council, there are proposals concerning :

the limitation of budget expenditure on armaments; research in connection with chemical warfare; and investigations with a view to the reduction of naval armaments.

I. — THE LIMITATION OF BUDGET EXPENDITURE.

The First Assembly adopted a recommendation on this subject in December 1920. It proposed that, until the measures for the reduction of armaments laid down in Article 8 of the Covenant took full effect, the Council should invite the Members of the League to agree not to exceed, during the following two financial years, the total expenditure on military, naval and air forces provided for in their budgets for that year. The Assembly provided for two exceptions, namely : any contribution of troops, war material and money recommended by the League of Nations under the terms of Article 16 of the Covenant, and any exceptional conditions which might be notified to the Council of the League.

The Council, through the Secretary-General, forwarded this recommendation to the various Governments and the 27 replies received by the Secretariat in the course of the year were summarised as follows in the report which the Temporary Mixed Commission submitted to the following Assembly :

“Replies (2) from countries (Austria and Bulgaria) whose military status is determined by Peace Treaties;

“Replies (3) of an inconclusive character (Sweden, Brazil and South Africa);

“Replies (15) from States which accept the recommendation (Bolivia, Guatemala, China, Belgium, Australia, Canada, Great Britain, Italy, New Zealand, India, the Netherlands, Denmark, Norway, Roumania and Chile);

• “Replies (7) from States which appear to be unable to accept the recommendation; some of them (Spain and France) on the ground that budgets do not offer a fair indication of military strength, others (Finland and Poland) invoking their special geographical and political situation. Greece refers to the state of war with Turkey, and the Kingdom of the Serbs, Croats and Slovenes to the present international situation as precluding immediate action. Finally, Japan deems it inadvisable to give an undertaking pending the completion of the Council's plan for disarmament.

“It should further be pointed out that even among the Governments which have declared that they cannot accede to the recommendation of the Assembly, there are two (France and Finland) which have announced that they have nevertheless already effected more or less considerable reductions in their armaments.

“In general, however, it may be said that the result of the enquiry which has been conducted as a consequence of the Assembly resolutions has not given very conclusive results, the bulk of the replies, although generally favourable to the spirit of the recommendation, reflecting the state of

uncertainty which characterises the present general political situation."

The Second Assembly decided in 1922 to renew the recommendation of the First Assembly and to submit it to the Governments of all the States Members of the League of Nations. A fresh series of replies was received from 23 countries (1). Meanwhile the Commission had decided that information as to whether States were prepared in advance to submit to certain general regulations (thus relinquishing some of their freedom of action) was of less importance than information as to their present expenditure, and their willingness to conform to the recommendations of the Assembly. Consequently, at the suggestion of Senator Lebrun, it decided to submit to the Assembly, as an annex to its report, tables showing the military expenditure of the various countries on their army, navy, military aviation and colonies, and drawn up as follows :

"1) The reduction in military expenditure effected in accordance with the recommendation of the First Assembly by the various States in 1921 and 1922 compared with the amount of previous budgets;

"2) The difference between such expenditure in the years 1913 (pre-war) and 1922 expressed both in terms of paper currency and gold;

"3) The relative importance of military budgets as compared with ordinary budgets during the three typical years 1913-1918-1922, a distinction being drawn between the actual military budgets (Army, Navy, Military, Aviation,

(1) Belgium	France	Latvia	Kingdom of the Serbs,
Bulgaria	Great Britain	Netherlands	Croats and Slovenes
Colombia	Greece	Norway	Siam
Czechoslovakia	India	Peru	South Africa
Denmark	Italy	Poland	Sweden
Finland	Japan	Roumania	Switzerland

Colonies) and the same budgets minus the exceptional expenditure due to the war, or to international obligations."

After examining the replies received from the various Governments together with the data contained in its own tables, as mentioned above, the Commission, in its report to the Assembly in September 1922, drew the following conclusions :

"a) On the whole the estimated defence expenditure for the financial year 1922 (or 1922/1923) shows a reduction as compared with the actual expenditure incurred in the two previous financial years;

"b) In appreciating the significance of this reduction, due consideration must be given, however, to the fact that, since the year 1920, in many of the countries concerned, there has been a falling-off in war charges, owing to the operations connected with demobilisation, and also to the fact that in many countries there has been a considerable decrease in the prices of raw materials."

The Third Committee of the Assembly, while in complete agreement with the conclusions of the Temporary Mixed Commission, expressed the opinion that it might now be possible to proceed one stage further than in 1921. Consequently, on the motion of the French Delegate, M. de Jouvenel, it recommended—and the Assembly agreed—that "as a preliminary step, the European States existing before the war in 1914 under their present description, whose juridical status has not been modified by the war, and which are not at the moment engaged in military operations which justify their armaments, be invited to reduce the total of their military, naval and air expenditure to the figures for 1913, calculated on the basis of pre-war prices according to the method employed by the Temporary Mixed Commission".

This recommendation, when it was referred for consideration to the Temporary Mixed Commission, was subjected to much criticism. The Commission pointed out that it did

not cover all possible exceptions and that the choice of 1913 as the standard year for military expenditure, was open to several objections, arising mainly out of the European situation at that date—a period of unrest preceding a war of unprecedented magnitude. In view of these objections, the Council decided to take no decision on the matter until the Assembly of 1924 had had an opportunity of reconsidering it.

The Fourth Assembly, taking into consideration the objections submitted by the Temporary Mixed Commission, defined the scope and meaning of its recommendation by declaring definitely that it was intended as a temporary measure, until such time as practical effect were given to the general plan for the reduction of armaments under Article 8 of the Covenant. In view of the inevitable delays caused by the difficulty of the general problem, it aimed at preventing any increase of armaments in the meantime. While referring again therefore to the two exceptions mentioned in the recommendation of the First Assembly, namely, any contribution of troops for the execution of obligations under Article 16 of the Covenant and any exceptional conditions notified to the Council and recognised as such by the latter, the Assembly once more requested the Council "to recommend to the Members of the League not to exceed, during the period necessary for the elaboration and the adoption of the general scheme for the reduction of armaments, the total expenditure on military, naval and air armaments provided for in the budget of the present fiscal year".

This recommendation has been communicated to the Governments of all Members of the League.

2. — CHEMICAL WARFARE.

The question of the employment of poisonous gases in time of war was first put to the Permanent Advisory

Commission by the British Delegation (October 1920). After discussing the matter, the Commission stated its opinion in these terms :

“(1) The employment of gases is a fundamentally cruel method of carrying on war, though not more so than certain other methods commonly employed, provided that they are only employed against combatants. Their employment against non-combatants, however, must be regarded as barbarous and inexcusable:

“(2) It would be useless to seek to restrict the use of gases in war-time by prohibiting or limiting their manufacture in peace-time.

“(3) The prohibition of laboratory experiments is out of the question”.

The Council also considered the problem at the same date and expressed the opinion that the League of Nations could not authorise the employment of gases without being untrue to its pacific and humanitarian aims. In a desire to minimise the havoc of future wars, it decided to propose to the various Governments that they should consider the penalties to be imposed upon any nation first infringing, in this way, the universal rules of humanity, and to seek with the help of the most competent scientists to discover the means of effectively preventing the manufacture of gases.

The First Assembly had before it several proposals condemning the employment of poison gases in war, but the discussions did not lead to the adoption of any definite resolution. The Third Committee of the following Assembly (1921) called attention to this fact, without laying much stress on the point in view of the difficulty of applying any regulations to the conduct of modern warfare. It registered its opinion, however, that the employment of poison gases and other similar means of warfare constituted an appalling

menace, which human invention would inevitably render more and more deadly. The Committee came to the conclusion that it would be a great advantage if some method could be found of ensuring complete publicity for scientific researches in this field, and it recommended the Temporary Mixed Commission to examine "whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects" in order to render improbable their employment for military purposes by any State.

On this invitation, the Temporary Mixed Commission undertook to investigate the question and decided to ask the Committee on Intellectual Co-operation to advise "as to the methods by which the co-operation of scientific men might be enlisted in carrying out the Resolution of the Assembly".

The Committee on Intellectual Co-operation came to a negative conclusion for technical reasons. It regretted "its inability to suggest methods by which scientific men throughout the world can be induced to publish their discoveries concerning poisonous gases and the development of chemical warfare". The Temporary Mixed Commission, reconsidering the matter in the light of this opinion, arrived at the conclusion "that an appeal of this nature is not a practical measure and would not achieve the objects aimed at". The main reasons which led the Commission to this conclusion were these :

(a) Publication of discoveries would probably have results contrary to the general trend of legislation in the world, which is to regulate and control the distribution of lethal weapons both for internal use in a State and for export (see Arms Traffic Convention 1919 and recent State domestic legislation).

(b) Any invention with regard to the use of gas to be employed in war must be tested on a large scale. This can

only be done by scientists who work under government orders and with government subsidies. Such scientists would naturally be experts of the highest authority in this work and, in so far as they work under government orders, would, of course, carry out their investigations under an absolute pledge of secrecy to the government which they serve.

It can only be hoped, therefore, that the less dangerous inventions will be published, and this course would be worse than no publication at all since it would tend to produce a certain feeling of false security.

(c) Even if the really important inventions were published by the scientists of some countries, there could be no method of ensuring that the same should be done by all. The effect of this would be, in the event of war, to place those countries who responded to the appeal at a disadvantage as compared with those who did not, because the latter would have the advantage of the discoveries of the former while retaining their own for themselves.

Nevertheless, at the suggestion of Lord Robert Cecil, the Commission decided to form a small committee for the special purpose of collecting, partly from existing publications and partly by enquiry among experts, the requisite data for a purely descriptive statement as to the form which future warfare might assume, so that public opinion might realise the terrible character of the weapons which modern science places at the disposal of armed forces.

The appointment of such a committee was approved by the 1922 Assembly. The committee took special pains to obtain the opinion of the highest authorities on deleterious gases and also on bacteriological questions, as the danger of the employment of bacteria in order to weaken the enemy by deliberately causing epidemics was considered to be an essential part of an enquiry of this kind. The year 1922-1923 was spent in conducting correspondence for the purpose of

collecting information and obtaining the opinions of specialists in various countries (1).

The final report of this committee is now in course of preparation.

In conjunction with these efforts, which were designed to enlighten public opinion, the two disarmament organisations of the League sought to obtain the adherence of States Members of the League to the agreement concluded at Washington on February 6th, 1922, on the use of asphyxiating gases and submarines in time of war and other similar questions.

Article 5. of this Treaty reads :

"The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilised world and a prohibition of such use having been declared in treaties to which a majority of the civilised powers are parties.

"The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilised nations to adhere thereto."

(1) *Bacteriologists.*

- Sir Almroth WRIGHT (London).
- Prof. Jules BORDET (Brussels).
- M. Richard PFEIFFER (Breslau).
- Prof. Th. MADSEN (Copenhagen).
- Prof. W. H. WELCH (Baltimore).
- M. MAYER (Paris).

Chemists.

- M. G. BERTRAND (Paris).
- M. NERNST (Berlin).
- M. Angeli Cav. ANGELÒ (Florence).
- M. W. B. CANNON (Cambridge, U. S. A.).
- Prof. J. E. ZANETTI (New York).
- Prof. PATERNO (Rome).
- Prof. J. BARCROFT (Cambridge, U. S. A.).
- Sir W. J. POPE (Cambridge, U. S. A.).

It was on the motion of M. Urrutia, the Colombian delegate, and Sir Mark Sheldon, the Australian delegate to the Assembly of 1922, that a request to this effect was presented by the Assembly to the Council. As the Council in the meantime had been considering the question of summoning a Conference with a view to extending the principles of the Naval Treaty of Washington to the Non-Signatory States (see below), it was finally decided to insert this question on the agenda of the Conference which is to meet for that purpose in the first half of 1924.

3. — REDUCTION OF NAVAL ARMAMENTS

The Treaty concluded between the United States of America, the British Empire, France, Italy and Japan on the limitation of naval armaments (February 6th, 1922) did not fail to influence the work of the League of Nations in connection with the reduction of armaments.

During the year 1922, the Commission had three proposals before it for extending the principles of that Treaty to the Non-Signatory Powers—submitted by Admiral Segrave, the Marquis di Saluzzo and Lieut.-Col. Requin respectively.

While declaring itself favourable in principle to the general idea on which these three proposals were based, the Commission considered that there should be a preliminary examination of a technical character in order to arrive at a single scheme of a kind likely to obtain the support of both Assembly and Council. It therefore requested the Council to refer the matter back to the Permanent Advisory Commission in order that the Naval Sub-Commission of that organisation should deal with it.

The Naval Sub-Commission and the Permanent Advisory Commission met at Geneva on July 24th of the same year, discussed the problem and submitted to the Council a report,

to which they annexed a technical draft scheme amalgamating the suggestions contained in the three proposals previously submitted to the Temporary Mixed Commission.

In its report, however, the Naval Sub-Commission drew the attention of the Council and of the Temporary Mixed Commission to the difficulties involved in any attempt to define the principle upon which the proposed limitation should be based.

The Sub-Commission expressed its opinion as follows :

"1. In the absence of exact information with regard to the special requirements of each State, it was not possible for them to find a more practical basis for estimating replacement tonnage than the *status quo* on November 12th, 1921, which was the basis adopted at Washington;

"2. There was also no occasion for them to propose modifications of the principle of the *status quo* at the present moment, in view of the fact that only two of the States concerned are represented at the present session of the Naval Sub-Commission of the Permanent Advisory Commission and that, consequently, only those two States could be in a position to put forward their views as to the special circumstances of their respective countries;

"3. It would be difficult at this moment to fix the tonnage for States which have come into existence since the war."

They agreed :

"That, just as, for special reasons and in well-defined cases, it was laid down in the Washington Treaty that certain exceptions to the general principle contained therein should be allowed, so, when the International Conference which is to settle finally the conditions

under which the scheme is to be applied is convened, account should be taken of the particular needs and conditions put forward by each State with a view to making such modifications in this scheme as may appear justified."

This report, together with the accompanying scheme, was distributed on the instructions of the Council and at the request of the Temporary Mixed Commission, to all States Members of the League, and the question of the advisability of convening an International Conference with a view to the discussion and possible adoption of such a convention was, also at the request of the Temporary Mixed Commission, put on the agenda of the Council.

As the Naval Treaty of Washington had not yet been ratified by all the Signatory States, and as the Pan-American Conference of Santiago (March-April 1923) was to deal *inter alia* with the question of armaments, the Council decided to postpone any action regarding the proposed Conference until the results of the Santiago Conference were known.

When the Conference of Santiago had finished its work (April 1923), the Council resumed its consideration of this question, which had then assumed a new aspect.

The Temporary Mixed Commission had recommended the Council to allow countries which were not Members of the League to take part in the Conference. In February 1923, letters were despatched to all Members of the League and also to non-Member countries informing them of the intention of the Council to convene a Conference for this purpose.

The Naval Sub-Commission of the Permanent Advisory Commission has since then been instructed by the Council to reconsider its technical draft convention in order to extend the latter to States which, not being Members of the League, were excluded from the Sub-Commission's preliminary survey.

The Sub-Commission was also instructed to enlarge the technical basis of its discussions by inviting the participation of naval experts of certain other nations interested in the matter. These experts were to be chosen by the Sub-Commission from among countries whose naval armaments are not already fixed by the Treaty of Washington or by the Treaties of Peace. The object of the invitation is to obtain universal acceptance of the draft from the technical naval point of view.

The Technical Committee formed in this way from the naval representatives at present sitting on the Permanent Advisory Commission (Brazil, Spain, France, Great Britain, Italy, Japan and Sweden) and from experts sent by certain other countries (Argentina, Chile, Denmark, Greece, Norway, the Netherlands, Russia and Turkey) is to meet early in 1924, and it may reasonably be hoped that the International Conference for which the way is thus being prepared will be able to meet at Geneva in the first half of 1924.

CHAPTER III

EXCHANGE OF INFORMATION AND STATISTICAL ENQUIRY

The last paragraph of Article 8 of the Covenant deals with exchange of information. The Members of the League undertake to interchange full and frank information as to their military policy, with the definite object of creating an atmosphere of mutual confidence. With this may be grouped all the efforts which have been made by the League to

enquire as closely as possible into the phenomena of armaments.

Such an enquiry was obviously the first step to be taken in connection with the reduction of armaments. As soon as the Temporary Mixed Commission had been constituted, a special sub-committee was appointed from among its members to determine the lines on which the enquiry should be conducted, and, as a result of this sub-committee's work, the programme of the statistical enquiry concerning armaments was drawn up and subsequently approved by the Second Assembly.

The aim of the enquiry was to obtain as accurate an idea as possible regarding the armaments which each country maintained. It dealt with two categories of facts :

I. Statistical facts proper, classified in the following manner :

I. Population, area, length of territorial and maritime frontiers, distinguishing between national territory and colonies.

II. Number of soldiers in time of peace.

III. Period of service and liability to military duty in the regular army, the reserve and third-line troops.

IV. Number of men annually called up for service.

V. Number of soldiers in time of war, and number of units in the land and sea forces at home and in the colonies.

VI. Material in use or stored in the depots of the land and sea forces.

VII. Annual budget (ordinary and extraordinary expenditure).

VIII. Share of the expenditure on national defence (Army and Navy) per head of the population.

IX. Proportion which the expenditure on national defense (Army and Navy) bears to the total budget.

2. Facts of a general and political nature which cannot be classed as statistics.

It was recognised that this second category of data was necessary in order that States might have an opportunity of furnishing some information, in addition to the somewhat dry and mathematical lists of figures provided by the statisticians, concerning the complexity of the problem of armaments in connection with the actual policy which countries are obliged by circumstance to pursue.

In order to comply with the first part of the programme, a volume prepared by the Secretariat under the supervision of the Temporary Mixed Commission in the period 1921-1922 was submitted to the Assembly. This volume included a first series of data concerning thirty-eight nations (1), collected in accordance with the above-mentioned programme.

The second part of the enquiry was carried out by means of a special questionnaire sent to all States Members of the League. The replies received were published in the *Official Journal* of the League. In a report to the Assembly, the Temporary Mixed Commission expressed the following opinion :

"1. Consideration of these statements as a whole has clearly revealed not only the sincere desire of the

(1) Albania	Esthonia	Japan	Roumania
Australia	Finland	Latvia	Kingdom of the Serbs, Croats and Slovenes
Austria	France	Lithuania	South Africa
Belgium	Germany	Luxemburg	Spain
Bolivia	Great Britain	Netherlands	Sweden
Brazil	Greece	New Zealand	Switzerland
Bulgaria	Haiti	Norway	Turkey
Canada	Hungary	Panama	United States of America
Czechoslovakia	India	Poland	
Denmark	Italy	Portugal	

Governments to reduce national armaments and the corresponding expenditure to a minimum but also the importance of the results already achieved. These facts are indisputable, and are confirmed, moreover, by the replies received from Governments to the recommendation of the Assembly regarding the limitation of "military expenditure."

"2. The second conclusion which we have been obliged to draw is that *real difficulties* of a temporary or permanent nature stand in the way of that reduction in armaments which is universally desired. The consideration of these difficulties permits at least of certain definite facts being brought out regarding points which deserve the attention of the League of Nations."

After making a general analysis of all these statements, the Temporary Mixed Commission concluded as follows :

"In short, these reports, with one or two exceptions, have generally dealt with the different points raised in the Resolution of the Assembly :

"National security,

"International obligations,

"Geographical situation,

"Special circumstances,

"Police forces, military forces and corresponding expenditure.

"Some of these statements are incomplete; but the data which they furnish, taken as a whole, have lifted the problem out of the sphere of pure theory and provide a solid basis for the labours of the League.

"By making it clear to what an essential degree this is a problem of a *political nature*, rather than a technical one, they have shown the value of statistical enquiry in its true light. They provide a precise conception of that potential military force which, on

account of the character assumed by warfare between nations in arms, each State possesses below the only visible surface of its peace-time armaments—a potential force which depends upon factors so diverse and so variable, bound up as they are with its history, its geography, its economic development and even with its peculiar national character, that it can never be adequately expressed in figures.

“Almost all the Governments which have replied indicate the point beyond which, under present circumstances, they cannot go in the matter of disarmament without danger to themselves and to the peace of the world. They emphasise the difficulties which they are still encountering and which hinder the execution of their clearly expressed intentions; but as these difficulties are above all of a political nature, it may be hoped that the League of Nations will be able to assist them in diminishing and in finally eliminating them.”

Such was the general nature of the work carried out under the supervision of the Statistical Sub-Committee of the Temporary Mixed Commission during the first year of its existence. In the light of results achieved, the 1922 Assembly decided that the enquiry should be continued “on the basis of original figures relating to actual conditions as they exist, and leaving for the future the question of the method for their elaboration”. The Assembly also considered it desirable to define once more, in the following terms, the statistical work to be carried out by the Commission :

“What is required is an investigation carried out as a first step towards the preparation of a general plan for the reduction of armaments. This plan should be based upon Article 8 of the Covenant, which recognises the primary importance of national security in this matter. As may be clearly seen from the statements received from the different countries, the national

security of each depends very largely on the full military strength of other countries. The subject of the statistical enquiry should therefore be this full military strength. It consists of two factors :

“1. The actual military strength, which is expressed in the peace-time armaments and the expenditure on national defence;

“2. The potential military strength, in which an important element is the industrial and economic power of each State, the military importance of which was proved in the last war.”

For reasons of expediency, however, the Assembly agreed with the opinion expressed by the Assembly Disarmament Committee to the effect that it would be preferable during the following year to limit the programme of the statistical enquiry to two special points :

1. Peace-time armaments.
2. Expenditure on armaments.

These are the two subjects to which the Temporary Mixed Commission devoted its attention during 1922-23, in collaboration with the Permanent Advisory Commission and the Secretariat.

The Permanent Commission drew up statistical tables showing the data which it was indispensable to obtain concerning peace-time armaments (land, sea and air forces). These tables, which were transmitted by the Temporary Mixed Commission to all Governments, were filled in by a certain number of them (1) in time to be transmitted to the

(1) Albania	Estonia	Latvia	Kingdom of the
Austria	France	Luxemburg	Serbs, Croats and
Belgium	Great Britain	Netherlands	Slovenes
Bulgaria	Greece	New Zealand	South Africa
Canada	Hungary	Norway	Sweden
China	Italy (except as re-	Poland (except as	Switzerland
Czechoslovakia	gards aviation)	regards land for-	
Denmark	Japan	ces)	

next Assembly and were collected in a volume which constitutes the first part of the statistical enquiry for the year in question.

Expenditure on armaments was dealt with in a separate volume by the competent branches of the Secretariat, and this formed the second volume of the statistical enquiry, entitled "Budget Expenditure on National Defence, 1921-23".

The 1923 Assembly gave a new turn to the statistical enquiry by connecting it with the second paragraph of Article 8 of the Covenant concerning the exchange of information. The suggestion of connecting these two cognate questions was first made in 1922 in the report of the Temporary Mixed Commission to the Council and the Assembly. In this report it was pointed out that, regarded as a whole, the statements of the various Governments concerning the general and political aspects of the problem of armaments from the point of view of each nation did, in fact, constitute an exchange of information which was very similar to the arrangement contemplated in the last paragraph of Article 8 of the Covenant.

The Commission therefore began to study this question. It first of all considered what practical information could be obtained by an exchange of this nature, and its 1923 report to the Assembly contains the following expression of its opinion :

"The data which would supply the material for such an exchange concern facts which may be grouped under three headings :

"1. Facts which are public property;

"2. Facts which are known to foreign general staffs concerned, but which are not public property; and are obtained :

"(a) By the systematic sifting of public documents;

"(b) By other means.

"3. Facts which are kept secret.

"Opinions may differ as to what military facts come under the respective categories. It appears from the military point of view that the exchange of information may be carried out *without causing the least change* in the present situation with regard to facts which are public property and facts which are known to foreign general staffs concerned as a result of the systematic analysis of public documents. The question arises, however, what would be the use of an exchange of this nature.

"From the technical military point of view, such an innovation would not perceptibly modify the present conditions as regards staff information. It would, nevertheless, tend to reduce the number of facts falling under category 2 (b) referred to above.

"From a moral point of view, however, the effect of such exchanges would be considerable. Article 8 of the Covenant was not drawn up with a view to facilitating the work of general staffs. Its object was to improve the political atmosphere by creating confidence. It seems clear, therefore, that the system laid down in Article 8 of the Covenant would, on these grounds, be of considerable advantage from two points of view :

"1. It would create among the general staffs concerned that feeling of confidence which is a result of open dealings, instead of the mutual distrust engendered by indirect and surreptitious methods of obtaining information.

"2. It would create an organisation for mutual information concerning military situations which would render it possible to nip in the bud any

campaign started by an alarmist Press and based upon the armaments of countries considered as potential enemies."

"The statistical enquiry which has been entrusted to the Temporary Mixed Commission and to the Secretariat, in conformity with resolutions adopted by the Second and Third Assemblies, may, to a certain extent, be regarded as an exchange of information. It is true that the information concerning military, naval and air questions which is collected in the course of this enquiry does not cover the whole programme outlined in Article 8 of the Covenant. The information does not all come direct from the Governments, although it is, in every case, obtained by comparing and studying official and public data. The Temporary Mixed Commission has decided to submit to the Assembly a collection of all the replies received from the Governments to the statistical tables, which were drawn up by the Permanent Advisory Commission and sent to all States, together with the results of the enquiry into the National Defence budgets which the Secretariat was instructed to carry out. The Commission is of opinion that the annual publication of such data on a scale which may be extended or reduced in accordance with the wishes of the Assembly and of the Council might prove to be one solution of the problem of exchanging information as defined in Article 8 of the Covenant, and such a solution would possess the advantage that it would be applied immediately.

"Having this end in view, the Commission decided to suggest to the Council to collate the results of the statistical enquiry, to keep it up to date, and to publish a year-book which would be the most complete of

all documents of this kind. The Secretariat should accordingly be invited to bring out a year-book based on information drawn from official documents and keeping within the limits of the last paragraph of Article 8 of the Covenant."

The above proposal was adopted by the Council, and thus the two ideas which had inspired this part of the Temporary Mixed Commission's work were amalgamated: on the one hand, the study of data concerning armaments, both from a political and general point of view, and, on the other, the need for exchanging full and frank information with a view to maintaining among the Members of the League that sense of mutual confidence which is an essential preliminary to disarmament.

Efforts will henceforth be made to achieve both these objects by means of the statistical year-book based upon official and public documents, the publication of which has been entrusted by the Council to the Secretariat of the League. The first edition of this year-book, which will be rather in the nature of an experiment, is at present in preparation and will be published before the 1924 Assembly meets.

CHAPTER IV

GENERAL PLAN FOR THE REDUCTION OF ARMAMENTS

The Temporary Mixed Commission was instructed to undertake the preliminary investigations necessary to enable the Council to fulfil the first of the tasks entrusted to it by

Article 8 of the Covenant, namely, the preparation of a general plan for the Reduction of Armaments. The Temporary Mixed Commission at once set to work on this problem.

Two obstacles were encountered at the very outset. The first was a difficulty of a practical and technical nature. On what basis, and to what extent, was the proposed reduction of armaments to be carried out? We have seen how the Commission, the Council and the Assembly endeavoured to solve these difficult questions by investigating the phenomena of armaments statistically and politically. But these enquiries left unsolved the two questions which were, perhaps, the most difficult points at issue: the common standard by which armaments were to be judged, and the common measure to be employed in calculating armed forces. The special technical and political organisations of the League frequently discussed whether it was possible to arrive at a common measure for the comparison of armed forces. The number of soldiers under arms, the number of units, the budget estimates for expenditure on armaments—all were proposed, considered and rejected in turn as insufficient, and likely to complicate rather than simplify the problem.

To the difficulties involved by this first obstacle were those involved by the second, namely, the general situation throughout the world—and Europe in particular—which made it almost impossible to adopt measures of any kind for the reduction of armaments.

The first scheme for the reduction of armaments was submitted to the Commission by Lord Esher in 1921-22. Lord Esher sought to solve the problem by taking the numerical factor as the common measure. The restriction was to be fixed by ratio (1), 30,000 men constituting the unit (military

(1) Belgium	2	France	6
Czechoslovakia	3	Great Britain	3
Denmark	2	Greece	3

(See continuation of notes on page 40.)

and air forces only). The term "military and air forces" was used to include all military and air personnel of all ranks serving either voluntarily or compulsorily in the metropolitan areas, together with all police forces permanently armed and all permanent staffs of reserve or territorial forces. After being examined by the two Commissions of the League, this scheme was in the end rejected for technical reasons advanced by the Permanent Advisory Commission. The Temporary Mixed Commission was of opinion, however, that the idea suggested in the scheme of fixing a method of estimating peace-time strengths was justified.

Lord Esher's scheme, which was thus rejected, went straight to the root of the problem; the political obstacle raised by the unfavourable state of international relations at the present time had not been taken into consideration. The efforts of the Temporary Commission were henceforth to be devoted to the discovery of a solution which would take full account of the political difficulties. That was the starting-point of the Treaty of Mutual Assistance.

Treaty of Mutual Assistance.

The honour of first attacking the problem on these new lines is due to Lord Robert Cecil. In July 1922, Lord Robert submitted to the Temporary Mixed Commission four proposals designed to emphasise respectively the four following points: that no scheme for the reduction of armaments

Italy	4	Portugal	1
Kingdom of the Serbs, Croats and Slovenes	3	Roumania	3
Netherlands	3	Sweden	2
Norway	2	Spain	3
Poland	4	Switzerland	2

D. E. — The forces of Germany, Austria, Bulgaria and Hungary to remain as defined in the Treaty of Peace.

could be successful unless it were general; that in the present state of the world, the majority of Governments could not carry out a reduction of armaments unless they received satisfactory guarantees for the safety of their respective countries; that such guarantees should also be of a general character, and, finally, that there could be no question of providing such guarantees except in consideration of a definite undertaking to reduce armaments. These proposals were adopted in their general lines by the Temporary Mixed Commission. When they were presented to the Assembly of 1922, a debate took place in which two theses were put forward; these, although antagonistic in the first instance, were subsequently harmonised, resulting in the draft treaty presented to the Assembly of 1923.

The divergence between the two theses arises in the first place in connection with the general character which Lord Robert Cecil's original proposals gave to the scheme. The technical opinions expressed by the Permanent Advisory Commission, to which these proposals were submitted, were quite definite as to the necessity of having a pre-established plan of defence in order that the guarantee offered in consideration of the required reduction of armaments should be effective, i.e., in short, that it should be a real one and should not merely exist on paper. A considerable number of the members of the Temporary Mixed Commission came therefore to the conclusion that the General Treaty of Guarantee proposed by Lord Robert Cecil could not be accepted as the solution of the problem, seeing that it was impossible from the technical point of view to establish general staff plans in advance for all the cases which might arise, and, further, that it was difficult to estimate from a political point of view the value of so general a guarantee. This group of members therefore proposed to solve the problem by degrees, beginning with the simplest and going on to the more complicated methods; they proposed to begin with partial treaties of guarantee between a limited number of States united by a common fear, and

only to contemplate a general treaty as the result of a gradual development of partial treaties consequent upon the general feeling of confidence which these would tend to create. In this way, it was argued, each group of States, united by a special treaty, could gain an exact idea of the value of the guarantee which their alliance supplied. When the exact value of this guarantee was realised, they would be able to estimate to what extent they could shoulder the responsibility of reducing armaments, the general reduction of armaments being thus visualised as the result of the various partial reductions of armaments which would be produced by the partial systems of guarantee.

A serious objection to this system of special treaties was advanced by the partisans of a single general treaty. They regarded the proposed system as a return to the old regime of alliances, whose effect in increasing mutual mistrust, suspicion and fear had finally led to the catastrophe of 1914. These objections to partial treaties were mainly political in character, while the objections to a general treaty were chiefly technical. It seemed therefore not impossible to find grounds for agreement, and events proved this to be true. The discussions of the Disarmament Committee of the Third Assembly resulted in an amended text of Lord Robert Cecil's proposal. This text was drawn up with the help of M. de Jouvenel, who upheld the system of partial treaties. It was adopted by the Plenary Assembly and became Resolution XIV; it reads as follows :

"(a) The Assembly, having considered the report of the Temporary Mixed Commission on the question of a General Treaty of Mutual Guarantee; being of opinion that this report can in no way affect the complete validity of all the Treaties of Peace or other agreements which are known to exist between States; and considering that this report contains valuable suggestions as to the methods by which a Treaty of Mutual

43

Guarantee could be made effective, is of the opinion that:

"1. No scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it is general;

"2. In the present state of the world many Governments would be unable to accept the responsibility for a serious reduction of armaments unless they received in exchange a satisfactory guarantee of the safety of their country;

"3. Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked, provided that the obligation to render assistance to a country attacked shall be limited in principle to those countries in the same part of the globe. In cases, however, where, for historical, geographical or other reasons, a country is in special danger of attack, detailed arrangements should be made for its defence in accordance with the above-mentioned plan;

"4. As a general reduction of armaments is the object of the three preceding statements, and the Treaty of Mutual Guarantee the means of achieving that object, previous consent to this reduction is therefore the first condition for the Treaty.

"This reduction could be carried out either by means of a general treaty, which is the most desirable plan, or by means of partial treaties designed to be extended and open to all countries.

"In the former case, the Treaty will carry with it a general reduction of armaments. In the latter

case, the reduction should be proportionate to the guarantees afforded by the Treaty.

"The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, should further formulate and submit to the Governments for their consideration and sovereign decision the plan of the machinery, both political and military, necessary to bring them clearly into effect.

"(b) The Assembly requests the Council to submit to the various Governments the above proposals for their observations, and requests the Temporary Mixed Commission to continue its investigations, and, in order to give precision to the above statements, to prepare a draft treaty embodying the principles contained therein."

The work of the Temporary Mixed Commission during the year 1922-1923 consisted in establishing on this foundation the draft treaty. The materials for this were mainly supplied by Lord Robert Cecil and Colonel Réquin, who submitted drafts based upon the views expressed in Resolution XIV, both as to a general treaty and as to partial treaties. Consideration was also given to the opinions of various Governments on Resolution XIV, which had been submitted to them by the Council, and to the technical and political reports prepared by the Permanent Commission and by a special Committee of the Temporary Mixed Commission. The combination of the Cecil and Réquin schemes made it possible to meet both the technical objections to the general treaty and the political objections to the partial treaties. In the draft finally submitted to the 1923 Assembly the general treaty is completed; in certain cases where it appears necessary, by complementary defensive agreements, enabling more definite guarantees based upon a pre-established plan to be added to the

general guarantee; and these defensive agreements are subjected to strict supervision by the League of Nations, which must be satisfied that they are in conformity with the spirit of the Covenant and the general treaty before according to them the advantages of the general guarantee.

The general working of the draft treaty as presented to the last Assembly would therefore be as follows:

(1) The general guarantee is established in principle and defined by the Treaty—first stage;

(2) In the case of certain countries the guarantee is supplemented by special treaties;

(3) Each State establishes an estimate of the reduction which it can effect in armaments, in virtue of the operation of this single or double guarantee—second stage;

(4) On the basis of these estimates, the Council draws up the plan of reduction as provided in Article 8 of the Covenant—third stage;

(5) After having adhered to the plan, the several States undertake to put this plan of reduction, in so far as it affects them, into operation within a period laid down in the Treaty—fourth stage;

(6) When this undertaking has been given, the guarantee comes into force, and the provisions of Article 8 of the Covenant regarding disarmament are in a fair way to fulfilment.

The draft treaty presented to the Assembly of 1923 as a result of these investigations contains 19 articles.

The first article constitutes a solemn pact of non-aggression entered into by all Contracting Powers, and its spirit is intended to inspire the execution of the whole treaty. The connection between the guarantee and disarmament forms the subject of Articles 2 to 5. Thus, the fact that the guarantee is given in consideration of the reduction of armaments is clearly shown in Article 2, and the three following articles only contain provisions of an executive character.

Article 4 deals with the intervention of the Council of the League and, if necessary, of all the signatory States in the event of aggression. The definition of aggression was one of the most difficult questions to solve. It seems simple at first sight, but it becomes a question of peculiar complexity when examined with the object of supplying the executive organs of the League with a sure and impartial criterium for determining which State is the aggressor. The Temporary Mixed Commission considered it essential to allow the Council a certain freedom of appreciation in the matter, at the same time supplying an explanatory statement on the definition of cases of aggression, containing certain general indications as a possible guide.

Articles 6, 7 and 8 deal with complementary defensive agreements. Their character as measures intended to facilitate the execution of the general treaty is clearly defined in Article 6. Article 7 defines the guarantees which these treaties must present from the political point of view: they must be registered with the Secretariat of the League; they must be examined by the Council with a view to deciding whether they are in accordance with the principles of the general treaty, and the Council may, if necessary, suggest changes in the texts; they shall in no way limit the general obligations of the High Contracting Parties nor the sanctions contemplated against the aggressor State. In order to make the additional guarantee which they furnish fully effective, Article 8 accords a certain measure of independence to these complementary agreements by recognising the right of the signatory States to put the plan of assistance agreed upon into immediate execution in the cases of aggression contemplated. The Council must, however, be informed of such intention without delay and may, of course, intervene in any conflict which arises, in the same way as in case where the question of complementary agreements does not arise.

Article 9 provides for the establishment of demilitarised zones in certain cases in which they may be considered desirable; Article 10 imposes on the aggressor State the liability for the whole cost of the operations necessitated by the conflict; Articles 11, 12 and 13 regulate the machinery of the reduction of armaments which is to be carried out in consideration of the guarantee: the High Contracting Parties, in view of the security furnished by the treaty, estimate the reduction of armaments which they can carry out and undertake to co-operate in the preparation of any general plan of reduction which the Council may propose in the light of these estimates. The remaining articles deal with questions of form and procedure. It is definitely laid down in Article 17 that any State, with the consent of the Council, may adhere conditionally or partially to the provisions of the treaty, provided that it undertakes to reduce its armaments in conformity with the stipulations.

This draft differs from the Covenant in regard to its purpose, to the nature and definite character of the obligations it contains, and to the countries which may adhere to it.

The purpose of the draft is obviously narrower than that of the Covenant. The Covenant is directed towards the pure ideal of world peace and justice; the draft merely aims at the reduction of armaments. The mutual guarantee and the confidence to which it should give birth are the means which have been thought necessary to attain this object.

The obligations and the corresponding rights embodied in the draft are narrower and at the same time more definite than those contained in the Covenant. In the draft, the right to the guarantee in case of aggression is absolute, subject to reciprocity (Article 17). The obligations are of two kinds: those which are entailed by the guarantee offered to countries attacked and which are of a more definite nature than the analogous obligations in the Covenant, since they are derived from and correspond strictly with the undertaking to disarm;

and those which are directed towards the actual object of the Treaty: a reduction of armaments.

In this aspect, the draft, though narrower and more definite, may be regarded—in the words of Senator Lebrun—as a prolongation of the Covenant.

As regards the countries adhering to the Treaty, the draft might not apply to certain States signatory to the Covenant, while at the same time it is open to the admission, under certain conditions, of States which are not at present Members of the League. The draft also contains an article providing for partial or conditional admission subject to reciprocity.

Such is the draft which was submitted by the Temporary Mixed Commission to the Fourth Assembly, and which was transmitted by the Assembly to the Council with certain amendments. The Council, on the suggestion of the Assembly, has communicated the text to all Governments, and requested them to express their opinions on the matter.

Such further consideration as will be given to the project during 1924 will be governed largely by the replies received, and will be undertaken by such means as the Council may decide.

This completes the work hitherto accomplished by the League of Nations. It has obviously been hampered by the conditions of uncertainty prevailing in Europe, and a resolution of the Third Assembly drew special attention to one of the main obstacles. It declared that mutual confidence and security, which are essential preliminaries to material disarmament, cannot be attained so long as the world continues to suffer from disorganisation of the exchanges, economic chaos, and unemployment; and that the only method of remedying these evils is the earliest possible general settlement of the problem of reparations and inter-Allied debts.

The League, however, has not allowed these obstacles to the reduction of armaments to prevent it from exploring the ground to the fullest possible extent for the purpose of discovering principles and projects upon which definite action may be taken as soon as the appropriate moment arrives.

ANNEX

Text of the Treaty of Mutual Assistance.

PREAMBLE

Pact
of non-
aggression.

The High Contracting Parties, being desirous of establishing the general lines of a scheme of mutual assistance with a view to facilitate the application of Articles X and XVI of the Covenant of the League of Nations, and of a reduction or limitation of national armaments in accordance with Article VIII of the Covenant "to the lowest point consistent with national safety and the enforcement by common action of international obligations", agree to the following provisions :

ARTICLE I

The High Contracting Parties solemnly declare that aggressive war is an international crime and severally undertake that no one of them will be guilty of its commission.

A war shall not be considered as a war of aggression if, waged by a State which is party to a dispute and has accepted the unanimous recommendation of the Council, the verdict of the Permanent Court of International Justice, or an arbitral award against a High Contracting Party which has not accepted it, provided, however, that the first State does not intend to violate the political independence or the territorial integrity of the High Contracting Party.

ARTICLE 2

General
assistance.

The High Contracting Parties jointly and severally undertake to furnish assistance, in accordance with the

- 51 -

provisions of the present Treaty, to any one of their number, should the latter be the object of a war of aggression, provided, that it has conformed to the provisions of the present Treaty regarding the reduction or limitation of armaments.

ARTICLE 3

In the event of one of the High Contracting Parties being of opinion that the armaments of any other High Contracting Party are in excess of the limits fixed for the latter High Contracting Party under the provisions of the present Treaty, or in the event of it having cause to apprehend an outbreak of hostilities, either on account of the aggressive policy or preparations of any State party or not to the present Treaty, it may inform the Secretary-General of the League of Nations that it is threatened with aggression, and the Secretary-General shall forthwith summon the Council.

The Council, if it is of opinion that there is reasonable ground for thinking that a menace of aggression has arisen, may take all necessary measures to remove such menace, and in particular, if the Council thinks right, those indicated in sub-paragraphs (a), (b), (c), (d) and (e) of the second paragraph of Article 5 of the present Treaty.

The High Contracting Parties which have been denounced and those which have stated themselves to be the object of a threat of aggression shall be considered as especially interested and shall therefore be invited to send representatives to the Council in conformity with Articles IV, XV and XVII of the Covenant. The vote of their representatives shall, however, not be reckoned when calculating unanimity.

ARTICLE 4.

In the event of one or more of the High Contracting Parties becoming engaged in hostilities, the Council of the League of Nations shall decide, within four days of notification being

addressed to the Secretary-General, which of the High Contracting Parties are the objects of aggression and whether they are entitled to claim the assistance provided under the Treaty.

The High Contracting Parties undertake that they will accept such a decision by the Council of the League of Nations.

The High Contracting Parties engaged in hostilities shall be regarded as especially interested, and shall therefore be invited to send representatives to the Council (within the terms of Articles IV, XIII and XVII of the Covenant), the vote of their representative not being reckoned when calculating unanimity; the same shall apply to States signatory to any partial agreements involved on behalf of either of the two belligerents, unless the remaining Members of the Council shall decide otherwise.

ARTICLE 5

The High Contracting Parties undertake to furnish one another mutually with assistance in the cases referred to in Article 2 of the Treaty in the form determined by the Council of the League of Nations as the most effective, and to take all appropriate measures without delay in the order of urgency demanded by the circumstances.

In particular, the Council may :

(a) Decide to apply immediately to the aggressor State the economic sanctions contemplated by Article XVI of the Covenant, the Members of the League not signatory to the present Treaty not being, however, bound by this decision, except in the case where the State attacked is entitled to avail itself of the Articles of the Covenant;

(b) Invoke by name the High Contracting Parties whose assistance it requires. No High Contracting Party situated in a continent other than that in which operations will take

place shall, in principle, be required to co-operate in military, naval or air operations;

(c) Determine the forces which each State furnishing assistance shall place at its disposal;

(d) Prescribe all necessary measures for securing priority for the communications and transport connected with the operations;

(e) Prepare a plan for financial co-operation among the High Contracting Parties with a view to providing for the State attacked and for the States furnishing assistance the funds which they require for the operations;

(f) Appoint the Higher Command and establish the object and the nature of his duty.

The representatives of States recognised as aggressors under the provisions of Article 4 of the Treaty shall not take part in the deliberations of the Council specified in this Article. The High Contracting Parties which are required by the Council to furnish assistance, in accordance with sub-paragraph (b), shall, on the other hand, be considered as especially interested, and, as such, shall be invited to send representatives, unless they are already represented, to the deliberations specified in sub-paragraphs (c), (d), (e) and (f).

ARTICLE 6

For the purpose of rendering the general assistance mentioned in Articles 2, 3 and 5 immediately effective, the High Contracting Parties may conclude, either as between two of them or as between a larger number, agreements complementary to the present Treaty exclusively for the purpose of their mutual defence and intended solely to facilitate the carrying out of the measures prescribed in this Treaty, determining in advance the assistance which they would give to each other in the event of any act of aggression.

Complementary
defensive
agreements

Such agreements may, if the High Contracting Parties interested so desire, be negotiated and concluded under the auspices of the League of Nations.

ARTICLE 7

Complementary agreements, as defined in Article 6, shall, before being registered, be examined by the Council with a view to deciding whether they are in accordance with the principles of their Treaty and of the Covenant.

In particular, the Council shall consider if the cases of aggression contemplated in these agreements come within the scope of Article 2 and are of a nature to give rise to an obligation to give assistance on the part of the other High Contracting Parties. The Council may, if necessary, suggest changes in the texts of agreements submitted to it.

When recognised, the agreements shall be registered in conformity with Article XVIII of the Covenant. They shall be regarded as complementary to the present Treaty, and shall in no way limit the general obligations of the High Contracting Parties nor the sections contemplated against the aggressor State under the terms of this Treaty.

They will be open to any other High Contracting Party with the consent of the signatory States.

ARTICLE 8

The States parties to complementary agreements may undertake in any such agreements to put into immediate execution, in the cases of aggression contemplated in them, the plan of assistance agreed upon. In this case they shall inform the Council of the League of Nations, without delay, concerning the measures which they have taken to ensure the execution of such agreements.

Subject to the terms of the previous paragraph, the provisions of Articles 4 and 5 above shall also come into force both in the cases contemplated in the complementary agreements and in such other cases as are provided for in Article 2, but are not covered by the agreement.

ARTICLE 9

● In order to facilitate the application of the present Treaty, any High Contracting Party may negotiate, through the agency of the Council, with one or more neighbouring countries for the establishment of demilitarised zones. Demilitarised zones.

The Council, with the co-operation of the representatives of the Parties interested, acting as Members within the terms of Article IV of the Covenant, shall previously ensure that the establishment of the demilitarised zone asked for does not call for unilateral sacrifices from the military point of view on the part of the High Contracting Parties interested.

ARTICLE 10

The High Contracting Parties agree that the whole cost of any military, naval or air operations which are undertaken under the terms of the present Treaty and of the supplementary partial agreements, including the reparation of all material damage caused by operations of war, shall be borne by the aggressor State up to the extreme limits of its financial capacity. Cost of interventions.

The amount payable under this Article by the aggressor shall, to such an extent as may be determined by the Council of the League, be a first charge on the whole of the assets and revenues of the State. Any repayment by that State in respect of the principal money and interest of any loan, internal or external, issued by it directly or indirectly during the war shall be suspended until the amount due for cost and reparations is discharged in full.

ARTICLE II

Disarma-
ment.

The High Contracting Parties, in view of the security furnished them by this Treaty and the limitations to which they have consented in other international treaties, undertake to inform the Council of the League of the reduction or limitation of armaments which they consider proportionate to the security furnished by the general Treaty or by the defensive agreements complementary to the general Treaty.

The High Contracting Parties undertake to co-operate in the preparation of any general plan of reduction of armaments which the Council of the League of Nations, taking into account the information provided by the High Contracting Parties, may propose under the terms of Article VIII of the Covenant.

This plan should be submitted for consideration and approved by the Governments, and, when approved by them, will be the basis of the reduction contemplated in Article 2 of this Treaty.

The High Contracting Parties undertake to carry out this reduction within a period of two years from the date of the adoption of this plan.

The High Contracting Parties undertake, in accordance with the provisions of Article VIII, paragraph 4, of the Covenant, to make no further increase in their armaments, when thus reduced, without the consent of the Council.

ARTICLE 12

The High Contracting Parties undertake to furnish to the military or other delegates of the League such information with regard to their armaments as the Council may request.

ARTICLE 13

The High Contracting Parties agree that the armaments determined for each of them, in accordance with the present Treaty, shall be subject to revision every five years, beginning from the date of the entry into force of this Treaty.

ARTICLE 14

Nothing in the present Treaty shall affect the rights and obligations resulting from the provisions of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, Saint-Germain and Trianon, or from the provisions of treaties or agreements registered with the League of Nations and published by it at the date of the first coming into force of the present Treaty as regards the signatory or beneficiary Powers of the said Treaties or agreements.

Reservation
for existing
treaties.

ARTICLE 15

The High Contracting Parties recognise from to-day as *ipso facto* obligatory, the jurisdiction of the Permanent Court of International Justice with regard to the interpretation of the present Treaty.

Compulsory
jurisdiction
of the Court.

ARTICLE 16

The present Treaty shall remain open for the signature of all States Members of the League of Nations or mentioned in the Annex to the Covenant.

Signature,
accession,
ratification,
adhesion,
etc.

States not Members shall be entitled to adhere with the consent of two-thirds of the High Contracting Parties with regard to whom the Treaty has come into force.

ARTICLE 17

Any State may, with the consent of the Council of the League, notify its conditional or partial adherence to the provisions of this Treaty, provided always that such State has reduced or is prepared to reduce its armaments in conformity with the provisions of this Treaty.

ARTICLE 18

The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible at the Secretariat of the League of Nations.

It shall come into force :

In Europe when it shall have been ratified by five States, of which three shall be permanently represented on the Council;

In Asia when it shall have been ratified by two States, one of which shall be permanently represented on the Council;

In North America when ratified by the United States of America;

In Central America and the West Indies when ratified by one State in the West Indies and two in Central America;

In South America when ratified by four States;

In Africa and Oceania when ratified by two States.

With regard to the High Contracting Parties which may subsequently ratify the Treaty, it will come into force at the date of the deposit of the instrument.

The Secretariat will immediately communicate a certified copy of the instruments of ratification received to all the signatory Powers.

It remains understood that the rights stipulated under Article 2, 3, 5, 6 and 8 of this Treaty will not come into force for each High Contracting Party until the Council has

certified that the said High Contracting Party has reduced its armaments in conformity with the present Treaty or has adopted the necessary measures to ensure the execution of this reduction within two years of the acceptance by the said High Contracting Party of the plan of reduction or limitation of armaments.

ARTICLE 19

The present Treaty shall remain in force for a period of fifteen years from the date of its first entry into force.

After this period, it will be prolonged automatically for the States which have not denounced it.

If, however, one of the States referred to in Article 18 denounces the present Treaty, the Treaty shall cease to exist as from the date on which denunciation takes effect.

The denunciation shall be made to the Secretariat of the League of Nations, which shall, without delay, notify all the Powers bound by the present Treaty.

The denunciation shall take effect twelve months after the date on which notification has been communicated to the Secretariat of the League of Nations.

When the period of fifteen years, referred to in the first paragraph of the present Article, has elapsed, or when one of the denunciations made in the conditions determined above takes place, if operations undertaken in application of Article 5 of the present Treaty are in progress, the Treaty shall remain in force until peace has been completely re-established.

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