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DOCUMENTS

of the

PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE

entrusted with the

PREPARATION FOR THE CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

SERIES VI

MINUTES

of the

Second Session of the Committee on Arbitration and Security

and of the

Fifth Session of the Preparatory
Commission for the Disarmament Conference

Publications of the League of Nations

IX. DISARMAMENT

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I.

**MINUTES OF THE SECOND SESSION
OF THE COMMITTEE ON ARBITRATION AND SECURITY**

Held at Geneva from February 20th to March 7th, 1928

(with Annexes)

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LIST OF MEMBERS OF THE COMMITTEE ON ARBITRATION AND SECURITY

Chairman : His Excellency Dr. BENES (Czechoslovakia).

<i>Argentina</i>	His Excellency M. José Maria CANTILO.
<i>Belgium</i>	His Excellency Baron ROLIN JAEQUEMYS.
<i>Brazil</i>	
<i>British Empire</i>	The Right Honourable Lord CUSHENDUN.
<i>Bulgaria</i>	His Excellency M. Bogdan MORFOFF.
<i>Canada</i>	Dr. W. A. RIDDELL, M. A., Ph. D.
<i>Chile</i>	His Excellency M. J. VALDÉS-MENDEVILLE.
<i>China</i>	M. CHUAN CHAO.
<i>Colombia</i>	Dr. Efrain GAITAN-HURTADO.
<i>Cuba</i>	His Excellency M. G. DE BLANCK.
<i>Czechoslovakia</i>	His Excellency Dr. BENES.
<i>Finland</i>	His Excellency M. R. W. ERICH.
<i>France</i>	His Excellency M. PAUL-BONCOUR.
<i>Germany</i>	Dr. Ernst VON SIMSON.
<i>Greece</i>	His Excellency M. Nicolas POLITIS.
<i>Italy</i>	His Excellency General A. DE MARINIS STENDARDO DI RICIGLIANO.
<i>Japan</i>	His Excellency M. N. SATO.
<i>Netherlands</i>	Dr. V. H. RUTGERS.
<i>Poland</i>	His Excellency M. François SOKAL.
<i>Roumania</i>	His Excellency M. Constantin ANTONIADE.
<i>Kingdom of the Serbs, Croats and Slovenes</i>	His Excellency M. Lazar MARKOVITCH.
<i>Spain</i>	
<i>Sweden</i>	His Excellency M. Osten UNDÉN.
<i>Uruguay</i>	
<i>Union of Socialist Soviet Republics</i> .	M. Boris STEIN (Observer).

FIRST MEETING.

Held on Monday, February 20th, 1928, at 11 a.m.

Chairman : M. BENES (Czechoslovakia).

1. General Discussion.

The CHAIRMAN. — I have the honour to open the second session of the Committee on Arbitration and Security. I have ventured to convene you immediately upon the completion of the work contemplated by the Committee with a view to the preparation of its second session.

What is the purpose of this session? At the first session we drew up our programme; and now, within the scope of our programme, we must embark upon the task entrusted to us by the last Assembly; the Committee has been asked to prepare a first report as to what measures we consider likely, in the present conditions of international politics, to increase the security of States.

I consider it my duty to give you at least a brief account of all that has been done in the period which the programme describes as the first stage, *i.e.*, the period between the Committee's first and second sessions.

As soon as our Committee's first session was closed, the Secretariat of the League of Nations immediately set to work to prepare the necessary material. A considerable amount of work has been accomplished, for which the Secretary of our Committee, M. Sugimura, and his colleagues deserve our warm thanks. Among the results of this work are valuable studies on conciliation and arbitration, with a revised and enlarged edition of the publication of 1926 entitled "Systematic Survey of the Arbitration Conventions and Treaties of Mutual Security deposited with the League of Nations"; an excellent study on the treaties of defensive alliance, of mutual guarantee, etc., with synoptic tables of these treaties, and a remarkable historical, political and legal study of Article 10 of the Covenant. I know the Rapporteurs will agree with me that the Secretariat's work has greatly facilitated our task.

Upon the conclusion of the Secretariat's preparatory work, the Rapporteurs appointed by the Committee at its first session set to work to prepare their memoranda. In these memoranda they did not state the views of their respective Governments but only their own personal opinions. A glance at the volume containing their memoranda, which you have before you, will be sufficient to show you the extent of their labours. I think I shall be speaking for you all in thanking them very warmly.

The Governments could make known their views on the problems under consideration by sending written observations up to December 31st last. When I learned that certain Governments proposing to send in observations required more time, I felt myself justified, in the interest of our work, in prolonging the time-limit until January 15th. Even after this date, indeed, we saw no objection to accepting the observations of Governments. Observations reached us from the Swedish, Norwegian, Belgian, British and German Governments. They were sent to you; you are familiar with them, and it is therefore unnecessary to deal with them here. I should, however, like to express the gratitude of all those of us who have taken part in the preparatory work of this session for the observations of these Governments.

We have been able to appreciate the efforts of the Swedish and Norwegian Governments to assist in the preparation of the memoranda by making concrete proposals, and we also appreciated the great importance of the British Government's having stated its point of view in so clear and definite a manner; we fully recognised, too, the value of the excellent suggestions contained both in the British and in the German observations.

It is greatly to be hoped that the spokesmen of the States represented in this Committee, and perhaps of other States also, will make known their views on the various aspects of the problems under consideration with the same frankness, clearness and precision. For one of the chief conditions of the success of our work is that we should be well acquainted with the political possibilities to be reckoned with. Otherwise, most of our work will not be of the kind that can be followed by acts, but will merely consist of theoretical studies.

As soon as the Rapporteurs had completed their memoranda, I convened them, together with the Sections of the League Secretariat concerned, to a meeting at Prague.

Although I do not wish to anticipate the verdict of my honourable colleagues in the Committee, I think I may say that the three memoranda as presented and discussed at Prague give proof of a strong sense of political realities. The Prague discussions have, I hope, omitted no important question. They took into account all the vital interests of the different groups of States. The draft memoranda were based upon the idea that general security cannot be organised all at once or by uniform methods, but only step by step; underlying them was the conviction that any proposals which represented an ideal and complete solution of one or other of the aspects of the problems at issue would, as the experience of the last few years has proved, be going beyond what is politically practicable in many countries, and would therefore be foredoomed to remain no more than an interesting piece of legal or political theory.

Rather, on the contrary, the memoranda represented efforts to formulate proposals which would be a definite step forward. You, gentlemen, will judge whether we have been successful. The memoranda were examined jointly at meetings held between January 26th and February 1st.

The principal aim of the joint examination of the memoranda was to eliminate any proposals which, under existing political conditions, would be unacceptable to certain States. We had to perform this duty, because we desired that, in the interests not only of security but of the Preparatory Commission's work, our labours should be practical and not theoretical. For this reason we examined all proposals in the light of the opinions which Governments have on different occasions expressed regarding various features of the problems studied; in particular, we took account of the statements contained in the above-mentioned observations by Governments. At the same time, it was necessary to proceed in such a way that the various opposing arguments should nevertheless appear side by side in the memoranda in order that our Committee might finally be able to decide with a full knowledge of the facts. In short, the work which we are submitting to you aims at being a well-considered and balanced adjustment of different points of view. I repeat, gentlemen, you yourselves will judge whether your Rapporteurs have succeeded or not.

The second duty of the Prague meeting was to co-ordinate the memoranda so as to form "an organic whole", as requested by the Committee. As the members of the Committee have already been able to realise, it was impossible, owing to the classification of questions, to combine the memorandum on arbitration and that on security in a single memorandum, according to the programme. I think, however, that this does not in the least affect the organic nature of the results of the Prague meeting.

I should point out that, although the memoranda remain under the personal responsibility of their authors alone, unanimity was obtained upon all the points contained in them, with the result that each memorandum is now submitted by all the Rapporteurs and the Chairman as being suited to serve as a basis for the Committee's discussions. During the Prague deliberations, the Rapporteurs and the Chairman had occasion to make certain general statements which have been recorded in the Introduction to the three memoranda. We expedited the discussions in order that the members of the Committee might receive the memoranda a fortnight before the present meeting, as they had requested.

I must emphasise the fact that the memoranda only contain suggestions based upon certain principles generally accepted or recognised in existing treaties, or in drafts which have not come into force, or relating to certain methods for putting these principles into effect. They are not, therefore, full-fledged truths to be imposed upon our honourable colleagues. For this reason these memoranda contain a number of alternative suggestions. According to the memoranda, it is not for the League as such but for the different Governments quite freely to take measures to increase the degree of security in different parts of the world. Nothing would be asked from those who were not willing to participate in these measures. The collaboration, contribution or, if you like, the initiative of the League which might result from these memoranda would not commit the different States unwilling to participate in these measures to any special undertaking, but it would be in the nature of a guide should a State desire, together with other States, to organise security on behalf of peace. The League would only become a factor in certain circumstances and when States were unable to agree, and in this case it would offer them its good offices. It seems to me desirable that States should be free to choose their method of putting into practice principles recommended by the League, for, as M. Politis aptly remarks in his memorandum, security has also its subjective side, and it is upon this subjective security that the inclination of States to reduce and limit their armaments mainly depends.

We asked ourselves at Prague whether, taking into consideration every aspect of the problem before us, we should, in this initial stage of our work, submit to you the texts of the model treaties of arbitration, conciliation and security. Finally, wishing to reserve you full freedom of action, we decided to make all necessary preparations, but not to do so immediately, pending your decision on the subject. We have laid down the principles which would be embodied in model treaties. Following these principles, and making use also of the material collected in the publications and treaties registered by the Secrétariat, we could produce in a very short time the few model treaties for which you might ask.

As regards procedure, I think the memoranda are so clear that there is no need for the Rapporteurs to make any immediate explanatory statements. We might therefore at once proceed to the general debate, during which the Rapporteurs could give any explanations that might be asked for. It is obviously most important, as I have ventured to say with some emphasis, that we should know clearly and definitely the views of the various Governments; I would therefore ask my colleagues to have their names placed on the list of speakers, and to give a general statement of the views of their respective Governments on the memoranda.

Thus, at the end of this first stage of the discussion, we should know on what points we are all generally agreed, and those points could then be left out of the debate. There would remain the points in dispute. At the close of the general discussion, the Bureau would undertake to present to you any points on which delegates might have made reservations or announced new proposals. We should thus enter upon the second stage of the discussion, during which we should make a special study of each of the disputed points in turn. In the course of this second stage, any amendments to the text or new proposals that might be announced in the general debate would be presented and upheld.

We shall, I think, endeavour not to prolong the general debate unduly, so that we can pass on quickly to a detailed examination of the special passages in the actual texts of the memoranda.

This procedure which I am suggesting is based on the assumption that sub-committees are not to be immediately set up. We shall see later on whether they are necessary or not. I may add at once that I do not wish to force your hands in any way, and that all I am offering you is a suggestion which I have worked out after talking to our colleagues of the Secretariat and to some of my fellow-delegates. On the other hand, the suggested procedure would involve the appointment, during the second stage of the discussion, of a drafting committee to prepare the new texts of which the substance had been adopted as the outcome of the Committee's debate and of the new proposals or amendments submitted by our colleagues.

In any case, I think we shall see from the issue of the general debate what is the best line to follow. I myself shall be ready to accept any decision my colleagues may reach.

That, gentlemen, is all I have to say about the work that has been done so far and the work that we have still to do. Our opening proceedings were followed with misgiving in some quarters, with doubt and scepticism in others. On the whole, our first results have been favourably received; it is realised that we have done very useful work on which measures tending to increase the degree of security and to advance the work of disarmament can be based.

That is certainly what we all wish. For my part, I have no doubt of the success of our efforts. Even if, in the course of our discussions, we are called upon to surmount serious obstacles, even if we find difficulties in our way when we try to co-ordinate the various views of different Governments, we must, gentlemen, unremittingly, unflinchingly, unfalteringly, with patience, with energy, with decision and mutual goodwill, pursue our work and press straight on towards the goal. We shall have our reward—another triumph for the League of Nations. I am sure, gentlemen, that we shall succeed.

Lord CUSHENDUN (British Empire). — I desire at the outset to tender my most grateful thanks, on behalf of the British Government as well as myself, to our distinguished colleagues who have so ably prepared the way for our discussion by the memoranda which they have submitted, and I should like at the same time to say how I appreciate what you yourself, sir, have done in arranging this preliminary work and in writing your able and informative introduction to those memoranda. I am particularly glad to note that, in the observations which you have just made, you have expressed your approval of the memorandum which was submitted by the Government which I represent. That memorandum was prepared with the greatest possible care, and with an earnest desire to assist the work upon which this Committee is engaged.

The procedure which you have outlined I think an admirable sketch of the way in which we should proceed. There will come a period, no doubt, when we shall have to examine the memoranda in detail with considerable care, and it would be too much to expect that no grounds of criticism will be found. I have no doubt that here and there, in matters of detail, we shall have to adjust the conclusions reached and arrive at an agreement after adequate discussion. For the moment we are only engaged, as I understand, in a general discussion of the principles involved, and I shall restrict myself for the moment to a general view of the work before us.

For that purpose I think it is necessary to remind ourselves of our objective. The Preparatory Commission, whose aim was to prepare the way for a definite scheme of disarmament in accordance with the obligations of the Covenant, found itself confronted with very great difficulties in arriving at an international agreement, and it was in order to smooth the way for the work of the Preparatory Commission that we were charged with the duty of investigating the cognate question of security, which we all recognise as being very closely entangled with that of disarmament, so much so that it is sometimes very difficult to decide in one's own mind which of these two is cause and which is effect. We ask ourselves: Does disarmament depend entirely upon security, or does security depend upon disarmament? Speaking for myself, I think the more one reflects upon those two propositions, the more one sees that they are interdependent, and our duty in this Committee is to see whether any practical measures which we can adopt will smooth the path for the Preparatory Commission in order that it may achieve what we all so earnestly desire—a large measure of international disarmament as a security for peace.

I want the Committee if possible to realise that, unless during our work in this session we can among ourselves arrive at some real, practical measure which will give a greater sense of security to the nations of the world, we shall have very little hope of doing anything really practical and useful in the way of disarmament.

I welcome very much, Mr. Chairman, some words of yours which I intend to quote in a moment. I have often heard criticism in England, and indeed elsewhere, to the effect that the work of this Committee in earnestly seeking measures of security indicates a lack of confidence in the League of Nations itself and in the Covenant which is its authority, because, after all, we must remember that it was intended by the framers of the Covenant of the League that the establishment of the League itself should be a security to the world against the recurrence of war, and unless the League of Nations with its Covenant accomplishes that object it must be regarded as a failure. But I am not ready to make any such admission, and it is for that reason, Mr. Chairman, that I particularly welcome the wise words which you have set out for us in Clause 5 of your Introduction, which I should like to read. You refer there to the application of Article II, and to the Memorandum on the Articles of the Covenant which is now submitted to the Committee; you then continue: they . . . "bring out the fact that the Covenant creates a measure of security which needs to be appreciated at its full value."

We cannot too often remind ourselves that this is true. We are apt, in the discussion of subsidiary measures of security, to forget that the Covenant itself creates a measure of security which needs to be appreciated at its full value, and you remind us, Mr. Chairman, that the articles of the Covenant itself are capable of being applied in such a way that in the majority of cases they can prevent war. I think it is very desirable that this fundamental proposition should be emphasised by this Committee. It does not, of course, in the least preclude us from desiring to find subsidiary and supplementary measures—far from it—but we should keep clearly in mind that in the majority of cases the prevention of war may be secured by the Covenant itself.

I am also glad to note that our Chairman in his Introduction deprecates resort to a too rigid procedure. At the end of Clause 5 he says: "The responsible representatives of the States Members of the Council are equipped by the terms of the Covenant with extensive powers for the preservation of international peace"; "That peace . . . can be exercised effectively within the framework of the Covenant"—and I would especially emphasise the following words—"all the more effectively because that instrument does not provide any rigid code of procedure for the settlement of international crises". That is a very wise caution, because I notice in some quarters a rather unfortunate tendency to desire exactly what the Chairman says we should avoid, namely, a too rigid procedure and too precise definitions as to the measures to be taken if a crisis should arise.

I would also call attention to another very wise paragraph in the Chairman's Introduction. I refer to paragraph 12, in which he says: "Those nations which consider that the general measure of security afforded by the Covenant is inadequate for their needs . . . must at the present moment regard the conclusion of security pacts with other States in the same geographical area as the only practical or possible form of supplementary guarantee." That is a proposition which, with great respect, I thoroughly endorse and approve. I believe that the measures which we can elaborate as supplementary to the Covenant will be found to be exactly those measures which the Chairman has in mind, namely, security pacts with other States in the same geographical area, and when I compare his Introduction with the three memoranda of our distinguished Rapporteurs, I find that, on the whole, they take the same view as the Chairman. They frequently emphasise the great value of the example which has been given to us by the Locarno Treaties. The British Government feel very strongly that the Locarno Treaties do offer the very best models that we can hope to follow, if we can get them applied in other areas. I realise, of course, the difficulties that there must be in following a model such as that of Locarno, and undoubtedly we cannot hope to follow it in every particular. If treaties of the same character are framed in other parts of the world, there will no doubt be local and particular conditions to be considered, but, speaking generally, I believe we shall find that the greatest hope of advance lies in following the Locarno example.

The Assembly has itself put forward the Locarno Treaties as a model which it would desire to be followed elsewhere. The same idea has been expressed not once but several times, and it was expressed, if I remember rightly, in the course of our discussion at our first session. It will not be of very much use merely to repeat this pious hope, and I hope it may be found possible to take some practical step forward during the present session of our Committee in the direction of proposing a treaty on the Locarno model.

Not quite sufficient emphasis perhaps has been laid, in my judgment, upon the proposal which was made by the Finnish Government for mutual financial support in a crisis. The British Government feels that this is a proposal which deserves the very fullest consideration, and it is prepared to support it. It believes that the proposal is an encouragement to preserve the peace and that it also offers a most desirable means of giving effective aid to any nation which finds itself the victim of unprovoked aggression. I hope that, in the course of our discussions, we may find that there is agreement in the Committee in favour of that proposal as one of the means of security.

It is quite clear from the reports that a large part of our discussion must centre round proposals for treaties of arbitration and conciliation. Reserving all details until a later period, it strikes me that in these reports two methods are presented to us for promoting treaties of arbitration and conciliation. The first method is a multilateral or general treaty which is or may be signed by all States, or at any rate by a maximum number of States. The second method is the framing of a model treaty for individual States to follow when they desire to enter into bilateral arrangements either with one other State or another group of States. Both methods are worthy of the fullest consideration, but they are quite clearly to be distinguished one from the other. In this connection, I would like to express my thanks to the Swedish Government for the draft which has been prepared and sent to us of a treaty which might serve as a model of that kind. I think that, if that treaty is taken as a basis for the discussion which has been suggested, it will perhaps require some amendment, but that will be matter for consideration when we come to discuss it in detail.

I hope that the Committee will not think that I am making too bold a claim when I say that in this matter of arbitration and conciliation Great Britain has a very long and valuable experience. Our acquaintance with arbitration treaties and conciliation treaties goes back considerably more than one hundred years. A very large number of international disputes, especially between Great Britain and the United States of America, have been amicably settled in the past by this method. In some cases, very important disputes in which the almost vital interests of one country or of both were at stake, where under less happy circumstances war might easily have resulted between two great Powers, have been happily arranged during the last hundred years or more by this method of arbitration and conciliation. Having tested its value, not as a matter of academic theory but from practical experience, we rejoice to find that our example in that respect is now being very largely followed, especially since

the great war, by other nations which hitherto have not given apparently quite the same amount of attention to this mode of settlement as ourselves. I need hardly say that we are ready to do all we possibly can to promote a large number of treaties of that sort between different nations, either by assisting in framing a model or by any moral support that we can give to our colleagues in this room and the Governments which they represent. We know from experience that caution is sometimes needed in the framing of such agreements, and we know that, though they are of almost unlimited value, there is also a limit to their application. Our own Government does not particularly need a model conciliation treaty for its guidance, since it has a great many such treaties in its archives; but it may very well be that for States less familiar than we are with this method of settling disputes it might be extremely useful that a model treaty should be framed, to be adjusted in its details by each State according to the circumstances arising as between one particular State and another.

I wish only to say again that, as far as the general outline of procedure is concerned, I fully endorse the proposal of the Chairman. He has most ably assisted us in our work and, speaking for myself, I am more than willing gladly to accept his guidance.

2. Communication by the Chairman regarding the Absence of M. Urrutia, Vice-Chairman.

The CHAIRMAN. — I venture first to thank Lord Cushendun for the very flattering remarks which he has made concerning the Rapporteurs and the Chairman of the Committee. I think his words are of good augury for our discussions.

Before closing the meeting, I would inform you that our Vice-Chairman, M. Urrutia, has sent me a letter announcing that he cannot take part in the meetings of the Committee during the session, and intimating that the Committee is free to appoint another Vice-Chairman.

We hope that our honourable colleague will be able to come during the session, or to future sessions of the Committee, and I would therefore ask you not for the moment to elect a new Vice-Chairman.

The meeting rose at 12.45 p.m.

SECOND MEETING

Held on Monday, February 20th, 1928, at 4.30 p.m.

Chairman : M. BENES (Czechoslovakia).

3. General Discussion (continued).

M. VON SIMSON (Germany).— I would first both personally and on behalf of the German Government associate myself with the words of thanks addressed this morning to the Chairman and Rapporteurs.

The memoranda submitted by them for those who, like myself, have not been able hitherto to follow closely the deliberations at Geneva contain valuable material together with proposals and suggestions for the settlement of the serious difficulties involved in the questions submitted to us.

I am glad to note that there is a certain measure of agreement between the views contained in these memoranda and the opinion of my Government. It seems hardly necessary for me to remind you of the views of my Government on the questions of principle concerning disarmament and security. The different representatives of the German Government, in particular, Count Bernstorff, have frequently explained them to you. Moreover, the German thesis concerning the relationship which exists between security and disarmament and between our Committee and the Preparatory Commission for the Disarmament Conference is equally well known to you.

In order to acquaint you more definitely with the point of view of the German Government on certain fundamental problems of our work, I would observe first of all that I was very glad to note that the Introduction contains particularly important observations on the present state of security.

In effect, the existing position with regard to security—a point to which Lord Cushendun alluded at the morning meeting—assumes an aspect essentially different from that which existed before the creation of the League of Nations, particularly as regards States whose armaments are on a different footing from those of other States. That does not mean that we cannot undertake useful and necessary work. The point I would emphasise is the necessity of avoiding giving the impression that the present conditions with regard to security are particularly unfavourable. On the contrary, I would at the outset record my belief that,

thanks to the League of Nations and to the evolution which has taken place under its auspices, the existing conditions with regard to security are more satisfactory than they have ever been before. We should be starting from a mistaken assumption if we based our discussions on the idea that the League of Nations and the agreements concluded in accordance with the spirit of the Covenant are of small significance in the domain of security.

It is, in my view, of capital importance that the basis of our work should be an endeavour to find methods for settling pacifically all disputes between States without any exception. That view is put forward in the memoranda, but not everywhere with the same force. It is my profound conviction that a real and effective guarantee of peace is only possible if we find a procedure which may enable a pacific settlement to be made of all possible disputes. Nothing really useful would have been done in merely prohibiting aggression and threatening the aggressor with future sanctions. Just as in States it was necessary to introduce a system of law in order to put an end to the practice of the individual seeking justice for himself and of using brute force, so in international life peace cannot be really established without similar legal institutions. This observation may appear somewhat elementary, but I consider it to be of importance.

As regards the choice of means to conduct us to the end which we are seeking to attain, I would associate myself in principle with the declarations of the Rapporteur, M. Holsti. I will not for the moment deal with disputes of a purely legal character, as I believe that the basis for the settlement of such disputes is sufficiently clear.

As regards the question of political disputes, which is specially important, it is not to be expected that, in present conditions, a final solution such as that reached in the case of legal disputes can be obtained. We must therefore, first of all, take into consideration the procedure of conciliation as a valuable factor in the pacific settlement of such disputes.

In this connection, we already find very valuable suggestions in the numerous agreements concluded since the foundation of the League of Nations. I think that we should closely examine these agreements and derive from them certain elements of great utility. This is evidently a work which is rather technical, but it is of great importance. We hope, however, still further to broaden the indications to be found in these agreements. In this connection the Swedish suggestion is very satisfactory, since it may serve as a basis for such studies.

The principal object of a procedure of conciliation is the material solution of definite disputes, but another very valuable result of this procedure must not be overlooked. It is that any form of procedure takes a certain time. When one is dealing with an international dispute, it is extremely important to gain time. It is clear that, if it is possible to gain time during a period of crisis, a great deal has already been effected, and it would be easy to find historical examples in support of this contention. In order, however, to make good use of the time gained, it is further necessary to provide for measures which will hinder the parties to the dispute from abusing their opportunities and prejudicing the solution which is being sought by means of the conciliation procedure.

This reflection suggests the idea of making it possible to prevent States from taking advantage of the lapse of time entailed by the procedure of conciliation in order to change the *status quo*. I might establish an analogy in this respect with a process which is embodied in a great number of civil codes. I am referring to the steps taken by a judge in order to preserve the *status quo* while a procedure is in progress by means of an injunction. Such measures are fairly universal, and are in particular to be found in the Locarno Agreements.

I think it would be extremely useful to be able to bind States to abstain during a dispute from any steps likely to have a prejudicial effect on the execution of the decision or on the solution proposed by the organ of conciliation. Such a measure should not only be included in special agreements but might be generally adopted for the procedure to be followed before the Council of the League of Nations. I would draw your special attention to this suggestion.

Apart from the procedure of conciliation, the principal task of the Committee is, in my view, to find measures to prevent war. As stated in the memorandum of the German Government, it is not merely necessary to examine what should be done after war has broken out but also what should be done in order to prevent war from arising. In this I agree entirely with M. Rutgers, who in his very clear and lucid report has analysed the relation which exists between Articles 11 and 16. M. Rutgers has said that, in preparing for the application of Article 11, one is also preparing at the same time, to a great extent, for the application of Article 16. I also entirely agree with Lord Cushendun and M. Rutgers that it is not necessary to embody in a rigid system the measures to which I have referred, and that it is advisable to leave a very wide discretion in the matter.

I think it would be possible to examine whether it would not be feasible for States to undertake during a time of crisis to abide by the recommendations of the Council. To put the matter in a more concrete form, several States might undertake during a time of crisis to respect the military *status quo*, and, if necessary, to restore the *status quo* if the Council desired it to be maintained. I think that in this connection we might also have recourse to the procedure of an injunction. It is extremely important in such cases not only to prevent States from prejudicing the final solution but also to prevent them from embarking upon military preparations which it is often very difficult to cancel. History shows us that such military preparations have often more influence on events than the pacific endeavours of responsible statesmen. It is true that the Covenant provides for a recommendation of the Council concerning the measures to which I have just referred. But, however great the authority of the Council may be, there is no obligation upon States to accept its recommendation, and I think that we should be achieving an appreciable progress if we could frame rules embodying this obligation to conform with the recommendations of the Council. I would ask you to consider this suggestion.

I would even go further. In my view, it is not only possible to stop hostilities in preparation but to stop them also when they have been already initiated, either in the event of a war breaking out in a breach of the Covenant of the League of Nations or in the event of a war undertaken in conformity with the Covenant. If the Council considers that all possibilities have not yet been exhausted of securing respect for the undertakings to safeguard the peace of the world, it should be invested with the right to recommend an armistice on a footing of equality to the belligerents, and to ask that they should loyally respect such an armistice. This suggestion has been put forward by M. Politis, and it recalls, to some extent, the Protocol of Geneva. In the memorandum of M. Politis and in the Protocol, however, the idea is expressed less in the direction of preserving peace than of combating war by another war, since it serves as a preparation for the procedure involving sanctions, and particularly for defining the aggressor, which forms part of the procedure relating to sanctions. The suggestion, in fact, refers not to prevention but to the preparation of sanctions, and on this point I differ from M. Politis. In my view, what is necessary is to free the suggestion from the restricting framework within which it has been presented to us, and to develop it organically. The idea of a compulsory armistice would be of particular value in situations where it has been said the "cannon are likely to go off of themselves". I am of opinion that States could prove their will for peace better by assuming such undertakings than by concluding an abstract pact of non-aggression.

I come now to the question of regional agreements, which has been the subject of a very close study by M. Politis. I would, first of all, observe that these agreements do not constitute, as was said this morning, the sole means of increasing security. I think I have already shown that this is the case by the proposals which I have just put forward.

There is also the question of the subjective aspect of the idea of security. I do not deny the existence of this aspect of the problem, but I do not think that too great importance should be attached to it, in view of the fact that it is a very uncertain element.

I think that it is necessary for us to examine the question of regional agreements, particularly as we are invited to do so by a resolution of the Assembly. I must, however, confess that I am somewhat sceptical in regard to the matter. The Locarno Agreements have often been held up as models which may serve as a basis for the framing of similar agreements. I am quite convinced of the great value of such agreements, and, as a representative of the German Government, I should be the last to under-estimate their importance. I do not think, however, that they can be easily applied to other regions.

Let us recall the history of these Locarno Agreements. Seven States participated in them, and they had to negotiate for a long while in order successfully to adopt a system which might be adapted to the interests of each of the adhering Powers. I do not share the optimism of some of my colleagues as to the possibility of using these agreements as models. My doubt on the subject, however, will not prevent me from loyally collaborating in any effort which may be made in this direction.

On behalf of my Government, I would venture to emphasise the two points already referred to in the memorandum :

1. It is essential, if regional agreements are to be effective, that they should be concluded by the contracting States in full liberty and without any pressure being brought to bear upon them. The least appearance of pressure would be injurious to the cause of peace. For these reasons, the collaboration of the League of Nations would be limited, so far as the conclusion of such agreements was concerned.

2. Regional agreements which may at a later stage be framed should only settle points affecting the contracting parties as between themselves, and should not result in constituting certain groups within the League of Nations. Such groups might use their influence against Powers which were not parties to the agreements, and such a state of affairs would be in absolute contradiction with the spirit of the Covenant. This contradiction has been emphasised by the British Government.

In our view, regional agreements do not, therefore, constitute one of the most important methods of increasing security. The question which especially interests us is what preventive measures may be found, and I do not think that such preventive measures should be based on regional agreements, but that they should have a very much wider foundation. I am thinking rather of free conventions, to which different States may adhere, but which would not require as a condition of their application the adherence of a certain number of States. Such agreements might come into force by continents.

There is another question : it is obvious that the efficacy of my suggestions would be increased if the rule of unanimity necessary for the decisions of the Council could be abandoned in that case and if a simple or qualified majority could suffice. I consider that this point might be examined, but for the moment I reserve my final opinion.

The essential point, in my view, is that we should accomplish a practical and not an academic work. The central problem is to establish methods of preventing disputes. I believe that the preventive measures which I have had the honour to propose are easy to understand and likely to be appreciated by a wider public than that of the Chancelleries.

In conclusion, I would summarise the three measures which I propose. The first is the injunction intended to prevent the parties to a dispute prejudicing the solution which may be reached. The second is that the recommendations of the Council should have the force of an obligation on the parties, which should conform to them and maintain or restore the military *status quo*. The third is the suspension of hostilities by an armistice, which the Council would

require from the belligerents, who would be under the obligation to conform to the recommendation of the Council.

These various proposals seem to me very clear, and likely to have, I think, the advantage of being easily understood by public opinion.

The German Government is convinced that one of the most effective methods of ensuring peace is disarmament itself. It does not, however, deny that there are other means of strengthening peace. I think that the explanations which I have just given show that we are ready to work in that direction. Nevertheless, I am not prepared to say, in the event of our Committee failing to find the solutions for which it is seeking and for which it hopes, that the problem of disarmament has reached a deadlock. In any case, the German delegation very strongly hopes that the Committee will succeed in accomplishing the task which has been entrusted to it, and will collaborate in its work to the utmost of its ability.

M. SATO (Japan). — May I be allowed to say that I have read with the greatest interest the three remarkable memoranda submitted by our colleagues, M. Holsti, M. Politis and M. Rutgers? I also would wish to join in the tribute paid by the speakers who have preceded me to the admirable and conscientious manner in which the three Rapporteurs and the distinguished Chairman, M. Benès, have fulfilled their delicate task.

The observations which I am about to make include several points upon which I am in agreement with Lord Cushendun. I am very happy to note that on these points our views coincide.

I was struck by several very important and very interesting points raised by the German representative in the speech which he has just made. These deserve to retain our attention. The Committee will certainly agree with me when I urge that a very full study of these questions should be made.

I fully agree with the Rapporteurs in recognising, as they have explicitly stated in their reports, that the Covenant has established a form of security the full scope of which must be appreciated. M. Rutgers, in the first paragraph of his most interesting conclusions, consequently urges the view that it is intended that nothing should be added to or removed from the rights and duties devolving on Members of the League. The Covenant thus remains the firm and solid foundation upon which all our work must be based.

The three Rapporteurs have also been careful to emphasise that the common desire for peace can be expressed within the framework of the Covenant all the more effectively in view of the fact that the Covenant does not lay down a rigid code of procedure for the settlement of international crises. The new investigations which have been made and submitted to the Committee of Arbitration and Security conclude, as did the preceding, with a statement that it is at the moment impossible and perhaps even inopportune to draw up in advance a complete list of the measures to be taken. I am happy to note that here, too, I am in complete agreement with the Rapporteurs.

During these last years, the omissions in the Covenant, more especially those which appear to result from paragraph 7 of Article 15, have been much discussed. The Chairman of the Committee with perfect truth recognises in the Introduction that there was an omission from the legal point of view. He hastened to add, however, that, from the political point of view, there exists a force working in favour of peace in the threat constituted by the fact that freedom of action would thus be given to Members of the League in circumstances upon which the public opinion of the whole world would pass judgment. The Rapporteurs express the conviction that the Council could certainly use the position thus created in order to work for the maintenance of peace. Compensation for the legal omission will therefore be found in the political advantages accruing from this freedom of action.

In the view of the Japanese Government, the best method of favouring the cause of arbitration consists in the conclusion of arbitration treaties between two or more States; that is to say, between a restricted number of countries capable of contracting varied engagements, with a full understanding of their actual scope and taking into account the special situation of each country.

This opinion indeed coincides with that of the Rapporteurs, who, in their report, point out that, during the last years, numerous States, particularly in Europe—a continent where the problem of security is the most acute—have concluded special or collective treaties for arbitration and security, and that this method appears to be the most practical which can be recommended at the moment to States seeking greater guarantees of security. The resolution of the Assembly of September 26th, 1927, also recommends this method of special or collective agreements, in order that all States may share a spirit of mutual confidence. M. Holsti has been careful to emphasise that the differing character of the positions of States suggests that a certain difference should be made in the provisions of the arbitration treaties to be concluded. The Japanese Government, however, would have no objection if the Committee on Arbitration and Security proceeded immediately to a study of the whole problem from the legal point of view, in order to draft a model treaty which could usefully serve as a model for future arbitration conventions and to which countries desirous of concluding such treaties could, with profit, refer. My Government is also of the opinion that the Committee, when making these investigations, should take into consideration the draft conciliation convention recommended by the Assembly at its third session, in order that it should be developed and made more general at the same time as arbitration treaties.

As far as the reservations usually inserted in most arbitration treaties and which limit to a greater or less extent the scope of the engagements undertaken by the contracting parties are concerned, it is my duty to say that, up to the present, the Japanese Government has excluded from the sphere of application of such treaties all disputes affecting the independence, honour or vital interests of the country. These reservations might have appeared too large

because they depend to a great extent on the interpretation given by each party concerned. On the other hand, they used to correspond to the position of the contracting parties at the moment when the treaties in question were concluded. This position is perhaps not the same to-day as it was then. It is for this reason that the Japanese Government contemplates proceeding to a revision of the existing reservations and it is at the moment submitting this problem to a very close scrutiny, of which the result will be communicated to the Committee in due course.

As far as the various concrete and special suggestions contained in the three memoranda are concerned, I reserve my right to make known my opinion when we begin the detailed discussion.

M. SOKAI. (Poland). — Mr. Chairman, Gentlemen,—I first of all wish to associate myself on behalf of the Polish Government with the tribute paid to the Chairman and the Rapporteurs for the very remarkable work which they have accomplished. I think that this work is the best proof that the Committee on Security was a necessity, and that there is something to be done in the sphere of security. I congratulate them on this result, which I welcome, for the Polish delegation has always taken the view that the establishment of such a Committee was indispensable.

My Government has taken note with the greatest interest of the memoranda submitted by the Rapporteurs and of the Introductory Note of the Chairman presenting the preparatory work submitted to our Committee for examination.

I will confine myself to certain observations of a general kind without entering into a detailed examination of the document before us.

In the first place, the fundamental view of the Polish Government has always been that the reduction and even the limitation of armaments, if they are to be contemplated from the point of view of political reality and not merely theoretically, or for purposes of propaganda, can only be achieved by increasing security—at any rate, in certain parts of the world. The co-operation of the representatives of States and the exchange of views which has constantly been taking place on this capital point have resulted, I think, in a *rapprochement* of hitherto opposing views, which is beneficial. I heard this morning with great satisfaction the representative of the British Empire refer to the interdependence of security and disarmament. I think that the view according to which disarmament pure and simple without any corresponding increase of security can be sought has now been abandoned. We can note with satisfaction that the Committee on Arbitration and Security has proved its usefulness in accomplishing the first preparatory stage of the task entrusted to it.

With a view to increasing security, which is the precise duty of the Committee, it has often been asked what is the actual state of security at present, and whether and in what measure the Covenant of the League of Nations establishes an effective degree of security.

We admit that the Covenant can contribute to the establishment of a real sense of security, but this depends on a great number of circumstances, which vary according to the different countries and their different positions. The security afforded by the Covenant is not a factor which can be measured. It is to a certain degree an unknown factor—as long, in fact, as no concrete case arises. To increase the feeling of confidence, which, as has been so well stated by M. Politis, results from the subjective appreciation of the state of security, it is necessary to establish an element of security which shall be measurable and known in advance. What can be done to create this element?

— Here I would recall the proposal of the French delegation submitted to the Preparatory Commission, of which the object was to seek for methods and means whereby the help of which a State attacked might avail itself could be rapidly mobilised. That is one method.

I would also recall the proposal of the Finnish delegation regarding the financial assistance to States victims of aggression. During the discussion, the grant of this assistance was contemplated not only in the case of victims of war but also as a preventive measure.

The memorandum of M. Politis contains the idea of regional agreements, for which all elements are to be found in the Rhine Pact. We have always put forward this idea ever since the time when it was apparent that a general agreement could not be achieved. It is enough for me to remind you of the Polish proposal submitted to the Preparatory Commission at its second session and which was studied by other organisations of the League. I am happy to see, therefore, that this idea of regional agreements has obtained all the support it deserved from M. Politis.

It is unnecessary for me to remind the Committee that it was on the Polish Government's initiative that the Assembly of the League at its eighth session adopted a Declaration condemning war of aggression. M. Politis quotes, among other elements in connection with regional agreements, the prohibition of recourse to force, and thus confirms another fundamental view of Poland.

I now turn to the question of treaties of arbitration and conciliation, and it is my duty to state that the Polish Government shares the views contained in the memorandum of M. Holsti. In my view, these treaties cannot be considered to constitute in themselves a sufficient guarantee of security. They cannot have any real importance for the maintenance of peace unless they are connected with the development of the stipulations of the Covenant or with the achievement of regional agreements of non-aggression and mutual assistance.

This view is in conformity with the proposal which Poland made at the eighth session of the Assembly, according to which the prohibition of wars of aggression was connected with the peaceful settlement of all international disputes.

I listened with the greatest attention to the speech of the representative of Germany. I found in it many suggestions of great interest, which it would be well for us to study in the

future. The suggestion concerning the possible future re-establishment of the *status quo* by a decision of the Council, even in cases where the conflict has already begun, struck me as of particular importance. I do not for the moment wish to enter into details, but I already consider that this proposal requires, in order that its full value may be obtained, an effective control on the part of the Council. I hope that we shall have an opportunity of examining later on as fully as possible the very interesting suggestions which have been made to us this afternoon.

In conclusion, I desire to state that I reserve my right to make known on a future occasion my views regarding the part which the League of Nations ought to play in the achievement of regional agreements. This is a very important point of the report of M. Politis. I think it indispensable for the moment to state that my Government desires to see the League of Nations play a positive and active part in this field.

The Committee rose at 6.45 p.m.

THIRD MEETING

Held on Tuesday, February 21st, 1928, at 10.30 a.m.

Chairman: M. BENES (Czechoslovakia).

4. General Discussion (continued).

General DE MARINIS (Italy). — Mr. Chairman, Gentlemen,—I shall not take up much of your time, for I think the best method to achieve progress is not to waste time in holding a general discussion, all the more so as the questions with which we have to deal are not before us for the first time, and very numerous and very interesting discussions have already shed much light on the hopes which we may propose to realise.

The three documents drawn up by the Rapporteurs, to whom I would pay the warmest tribute, are definitely based on results of the studies which have been made. The arguments developed in these documents, as well as the very clear summaries at the end of the memoranda themselves, show how much our colleagues tried to bring their discussion to bear on well-defined points by avoiding the theoretical side and by thus clinging to the task which we have undertaken and which it has rightly been emphasised is of a political nature; that is to say, a positive and constructive task.

This said, let me tell you as shortly as possible the point of view of my Government regarding the most important suggestions contained in the reports before us. As far as the measures to be taken to increase the feeling of international security are concerned, we share the views of the Rapporteur that a general treaty open to all countries Members of the League of Nations must be provisionally excluded, for, as the Rapporteur himself rightly pointed out, the extent and uniformity of the guarantees which such a treaty would have to cover cannot be adapted to the varying positions of the different countries and to the differing nature of their relations. In our view, therefore, an endeavour must be made to increase general security by means of special agreements. We consider that the efficiency of such agreements concluded with a view to the maintenance of peace will be all the greater since they will be binding on nations between whom motives for disputes and differences may arise. If this principle be accepted, it is obvious that special agreements are particularly to be desired between countries, which, because they are neighbours holding common interests, may find themselves faced with the prospect of disputes arising between them. Agreements of this kind would be all the easier to conclude since, when drafting them, it would be necessary to make provision for dealing with a more limited number of possible cases of dispute than would be the case if it were a question of a treaty binding on several States. It appears indisputable that, if all the States composing the same continent could conclude bilateral agreements with their neighbours, it would be possible to remove by this means the danger of war between neighbouring countries, and thus a great step would be taken along the road to peace.

It may be that two States which are parties to a bilateral agreement may consider that it would be of use to have a larger measure of security by associating one or more States in their work, either in the capacity of guarantors or as parties to the same treaty. In those circumstances, bilateral agreements would assume a wider scope, but they would not depart from their original purpose, which must be to meet special necessities with a view to guaranteeing peace between neighbouring peoples.

Less necessary, but always useful in order to strengthen the feeling of security, would appear to be agreements binding far-distant countries between whom a breaking-off of relations is not probable, or even if such a break occurred it would be unlikely that immediate military action would have to be feared. It may be said that such a statement is perhaps somewhat optimistic in the case of countries which, possessing world interests, have the duty of defending them and may thus run the risk of entering into disputes with far-distant countries whose interests are similar in extent. Generally speaking, however, for the other countries it can be admitted that pacific agreements concluded with all their neighbours would suffice to give them more definite guarantees. Without such agreements, it is obvious that these countries would have to seek other forms of agreements in order to safeguard to the best

possible degree their security. Nevertheless, there is no doubt that, as is recalled in the British memorandum, alliances between a group of friendly States which possess common interests have not always served in the past to maintain peace, even when originally they were based on considerations of a defensive kind.

A similar danger might accrue from regional agreements, in regard to which it should be pointed out that, if they are based on an organisation of military guarantees carefully worked out in times of peace, such measures might be imitated by other groups of associated countries and thus re-create in a new form the competition in armaments for the sake of peace. It is for these reasons that we think that bilateral agreements between neighbouring countries must be considered as more useful for the development of general security.

This said, we do not exclude in principle the possibility of drafting a model regional treaty which might be open to the adherence of several States, and we are fully ready to co-operate in the preparation of one or more model treaties of this kind. The fact that we have signed the Treaty of Locarno shows that we are not opposed to plurilateral agreements. It must be pointed out, however; that the Treaty of Locarno has a particular character and a well-defined object, which is to remove a specific danger from a particular region of the world, as is pointed out in the British memorandum which I have just quoted. It is therefore desirable that regional agreements should be concluded with very great prudence, that their object should be clearly defined, that the procedure laid down for their enforcement should not be of a nature which would give rise to apprehensions or fears on the part of countries which are not parties to them, and that in any case they should be open to all States desiring to associate themselves with them. We cannot therefore consider as very happy the idea expressed by the Rapporteurs that alternative formulæ should be adopted for these treaties and a system of reservations added to them, for the inclusion of these would be the best way, in my view, of making the treaties of a general kind.

With regard to the procedure to be followed for the peaceful settlement of disputes—arbitration, judicial settlement, conciliation and mediation—the report examining these questions justly recognises the difficulties of adopting a system which would submit all disputes without exception to a previously established procedure. It may be that a country which was ready to submit to a particular form of procedure in connection with a certain country would prefer not to adopt the same form of procedure in the case of other countries.— It might also happen that questions might arise between the same countries which, because of their different nature, would require to be dealt with by different procedures. It would be necessary, then, to make provision in the treaties for different methods for the peaceful solution of the same class of dispute by leaving it open to the parties to adopt one or other of the procedures provided. The more the contemplated system is supple and adaptable to the interests and policy of the various nations, the more chance will it have of being welcomed by a greater number of Governments.

As far as the means to be used to make it possible for States Members of the League of Nations to execute their obligations under the Covenant are concerned, I would recall the part played by the Italian representatives in the organisations instructed to study the articles concerning these obligations. As far as Articles 10, 11 and 16 of the Covenant are concerned, I think it possible for me to accept in principle the conclusions of the memorandum concerning these articles.

The first Italian delegate has already laid before you on several occasions the views of my Government concerning possible changes which might be made in the text of some articles of the Covenant concerning the powers of the Council or of the Assembly. We consider that any addition or amendment made with a view to fixing in advance the procedure to be followed in any cases of dispute which may arise would be perhaps imprudent, for it would limit the initiative which the Covenant has expressly left to these two great organisations of the League in order that it should be possible for them to take advantage of the facts in each particular case, truly to judge of which depends on circumstances too numerous and varied to make it possible to foresee them.

The Rapporteur has refrained from defining the standards for the establishment of a presumption of aggression and has drawn up a list of facts which might serve as an indication for forming such a judgment. He has thought it necessary, however, to point out that the same act creates or does not create a presumption of aggression, according to the circumstances in which it is accomplished. This is a wise reflection arising from all that has been said in Geneva on this problem and which once more recognises the uncertain value of indications which might serve to establish a certainty of which the definition depends on very complex elements.

I hope, therefore, that the Committee will renounce the idea of seeking a definition which specially qualified organisations have not been able to find, while accepting as a mere indication, of course, the list of such indications, although I much doubt whether some of them are well founded, as I propose to point out when we examine them in detail.

I am confining myself to considerations of a general kind which I have the honour to put before you without extending them to all the very interesting suggestions which are to be found in the valuable report of the Committee.

I reserve the right to intervene in the discussion on special questions when they come before us. Before ending I should like to assure you, gentlemen, that I propose to co-operate with you in your work as devotedly and as diligently as I can.

M. PAUL-BONCOUR (France): I rise to speak in order to comply with the request made to us by the Chairman to lay before the Committee the observations of our Governments on the texts submitted to us and also in order to express the gratitude of my country to our Rapporteurs and to the Chairman for having so accurately and completely fulfilled the programme drawn up by the resolution of the last Assembly.

France, in our opinion—and this is the reason why the French Government has not submitted a memorandum—has sufficiently shown her position by the initiative which she took at the last ordinary session of the Assembly in the Third Committee, for the step which she then took resulted in the constitution of the Committee on Arbitration and Security.

Let me tell you that the French Government appreciates the step which, in its view considerable, has been taken along the road which we have been following for so long, by the existence of this Committee. I will not prolong the paradox so far as to say that, whatever it does from the moment that it comes into existence, much has already been gained; but in my heart of hearts I think that, by the very fact of its existence, by the very fact that you have established it within the Preparatory Commission on Disarmament, this Committee marks in a more concrete and more tangible form than ever before and in a more organic and permanent manner the indissoluble connection between disarmament and security which was referred to so strongly and so eloquently yesterday by the delegate of the British Empire and which the delegate for Poland has also emphasised. Organic and permanent; for it is this very element of permanence, as is the case with the Preparatory Committee for Disarmament, which gives value to these institutions. This, indeed, was emphasised in the resolution of the Assembly at its last ordinary session. These are not institutions which will disappear as soon as the object for which they have been created first begins to be realised. The Committee on Arbitration and Security, if, as I hope, it succeeds during its present session in reaching definite proposals, will not have exhausted its task. It will never have finished it any more than will the Preparatory Commission on Disarmament have finished if it succeeds, as I hope also, in drawing up the text of a preliminary draft convention making it possible for a conference to be summoned. The task must be continued, for it is by successive stages that we shall attain the end which we desire. The organisation of peace which we have in view is above all a work of continuous creation.

What France, gentlemen, desires to emphasise very strongly at the beginning of our work is that our Committee is of value because of its technical character. Whatever may be the general political atmosphere of Europe and of the world which sometimes prevents the League of Nations from realising all that is expected of it, the League is of value because of the permanent nature of its institutions, and because of the manner in which it prepares that which lately, in a meeting in my own country, M. Henry de Jouvenel, who has worked for so long here, called the technique of peace and which I myself call the positive organisation of peace. This technique, this labour of permanent organisation, are independent of general political circumstances which in any particular field may falsify expectations in comparison with the great hope which might have been raised. We have to perform a technical task, and it is the technical character of this work which our Rapporteurs have very strongly and excellently emphasised.

In what does it consist? What is our work going to be? Obviously, the beginning, as always, is the principles of the Covenant, which constitute everything which is continuous and abiding in our work. It is for this reason that each of the Rapporteurs and those who criticised these reports yesterday began by paying a tribute to the principles of the Covenant. I willingly associate myself with such a tribute.

It is none the less true that, though we are here obviously to accomplish something, it is because the obligations provided in the Covenant are according to the excellent formula used by M. Politis, undefined in their principle, hazardous in their application and still more hazardous by reason of that rule, obviously necessary, but extremely grave—the rule of unanimity. To achieve definite reductions of armaments—for you must not forget, and the delegate of the British Empire eloquently called our attention to it, that we are working here on problems connected with security solely in so far as they concern the work of disarmament—not only is a vague form of security necessary, however certain it may be, but also definite security is needed; M. Sokal added very rightly “measurable”. As the representative of the British Empire pointed out, disarmament and security are so closely linked that it is not possible to tell which is the cause and which is the effect. This is strictly true, and I associate myself most warmly with this statement. Neither the one nor the other is the cause or the effect. They are both of them the cause and effect and they must be considered unceasingly as parallel problems without trying to solve one in order to begin the examination of the other and without studying the second without having brought the first to perfection. In reality, it is necessary to study simultaneously both security and disarmament, and this is the meaning of our Committee.

How shall we proceed? By the three ways opened to us by the Assembly at its last session. This was the great merit in my view of what was done in the last Assembly and that was why it ended in an atmosphere of hope very different from the atmosphere of frustrated expectations with which it began. We looked things clearly in the face without mincing words and by means of very definite and loyal statements we fixed what we could do and what we could not do for the moment. It is probably that which has caused the insertion in the three reports of the statement which is to a certain degree preliminary in nature that an undertaking in a general world form giving the necessary precision of definition to the Covenant is not perhaps possible at the moment, and it is obviously for the same reason that M. Politis himself—and certainly when he wrote it he felt that it was a massacre of innocents—stated that for the moment the hope of the Protocol must be abandoned. At the same time, in the ten pages of his remarkable report, he has on six occasions invoked the principles of the Protocol. Therefore, and this verifies what I said at the beginning of my speech, whatever atmosphere reigns in the general policy of nations which prevents any particular point from succeeding, the merit of the technical work which we are undertaking here is to establish ourselves as a kind of laboratory of international ideas and international organisations. Even if those ideas cannot be realised in the form in which we conceived them at a given moment, they will continue

to show their activity and to inspire us. They inspire us in a somewhat fragmentary manner, but the total sum of their inspiration constitutes in the end what we hoped. They guide us through the three breaches that we have driven in the wall which at the beginning of the last Assembly appeared to block the horizon and shut out all our hopes. The first is the work of my friend and colleague M. Rutgers—the study of the Covenant. Attempts to define the Covenant have been put aside, and, I think, very wisely. If we desire at this moment to try to add anything to the Covenant and to its obligations, we may achieve a result opposite to what those hoped who desired us to make this attempt at definition, for perhaps we shall not be able to regain the political and moral atmosphere which existed when the Covenant was drafted. At that time, just after a terrible war, we were more concerned with contracting international undertakings which would prevent its return. A great hope also existed at that time to the effect that the great nation on the other side of the Atlantic would also sign the Covenant. It is certain that the absence of its signature has affected to a certain degree the definitions and obligations of the Covenant. There is, therefore, no question of definition, at any rate for the moment, for I think that it would be imprudent to undertake any such task. M. Rutgers used a very just expression and one which he borrowed from our colleague, M. de Brouckère. He spoke of “exploration”. Let us explore, he said, the articles of the Covenant and let us see what they mean in their present form. In company with M. Rutgers, we are going to try to carry out this exploration. Nevertheless, do not let us explore Article 16 too thoroughly, for I fear to fall into the error which I spoke of a moment ago. Let us leave it alone, but here I am going to pick a friendly quarrel with my colleague and neighbour. The report of M. Rutgers refers, for the interpretation of Article 16, to certain decisions of the Assembly of 1921. He says that, though these interpretations were not ratified, nevertheless they exist. I could reply to him by a similar form of reasoning. The Protocol was never ratified, and none the less it exists, and consequently I am just as free to interpret the obligations of the Covenant by means of the provisions of the Protocol of 1924 as I am by means of the interpretations of the Assembly of 1921. This would obviously lead to a discussion which would achieve no success. Let us take things therefore as they are, with the inevitable lack of precision in the principle, as M. Politis said, and the hazardous character of its application.

On the other hand, let us explore very carefully Article 11. From this point of view, I was interested in the observations made yesterday by the German delegate on the conservatory measures to be taken and by the whole series of ideas which he developed.

All our colleagues must remember that on this point our work, if not ended, is at any rate well begun. Do not forget, gentlemen, that, in connection with the preparatory work of disarmament, a Committee of the Council has examined this point and drawn up a report. This report was submitted by the Assembly of September 1927 to the Council for adoption, and the Council, at its meeting of December 6th, 1927, adopted the report, pointing out, with much truth and prudence, that it did not constitute a rigid rule binding in all cases which might arise, but a very useful indication of what should be done.

Consequently—and I think that my colleagues will agree with me, for the continuity of our work is obviously the condition of their success—we already possess, with the ideas to which the German delegate has drawn our attention, a whole collection of work approved by the Assembly and adopted by the Council. This work already constitutes a practical realisation of the programme assigned to us. It consists of conservatory measures tending—in order to remain within the scope of prevention—to prevent the outbreak of the latent dispute which was brought before the Council of the League of Nations, and to prevent the carrying on by both parties of those preparations which we know from recent history constitute the massing of the clouds from which the lightning will soon flash.

The Committee of the Council has suggested a certain number of possible measures, but at the same time it emphasises two things, and in doing so it has done good work, for this is essential. In the first place, it considered that the greatest variation should be introduced into the instructions or, if you prefer it, into the recommendation ordering these measures. The Council was right, for circumstances are very varied and, according to the manner in which a particular dispute may arise or according to the gravity of the threat which has led a Member of the League to bring the dispute before the Council, it is obvious that the size and scope of the measures ordered cannot in every case be the same. The Committee of the Council has emphasised another essential point which corresponds to this psychological state of mind, this subjectivity referred to by M. Politis. That point is the indispensable control of the measures thus ordered. It is obvious that, at a moment of crisis, when a dispute arises, when two nations are contemplating the possibility of war, the Council of the League must possess sufficient authority to put an end to certain kinds of preparations. It is also, however, equally obvious that a nation would not consent to this form of control unless it could be assured that it would be applied in an equally effective manner to the other party also. It is for this reason that the Committee of the Council, in its report approved by the Assembly and by the Council in December last, drew up a list of experts to be kept constantly up to date by the Secretariat, and from which in time of crisis involving the application of Article 11 of the Covenant, the Council would choose a certain number to carry out immediately the necessary enquiries on the spot; that is to say—to give this task its true name—to exercise that indispensable measure of international control. On this point, gentlemen, a certain amount of work has already been done. We must now discover whether we shall pursue and confirm it.

There is a second way before us, a second door open—the report of M. Holsti on arbitration. In agreement with the delegate of the British Empire, I am very happy to receive the interesting suggestions made to us by the Swedish and Norwegian Governments on this point. Our Scandinavian friends are particularly in favour of the idea of generalising arbitration, as is the

case with anything which we like. It is obvious that they have laid before us suggestions which I think might serve as the starting-point of very useful work. Arbitration can be considered in both its forms, the multiplication of special arbitration treaties or a general arbitration treaty sufficiently supple to make it possible for a large number of nations to subscribe to it. I myself prefer the second method. We are summoned here, however, and do not let us forget it, to accomplish technical work which must be adapted to the plastic nature of political conditions which are themselves extremely variable. Secondly, it will be good, I think, to make provision in the study of the texts for both special treaties of arbitration and a model general arbitration treaty.

On this point, gentlemen, and in order to fulfil the invitation of the Chairman, I am in a position to state that France is entirely won over to the idea of a general arbitration treaty of this kind. Quite recently a large Committee—the Committee on Foreign Affairs of the Chamber of Deputies—adopted a resolution which constitutes in my view a very great encouragement for us, for it states that it is awaiting the end of our work and the achievement of these model treaties, making it possible to carry out that generalisation of arbitration which we desire, in order to take up a definite standpoint and to give effect to the results of the international work which is being accomplished here.

It cannot be disputed that all this adds to security, but I would refer here to the observation of M. Sokal: We are not yet within the domain of precise and measurable degrees of security for which reductions of armaments may be regarded as the counterpart, and these degrees of security cannot be inscribed in figures on the credit side of the balance-sheet to be balanced on the other side by corresponding reductions.

It is agreed that arbitration on as general a scale as possible and providing therefore for the necessary existing diversities is a desirable thing in itself. It is agreed that this may be a necessary consummation and that it will add enormously to general security. It is, however, certain, as the representative of the British Empire reminded us yesterday, that, if our work does not result in something tangible, precise and practical, it will be seriously compromised.

We must accordingly go further, and here we come to the third method of progress. It is agreed that we must have generalised arbitration, but that arbitration must be guaranteed and accompanied by sanctions. It cannot be denied that arbitration in itself adds to general security. It enables the articles of the Covenant to be applied more rapidly and makes their application more certain, since it enables the aggressor to be defined, and that is the principal point which has to be settled. When arbitration exists under the general or special treaty, the aggressor is the party which refuses to carry out the decision of the arbitrator and to that extent any further effort in the direction of generalising arbitration undoubtedly adds to security.

There is, however, a possibility to be taken into account, namely, the case in which arbitration is refused. Here the guarantee comes into force and the sanction begins to play a part. It is essential that this ultimate provision should be made. Naturally, it is repugnant to our intelligence and to our feeling, but when nations come together in order to reduce their armaments and partially to abandon factors of security which they possess, sentimental considerations, however legitimate they may be, must be set aside. It is by taking into account a supposition which is repugnant to our intelligence and to our feeling that the reductions of armaments to be effected will have to be fixed. When we come together in order to discuss those reductions, we must not allow ourselves to be misled. It is this very hypothesis of a possible war which we set aside and which we are here to prevent, which on the contrary must influence our discussions. It follows that it is essential that we should know what will be the general or regional guarantees which will balance the reductions in security involved by the reductions of our armaments.

Regional treaties are therefore essential in default of a general undertaking which, for reasons that it would be superfluous to mention again, we cannot for the moment realise. In the absence of the Protocol itself, we must have regional, local and partial applications of the principles of the Protocol. It was thus that the Locarno Agreements were conceived. Everyone pays a tribute to the work done at Locarno, but if the Locarno treaties are so excellent—which I firmly believe—it is essential that we should not keep those treaties for ourselves, but that we should endeavour to frame others. Since the Assembly of 1925, it must not be forgotten that we have been confronted with this formidable alternative: either to persist obstinately in a task which still lies before us but in regard to which it may be asked whether we can find an issue in precise definitions—in other words, the maintenance of the Protocol—or, on the contrary, to progress towards a system of regional treaties which were at that time in preparation and which were destined to result in the treaties of Locarno. Do not forget what was clearly indicated, namely, that in all our discussions in the Assembly of 1925 and in the final resolution of that Assembly, we only accepted that solution because we regarded it as a beginning which was to be followed up with similar operations in other parts of Europe. It is indisputable that the treaties of Locarno brought about an improvement of international relations in the part of Europe to which they applied, and for that reason the work of Locarno should serve us as a guide in our present task. Those treaties added indisputably to existing security, but it must not be forgotten that there are in Europe other rivers and mountains and frontiers, and other districts in which conflicts are possible and in which the dangers to peace are not less great. An essential part of the resolution of the Assembly at its last session consisted in the affirmation that the League welcomed the work at Locarno with hopes for the future and those hopes have not been disappointed as regards the region of Europe to which the treaties apply. There have, it is true, been many other treaties, but these are merely of a private character. Such treaties as are indispensable in present conditions run the risk of bringing to life again groups which formerly existed and of restoring previous alliances which we no longer desire to perpetuate, since the alliance for which we are looking is, if I may

use a biblical expression, the new alliance or universal alliance of the nations and not an alliance of special rival groups which may be opposed to one another. I repeat that these special alliances are necessary in the present state of affairs but that they involve a certain danger. We have said—and this is one of the three essential tasks of the Security Committee—that it is necessary to discover methods of developing these regional agreements. Well, gentlemen, we are dealing with that task and we have already before us the scheme of an excellent architect, namely, the report of M. Politis.

The question at issue is whether we really desire to abstract from the principles of the Protocol and the experience of Locarno the general ideas which may, subject to the necessary means being found, be applied to other regions of Europe. That is our technical task. When we have accomplished it, I fully realise that a further task will still remain, but that is a task which escapes us. This legal instrument which we shall have created corresponds exactly with what is feasible at the present moment. By adopting this method midway between an engagement of a general character, which the international mind does not for the moment render possible, and strictly special agreements which run the risk of reviving the formation of groups which is against the spirit of our international work, we shall have forged the instrument which will enable practical progress to be made.

In order that this practical progress may be made, certain general political conditions are essential. It is necessary that the Governments should desire such progress; it is necessary that public opinion should urge them in that direction. Such conditions are to a certain extent beyond our power to affect. You will, however, appreciate that all we are doing here is in itself an instrument of propaganda. There is, however, another field and another aspect to be considered, namely, that of the technical task entrusted to us. It will be for the Council subsequently to decide to what extent it can make use of the technical instrument which we have prepared. It would seem to be impossible that the Council, on whom the responsibility of settling disputes will to some extent fall, should not have at its disposal the means of preventing such disputes, and it seems to be equally impossible that, if such a responsibility should some day lie with the Council, it should not at least be able and willing to guard against the possibilities of dispute by inviting States to conclude regional treaties in which our salvation would appear to lie.

Let us confine ourselves to our present task, and, if I may venture to express a wish in conclusion, let us apply ourselves to that task as quickly as possible.

I remember a sentence in the speech delivered by our Chairman yesterday, on which I would venture to make an observation. Our Chairman told us, in agreement with the Rapporteurs, that he and his colleagues had wished, in order not to restrict the liberty of the Committee, to limit themselves to general indications, though the precision of mind of the Rapporteurs had necessarily introduced into those indications certain definite elements which were extremely important. The Chairman had added that, in view of that fact, it would be possible to frame texts very rapidly.

I do not know whether my colleagues are of the same opinion as myself, but in my view our practical work will begin precisely at the moment when we start preparing these texts. The inevitable differences of opinion or the impossibilities of ultimate agreement can only be estimated when texts are in process of being established. In our discussions of general ideas, which are certainly always a pleasure—for it is a pleasure to exchange ideas in the atmosphere of courtesy which prevails at Geneva—we know in advance what our respective positions will be. The interesting point is how we are going to bring them into agreement. I would therefore very respectfully suggest that the general discussion should be closed and that the discussion which has been opened to-day should be given concrete form and take a more definite turn as a discussion upon actual texts.

M. ERICH (Finland): I would first associate myself with the expressions of gratitude which have been addressed by members of the Committee to its Chairman, M. Benes, and to the Rapporteurs for the important work which they have done, and which will doubtless assist our discussions.

The Finnish delegates have heard with the greatest interest the declarations so far made and particularly the speech of Lord Cushendun. They were extremely glad to hear the declaration of the representative of the British Empire, which is in conformity with the previous declarations of Lord Cecil and Sir Austen Chamberlain in regard to the financial assistance which may be placed at the disposal of a State threatened with aggression, or which has become the victim of aggression.

The Finnish delegation expresses its sincere gratitude for this support, which is highly appreciated by the Finnish Government. It is convinced that the Financial Committee, which is dealing with this proposal, will give to it all the attention which it deserves, and that the Financial Committee will take into account the important declarations which on various occasions have been made on the subject. My delegation reserves the right to express its views on the subject of financial assistance regarded as an essential part of the guarantees of security as soon as this question is submitted for detailed discussion.

Before making a few observations on the report, I would venture to say something concerning the preparatory work.

After having noted the observations submitted by the German Government, but before receiving the memoranda of the three Rapporteurs, the Finnish Minister for Foreign Affairs elaborated an opinion on certain questions raised by the German Government which I will venture to read to you.

The German Government has submitted very interesting observations on the task of the Committee of Arbitration and Security, which, in its view, consists in an "... endeavour to find

for all conceivable disputes, without exception, a procedure which is calculated to lead to equitable and peaceful solutions". The German Government at the same time has pointed out that "under present conditions, there is as yet no possibility of all disputes of an exclusively political character being submitted for compulsory and final decision to an arbitration authority". It would seem to follow from those references that the Committee must endeavour, if necessary, to place at the disposal of States certain practical methods of procedure which will serve as the origin of a more extensive system to be established at a later date, notwithstanding all the difficulties involved, with a view to settling disputes of a political character.

It may hardly seem the moment to deal with questions of organisation which may at the present moment be too readily described as purely theoretical. A very important Member of the League of Nations, however, has indicated that it is the task of the Committee to endeavour to create for all disputes without exception a procedure likely to result in equitable and pacific solutions, and it would, therefore, perhaps be possible to consider certain hypotheses which might well deserve consideration on the part of the Committee.

If the category of legal disputes is to include all cases in which the point at issue can be considered on the basis of existing law, the category of disputes of a political character is appreciably extended, since it does not only include disputes which are essentially political, but also disputes which fall outside the category of legal disputes, not owing to their intrinsic character, but owing to the lack of any applicable legal regulation. There is, so to speak, an intermediate category of disputes which will tend to be reduced in proportion as international law develops. On the supposition that the Permanent Court will have to found its decisions on, among other things, the general principles of law recognised by civilised nations, the Statute of the Court provides for the case in which a dispute submitted to it is not capable, partially at any rate, of being settled by means of regulations which are purely legal, either customary or conventional. The German Government and certain other Governments have emphasised the utility of submitting disputes of an exclusively political character either to a conciliation commission or to the Council of the League of Nations. The Norwegian Government is disposed to go still further. It is evident that the two systems are clearly indicated in this connection. Whether one or other of these procedures is employed, the task of the body which will have to settle the dispute may be very appreciably facilitated by a practice according to which the parties themselves would agree on the general principles to be applied in cases where there is no rule of international law directly applicable. In this way, the element of uncertainty will be removed or diminished. It is also desirable to contemplate an arrangement according to which a conciliation commission may, under certain conditions, become an arbitral tribunal, either directly, by virtue of a general prescription contained in a collective convention, or by a special agreement established for the purpose between the parties. Further, the possibility may also be taken into consideration of applying to a report unanimously adopted by a conciliation commission the principle embodied in Article 15, paragraph 6, of the Covenant, to the effect that it shall not be lawful to resort to war against a State which conforms with the conclusions of the report.

The jurisdiction of the Permanent Court is not limited exclusively to disputes essentially legal in the strictest sense of the term. It may happen that the Court is asked to deal with the dispute which is not capable of being settled merely by applying rules recognised as forming part of international law, either general or particular. It is generally admitted that the disputes in which the political element prevails cannot regularly come within the jurisdiction of the Court, and that they may more suitably be settled by arbitration in the strictest sense of the term, provided, of course, that the parties agree to submit such disputes to a procedure which will result in a compulsory sentence.

On the other hand, it follows from the nature of the general duties of the Council of the League of Nations that, even in cases where a dispute submitted to it has an indisputably legal aspect, the Council may not be prepared to ignore the political considerations which, to a great extent, must guide its activity when it comes to recommending a settlement which may be acceptable to the parties. It is therefore natural that the Council, when confronted with a gap in existing law, should allow itself to be guided by considerations of political expediency inherent in the specific case without endeavouring to create, so to speak, a legal precedent capable of general application. In these circumstances, it will be understood that States may hesitate to have disputes arising between them settled by the Council. On the other hand, if there were adequate guarantees that all the legal arguments would be taken into consideration, and particularly if regard were had to general principles of justice and equity which may exercise a considerable influence in a given case which is not, in the first instance, regarded as being of a legal character, it is possible that many States would be prepared to confer on the Council by special provisions a competence exceeding that contemplated in the provisions of the Covenant for the settlement of international disputes.

It is, of course, possible for the Council to ask the Permanent Court for an advisory opinion which, without being obligatory on the Council, may be extremely useful to the Council when it comes to deal with the point of law. Apart from the fact, however, that States are not always disposed to apply to the Court, the Council may find itself in a position in which the point at issue is not to interpret a legal rule, but to discover a new legal rule and to establish a precedent. In such cases the problem is to settle a question by analogy or, in other words, to fulfil a function which is essentially of a legislative or quasi-legislative character. If in disputes of this nature the Council were regularly assisted by a body of independent jurists, the States would perhaps be more often disposed to bring them before the Council, not only with a view to obtaining a recommendation, but with a view to having the dispute settled by the Council. By this means it might be possible, if only to a very limited extent and in cases more or less exceptional, to have certain disputes settled in which the political element

is predominant by means of a procedure which, without losing the elasticity characteristic of the procedure of conciliation, would at the same time have the advantages of an objective and impartial examination resulting in a compulsory sentence. The application of such a rigorous principle would naturally presuppose a special agreement between the States concerned.

The Finnish delegation has thought it desirable to present these few general observations, which were, as I have said, drafted before the publication of the report, in view of the fact that the observations of the German Government may be regarded, so to speak, as an invitation to collaborate in the search for a pacific procedure for all disputes which have hitherto been causes of war, a procedure likely to result in equitable and decisive solutions. It is impossible, however, to take up the study of this problem without realising that the stipulations of the Powers in compulsorily undertaking to apply a particular form of procedure are subject to many reservations and that at present the problem is to frame various possibilities and to place at the disposal of States new methods to be used at their own option. The Finnish delegation is of opinion that the proposals of the Norwegian and Swedish Governments may usefully serve as a basis for collective conventions to be concluded in the future with this object in view.

The Finnish delegation is glad to note that some of the considerations above mentioned are confirmed by the observations of the Rapporteurs. Thus, the memoranda on arbitration and conciliation reckon with the possibility of establishing provisions concerning the laws to be applied by arbitrators when they are dealing with special disputes of a non-legal character. Similarly, the memorandum on questions relating to security contemplates, among other things, the possibility of agreeing that the unanimous recommendation of the Council shall be recognised by the interested parties as final and compulsory; in providing for the reference of the dispute to a body of arbitrators, the Rapporteur has also expressed an idea more or less analogous to that put forward by the Finnish Government.

The Finnish delegation, while regretting that circumstances lead to such a conclusion, can only associate itself with the view of the Rapporteur who regards the possibility of a general treaty of security as provisionally excluded. Such a thesis, however, cannot, in the opinion of the Finnish Government, be admitted without an important reservation. The Polish proposal concerning wars of aggression unanimously adopted by the Assembly in September 1927 might be usefully transformed into a formal convention capable of completion by special agreements of non-aggression and security. The Assembly declared that wars of aggression are and remain prohibited, and wars of aggression are now condemned as an international crime. It is, of course, legitimate to draw certain practical conclusions from the fact that this declaration does not take the form of a strict and conventional obligation, but it is no less evident that it expresses a general principle of law recognised by civilised nations, or at least by the great majority of them. It is equally evident that the Members of the League of Nations, in unanimously adopting that declaration, acted quite seriously and with a full appreciation of what they were doing. Why, therefore, should not the logical consequences of that expression of opinion be drawn and the general declaration be transformed into a concrete convention? By endeavouring to do that it would be possible to see to what extent States were disposed to adopt the logical consequences of the declaration which they approved and to ascertain what questions relating to aggression should be left for future settlement by agreements and special conventions.

The Finnish delegation reserves the right to return at a later stage in detail to this important question. For the moment it abstains from emphasising all the important consequences logically implied in the resolution adopted by the Assembly, and it will confine itself to indicating that, in emphasising the necessary connection between the prohibition of aggression and the obligation to use all possible measures of a pacific character, the declaration of the Assembly is a recognition of the fact that the more a State is disposed, so far as it is concerned, to submit all its disputes with other States either to arbitral or judicial settlement or to the procedure of conciliation, the more it is justified in pleading on its own behalf a certain presumption in its favour when the question arises of determining the aggressor and the victim.

The Rapporteur, M. Politis, justly emphasised that it is desirable in regional agreements to reserve to the Council the right to consider among other things the restoration of normal relations and the question of reparations at the charge of the aggressor. It is perhaps well to remember that the Finnish Government, in a memorandum forwarded to the Preparatory Disarmament Commission in February 1927, gave its views in detail concerning the conclusion to be drawn from the obligations based on Articles 10 and 11 of the Covenant. The Finnish Government expressed itself as follows:

“ . . . if Article 11 really means that any war is a matter of concern to the whole League, we may draw the vitally important conclusion that, *not only the outbreak and progress of a war, but also its settlement are matters of concern to the whole League*, and that, in view of this fact, it must take measures to bring about a just solution of the conflict and one in conformity with the principles of the Covenant. It would hardly be in accordance with these principles that the victim of aggression should be obliged to suffer the losses and damage caused by war (compare Article 15 of the Geneva Protocol); it would be still more unjust if it were to suffer in its independence or territorial integrity. Unless the fundamental provisions of Articles 10, 11, 16 and 17 are to lose their real and unconditional force, intervention by the League must also extend to the final phase of a war.”

In regard to the liquidation of war, I would venture to refer to a declaration previously communicated to the Preparatory Committee on Disarmament, because this declaration contains certain ideas which are intimately connected with the observations of M. Politis.

The meeting rose at 12.50 p.m.

FOURTH MEETING.

Held on Wednesday, February 22nd, 1928, at 10.30 a.m.

Chairman: M. BENES (Czechoslovakia).

5. General Discussion (continued).

M. ROLIN JAEQUEMYS (Belgium). — Mr. Chairman, Gentlemen,—Coming for the first time to Geneva to represent Belgium on the Committee on Arbitration and Security, I remember with some emotion meetings at which I had the honour to be present at the Hotel Crillon under the chairmanship of President Wilson, where I met for the first time Lord Robert Cecil and M. Léon Bourgeois. I have preserved an undying memory of those meetings.

Since then I have remained far from Geneva, but I have followed with interest the wise and prudent working and development of this institution which I saw at the outset of its career, and it is with confidence that I am undertaking the task entrusted to me when the Belgian Government did me the honour of appointing me as its representative on the Committee on Arbitration and Security.

It seemed that my first duty was naturally to acquaint myself with this important enterprise, and I will not disguise from you that at the end of four days, when I had successively received documents continually more numerous and interesting, I felt myself somewhat overwhelmed. It was accordingly with a feeling of relief that I received the able reports of M. Holsti, M. Politis and M. Rutgers and the clear statement of our Chairman. These documents inspired me with the hope that I should be able to collaborate usefully in your work and that somewhat restored my confidence in myself. I shall not venture to congratulate our Chairman and our Rapporteurs, for I do not feel myself qualified to do so. I do, however, address to them my sincerest and deepest thanks.

My first duty here is to acquaint you with the feelings and intentions of the Government which I have the honour to represent. I think I may be extremely brief on this subject. I do not think that anyone can doubt for a moment the interest which the Belgian Government continues to take in the development of arbitration and the strengthening of peace in the world. I will in this connection refer to the speech of M. Hymans, present Minister for Foreign Affairs, who was Foreign Minister in 1924 and who at that time addressed to the Assembly words which I have just been reading. These words showed a firm faith in the ideal so splendidly embodied in the Protocol which was at that moment under consideration, but whose realisation was perhaps to be regarded as rather distant.

I scarcely need remind you of the active and distinguished collaboration of our Minister for Foreign Affairs, M. Vandervelde, in the work done at Locarno. Perhaps I may be permitted to refer also to the special participation of M. de Brouckère in the work of disarmament. M. de Brouckère was here for numerous sessions and I have studied the results of his labours in various notes and speeches.

These documents show the views of the Belgian Government. These views remain what they have always been and nothing has been changed. They require that I should wholeheartedly devote myself to the work of peace for which the League of Nations was created and to the more special work which we are undertaking at the present moment, and I shall do so in all sincerity.

Success, however, does not mean that everything can at once be accomplished, and the present aim, in my view, is to make a further step forward, but a step which shall be clearly in the direction of pacification. That should be done without going too fast, as precipitancy sometimes makes it necessary to go back on work already done. Security and disarmament will result from the work of pacification. I do not say that we are to take a *first step* in that direction, for the first and greatest step was that which I saw taken when the League of Nations was created. But, since then, several steps in advance have been made and I hope that we shall now take yet another step forward and as soon as possible.

It is in that spirit that I have read the previous protocols and the memoranda of our Rapporteurs and it is in that spirit that I have asked myself what should be the general observations which I am now to make to you.

As regards arbitration, I must confess that the intervention of the League of Nations in special agreements between one State and another does not, frankly, seem to me of very great importance. Reference has been made to a model contract. What, however, is the good of such a contract? Contracts are drawn in accordance with circumstances and requirements. The same country will make an arbitration contract, drawn in certain terms, with a particular Power and will make a different contract with another Power which is more distant or established on another one of its frontiers. Moreover, if models are necessary, there are many in existence. Perhaps it would be better not to add new models to those which already exist. We shall run the risk rather of confusing the issue and are not likely to make any progress. I accordingly conclude, subject to further information, that this question of special arbitration and conciliation agreements and the question of the model contract may, without any disadvantage and even with profit, be left on one side.

Does this, however, lead us at once to a general protocol on arbitration? Nothing is further from my thoughts. We know that to undertake such a task would be to come up against a blank wall. This has already been said and I will venture to repeat it, and I shall

refrain from inviting the Committee to go deliberately towards an obstacle which is at present impassable.

I will now pass to the problem of security. I fully agree with the practical conclusion of the report of M. Politis in favour of regional agreements according to the Locarno formula. I think that everyone agrees on this subject. There is, however, a special point to which I would draw your attention. At first sight it is all very well to say that a decision should be taken in favour of the Locarno Agreements and the conclusion of similar regional agreements in other parts of Europe and of the world. When, however, that has been said, we have merely issued an amiable recommendation, which may or may not be followed. I think that it is important and interesting to *give a concrete form* to our views. I noted with particular interest what the delegate for the British Empire, Lord Cushendun, said concerning the possible intervention in favour of certain definite regional agreements which are of special importance. I do not think that I am alone in attaching importance to those words, as I found a reference in the same sense yesterday in the speech of M. Paul-Boncour. I would venture to associate myself with these delegates in emphasising that, in any question of regional contracts, that is the point of interest and the only point in which it will be possible for us, in my view, to intervene. It is essential that we should recognise that the League of Nations may prudently take the initiative, as it has already done, and in as definite a manner as may be necessary.

Agreements of this kind have sometimes been confused with security agreements and there has been a tendency to describe the Locarno Agreements as security agreements. May I venture to urge, at the risk perhaps of shocking you to some extent, that I do not consider that security agreements are calculated necessarily to assist the cause of security as we understand it. Security agreements are one thing and security is another. The truth of that observation is shown by the fact that, if security were complete, security-agreements would be useless. The fact explains perhaps how a certain confusion has arisen on this subject and why the delegate for Germany, as I note in his memorandum and in a passage of his speech, expresses himself as follows: "There is perhaps no need to stop at security. I think that the intention was rather to speak of security agreements and that at a given moment it would be possible to proceed directly to disarmament".

I think, on the contrary, that we must try to encourage conditions of peace and the spirit of peace in order to achieve at the same time disarmament and security. These things go together. One is a factor of the other, and, as I have already heard M. Paul-Boncour say, it is impossible to determine whether disarmament will come from security or security from disarmament. I would wish, however, that the regional agreements which we are just now discussing may enable us gradually to dispense with security agreements, which are, I repeat, the consequence of insecurity and which do not in any way entail disarmament.

It will, however, be asked whether outside these regional agreements it is possible to discover any possibility of taking that step to which I was referring a moment ago. I do believe that there is assuredly all the same a method of achieving something more general than security agreements. I go so far as to believe that we can make a general agreement. I do not in any way despair of fulfilling the desire expressed by the delegate of France that something should be done. I think that we shall certainly be able to do that something in as general a manner as possible, at least in the direction of conciliation. It is in that spirit that I have already addressed a letter to the Secretary-General expressing to him the sympathy felt by the Belgian Government for the scheme annexed to the Swedish note. If you will read that note again you will see that, as in the case of many special arbitration agreements, it devotes two articles to arbitration and all the other articles to conciliation.

I was very glad to hear the declarations, appreciably in the same sense if I understood them rightly, made by M. von Simson, the representative of Germany, and by the representative of Japan. It seemed to me that these delegates also laid special emphasis on the advantage of conciliation and that they pointed out very rightly that, in many cases when there was an opportunity for discussion, catastrophes were avoided. What does conciliation amount to? It involves an obligation to discuss a question and when time is given for discussion the parties probably become wiser and more reasonable.

My conclusion is therefore as follows: Apart from what I have said concerning regional agreements, I submit a formal proposal that the Committee should consider whether the Swedish scheme might not serve as a basis for our discussions, on the understanding, however, that, if necessary, the few sentences relating to arbitration contained in the first two articles should be eliminated.

I understand that that also is the opinion of the delegate of Finland, or at least I conclude from what he said that he would be sympathetic with that point of view.

I have still to say a word on the question of the application of certain articles of the Covenant. I have already referred to the subject in the letter which I sent to the Secretary-General on the proposals and suggestions submitted by M. de Brouckère. If that question is discussed, and to the extent to which it is discussed, the Belgian delegate will follow in the same direction as far as possible, with only one reserve, however. The reserve is one to which I have already drawn the attention of General de Marinis, the delegate of Italy. It is to the effect that it is necessary to avoid binding ourselves too strictly by codifications and definitions which may perhaps render the action of the League of Nations less elastic than it should be and than it has, very fortunately, been up to the present moment.

For this reason I reserve these special questions until the time comes for their discussion, and in this connection I merely venture to draw the special attention of the Committee to two questions the solution of which appears to me to be extremely desirable from the point of view of the working of the League.

One is the question of *means of communication*. I know that work has already been done on the subject but, in my view, it is necessary to reach a definite solution in order to ascertain on what we may be able to rely. We must know what we have to hope for and what we must needs abandon.

In the same spirit I call the attention of the Committee to the question of *financial assistance*. I know how difficult the question is to settle. I even wonder whether it will be possible to achieve anything in this direction. Again, it is necessary to know as soon as possible whether or not there is any means of doing something in the matter and, if so, what exactly it is possible to do.

Dr. RIDDELL (Canada). — It affords me great pleasure to associate myself with the many expressions of appreciation of the able manner in which you and the three rapporteurs have carried out the work that was entrusted to you at the last session of this Committee.

Since the Government of Canada has not yet expressed its views before this Committee, I may perhaps be permitted to describe them in more detail than otherwise might have been necessary. Many of the questions raised in this Committee have occupied the attention of the best minds in my country for generations. Canada is a nation young in years, but she is old in the practice of the principles which this Committee has been set up to promote. It is now more than a century since the Rush-Bagot Agreement, which is referred to in your memorandum, was concluded for the purpose of giving greater security to two countries situated on either side of the world's greatest system of inland waterways.

Arbitration and conciliation have been discussed here to a great extent. In the opinion of the Canadian Government, the pacific settlement of international disputes is the primary purpose of the League of Nations, whether this end be achieved by developing further the machinery of the League itself, or by promoting treaties providing for special or collective agreements for arbitration and security. Whichever course is followed, the value of conciliation and investigation as distinct from traditional arbitration cannot, in the opinion of my Government, be over-estimated.

We have heard much for and against the acceptance of the Locarno Treaties as a basis of discussion, and no doubt it may be presumed that provision will be made for multilateral or bilateral treaties furthering arbitration in justiciable, and conciliation in non-justiciable, disputes, through special *ad hoc* commissions. As regards such treaties, the Canadian Government desires to call the attention of this Committee to the desirability of States which have geographical or similar difficulties considering the establishment of a permanent commission, consisting of equal numbers of eminent citizens of each country, for investigation and report or decision.

Canada and the United States have established an International Joint Commission of this type. This Commission, created in accordance with the terms of a treaty of 1909, consists of six members—three appointed by the President of the United States and three by His Majesty the King on the recommendation of the Government of Canada. These groups function not as separate national sections but as one international body. There is a Canadian Chairman, who presides at meetings held in Canada, and an American Chairman, who presides at meetings held in the United States. There are two secretaries, one in charge of the Commission's offices in Washington and the other in charge of its offices in Ottawa. The Commission holds two regular meetings a year, one in Ottawa in October and the other in Washington in April; other meetings or public hearings are held at such times and places as the two Chairmen may decide. In broad terms, the purpose of the Commission is, in the language of the Preamble of the Treaty, "to prevent disputes regarding the use of boundary waters, and to settle all questions which are now pending between the United States and the Dominion of Canada, involving the rights, obligations or interests of either in relation to the other, or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise".

Provision is also made for reference to the Commission, by joint consent of the parties, of any matter of difference arising between them.

Seventeen years of experience of the working of this Commission have shown the great value of permanence and equality in numbers in creating definite standards of procedure and in inspiring mutual confidence and impartiality in its members. During these seventeen years, twenty-three cases have been brought before this Joint Commission. Three others are now pending. Of the twenty-three, all except two have resulted in unanimous decisions. The two cases in which unanimity was not reached were considered during the first two years of the operation of the Commission. It will thus be seen that all the cases brought before the Commission during the last fifteen years have resulted in unanimous decisions. In considering the question of model treaties and the setting up of conciliation bodies, it might be advisable that this form of commission should be studied carefully.

As regards security, in reading the memoranda of the Chairman and Rapporteurs and listening to the speeches which have been made during the present session, it has been most encouraging to note the new emphasis which is being placed upon the Covenant as the basis of security. Too much importance cannot be attached to the fact that the League gives security by providing machinery for the solution of international difficulties and thus creating the habit and atmosphere of co-operation and the will to co-operate.

During these meetings more has been heard of preventive measures and less of penalties. There has been encouraging evidence that security is no longer considered as synonymous with sanctions. That, in my judgment, is great progress. Undertakings to employ military and economic pressure against a State violating the Covenant have their place, but, on the whole, such a procedure is not only the least constructive but also the least profitable course

for the League to pursue. It has been Canada's experience that the most effective sanction, in the settlement of either international or industrial disputes, is the force of informed and focused public opinion. It is the considered opinion of the Canadian Government that, particularly at the present time, security may be advanced more effectively by disarmament than by increased pledges of armed assistance. Our experience of the working of naval disarmament on the Great Lakes, which for a thousand miles form the boundary between the United States and Canada, and of military disarmament along more than two thousand miles of frontier, has shown how the absence of armed forces promotes confidence and does away with the fear and suspicions which are the enemies of security.

I come now to the second group of questions on our programme, that is, "the systematic preparation of the machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various articles of the Covenant".

As regards Article 11, the Canadian Government agrees that it is desirable to perfect arrangements for the speedy and effective action of the Council and the Assembly in emergencies.

As to Article 10, the Canadian Government considers that this article, which states a general principle the application of which must be deduced from the specific articles which follow, has already been interpreted by a resolution of the First Committee of the fourth ordinary session of the Assembly. This resolution, as will be recalled, was as follows:

"It is in conformity with the spirit of Article 10 that, in the event of the Council considering it to be its duty to recommend the application of military measures in consequence of an aggression or danger or threat of aggression, the Council shall be bound to take account more particularly of the geographical situation and of the special conditions of each State.

"It is for the constitutional authorities of each Member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of Members, in what degree the Member is bound to assure the execution of this obligation by employment of its military forces.

"The recommendation made by the Council shall be regarded as being of the highest importance and shall be taken into consideration by all the Members of the League with the desire to execute their engagements in good faith."

As regards Article 16, the Canadian Government is of the opinion that any increase or elaboration of the obligations of the Members of the League should await progress in solving the problem of the possible attitude of neutral States not Members of the League. With regard to the proposal of financial assistance to States victims of aggression, we agree that it is desirable to explore the avenues of such financial co-operation as is contemplated in Article 16.

As regards determining the aggressor, the Canadian Government is in agreement with the following statement contained in the memorandum on Article 10, paragraph 113:

"We are constrained to believe that any attempt to lay down rigid or absolute criteria in advance for determining an aggressor would be unlikely in existing circumstances to lead to any practical result."

We consider that, in the words of the Assembly at its second session, "it is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed". We are also in the fullest sympathy with the reservation made by the Chairman in discussing the question of regional security agreements between Members of the League, in paragraph 12, where he adds:

"Provided always that such treaties are conceived in the spirit of the Covenant of the League and are co-ordinated within its provisions."

We believe that such agreements will require careful scrutiny and that, in order to prevent their lapsing into ordinary military alliances, they should be made applicable to the aiding of either party in a possible dispute according to the circumstances.

If, as has been frequently stated, Canada is a producer and not a consumer of security, this is largely accounted for by the fact of her reliance upon conciliation and arbitration. In fact, Canada has been a pioneer in the search for non-military security, and, like most pioneers, she has had to pay a heavy price for her experience. Arbitration awards have always been accepted, but sometimes not without a feeling that we have suffered unduly for our faith in this procedure. The best evidence, however, of the success of our search for security is seen in the very large measure of disarmament that we have already been able to attain. Canada is profoundly interested in disarmament, and any constructive steps toward its achievement are assured of her earnest and sympathetic consideration.

M. UNDÉN (Sweden). — According to the procedure which has been proposed by the Chairman and which I entirely approve, the various members of the Committee are first, in the course of the general discussion, to express their views on the principles which underlie the memoranda of the Rapporteurs. At a later stage of the discussion, we shall have to examine in a more detailed manner the special points in the memoranda concerning which differences of opinion have arisen. I hope I am not exceeding the limits of the general discussion by drawing immediate attention to certain special points which are, however, of general interest and in regard to which I would like to submit a few observations.

It is well known that the Swedish Government has felt it necessary to take advantage of the opportunity offered to Governments by the Committee to address to its Chairman a scheme of a general treaty of arbitration and conciliation. I would, on behalf of my Government, very cordially thank the Chairman and the Rapporteurs for the kind consideration which they have given to this scheme. I would also venture to express to the speakers who have preceded me in this discussion my sincerest gratitude for the words of appreciation and approval which they have been so good as to utter on the subject of the draft treaty submitted to the Committee by the Swedish Government.

This draft, according to the opinion expressed in the Memorandum on Arbitration and Conciliation, is one that may be adopted as a basis of discussion in the event of the Committee thinking it desirable to frame a model general treaty dealing with the subject.

The Rapporteur, however, has at the same time drawn attention to obstacles more or less of a political character which lie at present in the way of establishing a system of compulsory arbitration. These obstacles arise even if compulsory arbitration covers only disputes of a legal character, other disputes—namely, disputes of a non-legal character—being submitted to the conciliation procedure.

The British memorandum shows very clearly that such difficulties exist. Certain States find it impossible to undertake generally to submit to an international tribunal all disputes of a legal character which may arise between them and another country, and they reserve the right themselves to decide whether an international dispute which may arise shall or shall not be submitted to an international tribunal.

It is clear that the Committee is obliged to take this attitude into account. Must it, however, be concluded that the Committee is obliged to abandon the idea of a general or collective arbitration and conciliation treaty? In my opinion, such a conclusion would be premature. I see, on the contrary, various possibilities of finding a way out.

First, it seems legitimate to suppose that the States which do not think it possible to accept compulsory arbitration for all legal disputes without exception might be prepared to sign a general arbitration treaty, subject to certain reservations, accepting the conciliation procedure for disputes which they do not consider themselves bound to submit to arbitration.

If this possibility is discarded, a second possible solution might be found in the establishment of a collective treaty which might be signed by the majority of the States in the near future on the understanding that the other States have the option of adhering to it at a later date, possibly subject to certain reservations.

There is even a third possibility, namely, the establishment of a general or collective arbitration treaty in spite of the negative attitude of a certain number of States. If these States are not prepared to conclude an arbitration treaty with all States, they would perhaps be ready to do so with a limited number of States. It might therefore be possible to frame a general treaty, and the States to which we are now referring might conclude special agreements, provided, that the general treaty should be applicable to disputes arising between them and some other particular State. Such a procedure would appear to facilitate the development of the system of arbitration and conciliation.

I would accordingly venture to suggest that the Committee should not confine itself to framing a model treaty for bilateral treaties, but that it should, on the contrary, abide by the idea of a collective or almost a general treaty, annexing to its report the text of such a treaty for submission to the Assembly in September.

I would also, in reference to the excellent memorandum of M. Holsti, make certain observations on the relations between the Council on the one hand and arbitration tribunals and conciliation commissions on the other hand.

As regards the relations between the Council and arbitration tribunals, the Rapporteur confined himself to quoting a passage from the report of the Special Committee of Jurists appointed by the Council resolution of September 28th, 1923, of which I had the honour to be a member. The Rapporteur evidently desired to associate himself with the conclusion of the jurists, and I need not say that I entirely agree with him in this respect. The passage of the report of the Jurists in question was as follows:

“Where, contrary to the terms of Article 15, paragraph 1, a dispute is submitted to the Council on the application of one of the parties, where such a dispute already forms the subject of arbitration or of judicial proceedings, the Council must refuse to consider the application.”

Perhaps it should be mentioned that the report of the Committee of Jurists was explicitly approved by the Council. I should perhaps point out that the heading of the chapter which I have in mind, namely, Chapter V of the Memorandum on Arbitration and Conciliation should indicate that it deals not only with the question of the relations between the Council and conciliation commissions, but also the question of the relations between the Council and arbitration tribunals.

If, however, this last question seems to be entirely clear and definitely settled by the report of the Special Committee of Jurists approved by the Council, the other question, namely, that of the relations between the Council and conciliation commissions, seems to me to be more complicated and delicate. The Rapporteur has clearly emphasised the various points of view which must be taken into consideration on this matter. On the one hand, no one will deny that the Council should not interfere with the work of a conciliation commission must intervene in order to maintain peace in the event of a dispute even if the conciliation procedure before a special commission is provided for such a case. The case may even be imagined when such intervention would be necessary though the conciliation procedure was

already started before an international commission. It is clearly necessary to take these two opposite considerations into account, both in establishing new general treaties and in applying existing treaties. This last question, namely, the application of existing treaties, must for the moment be left on one side. I would, however, draw attention to the fact that, in several treaties of conciliation concluded by Sweden, there is a stipulation to the effect that a dispute relating to the interpretation of the treaties shall be submitted to the Permanent Court of International Justice at The Hague. If a dispute arises as to interpretation, the Court would have the final word.

As I have just said, I am leaving this question on one side and I am considering first of all the relations between the Council and conciliation commissions as they would be regulated by a general or collective convention to be concluded. With this possibility in view, I cannot entirely agree with the opinion of the Rapporteur expressed in sub-paragraph 5 of paragraph 43. I would like to emphasise more precisely that only in exceptional cases and in situations which involve a danger to the peace of the world should the Council consider itself competent to deal with a dispute which, according to a treaty in force, must first be submitted to a conciliation commission. I would venture to remind you of the conclusion at which the Committee of Jurists arrived when dealing with this subject in the report which I have already quoted :

“ If the matter in dispute, by an agreement between the parties, has already been submitted to other jurisdiction, before which it is being regularly proceeded with, or is being dealt with in the said manner in another channel, it is in conformity with the general principles of law that it should be possible for a reference back to such jurisdiction to be asked for and ordered.”

Another Committee of Jurists appointed by the Council, of which I also had the honour to be a member, expressed its opinion on this question in a report of July 31st, 1922, in the following terms :

“ The Parties will, in the great majority of cases, find considerable advantage in submitting their disputes to examination by the Commission which they have created. If, however, in the opinion of one of them, the dispute is of such an acute nature as to be ‘ likely to lead to a rupture ’—a somewhat exceptional eventuality which would presuppose in the majority of cases a failure of the Parties to adopt the pacific attitude which the Convention imposes upon them during the conciliation preliminaries—Article 15 of the Covenant can be applied. Moreover, even in this case, it will be the duty of the Council, upon request by one of the Parties, to consider whether it should keep the examination of the dispute in its own hands or refer it to the Commission for consideration.”

I hope that this idea will be embodied in the report of our Committee in a form more precise than that in which it is given in the memorandum.

Passing now to the memorandum on questions relating to security, I feel bound, like several previous speakers, to associate myself with the views expressed by our Chairman in his introduction on the value of the Covenant as an element of security. My Government has always maintained that the Covenant must not be under-estimated from the point of view of the security deriving from it. The Swedish Government has not changed its opinion on that point. It considers that the system of security embodied in the Covenant justifies the carrying out of the provisions of Article 8 for the reduction of armaments.

In this connection I will make, in passing, a small observation. In the able memorandum of M. Politis it is stated, at the end of sub-paragraph 1 of paragraph 56 : “ It is now regarded as a twofold axiom that : (1) there can be no disarmament without security ; and (2) there can be no security without arbitration.” If the view is accepted that the reduction of armaments in peace constitutes an element of security—and that view seems to me to be absolutely in conformity with the Covenant—it is necessary to add to the sentence which I have just quoted the words “ and the general reduction of armaments ”. The sentence should then run as follows : “ It is now regarded as a twofold axiom that : (1) there can be no disarmament without security ; and (2) there can be no security without arbitration and the general reduction of armaments.” Everyone recognises that the rivalry in armaments constitutes the most formidable threat to war, and the Covenant explicitly declares that the maintenance of peace requires a reduction of armaments.

I already argued that the Covenant, in the opinion of my Government, has an intrinsic value from the point of view of security which it is desirable not to under-estimate. I would here more specially emphasise that the system of security embodied in the Covenant is bound up with the system of compulsory arbitration, and that it accordingly seems an exaggeration, or even perhaps an inexactitude, to say that the good faith of the parties is the only guarantee for the execution of arbitral awards. There is in Article 13 of the Covenant a stipulation requiring the Council to propose measures which would, in the event of a party failing to execute an arbitral or judicial award, ensure that the award should be carried into effect. The Council, according to the Covenant, is expected to use its influence with a view to ensuring the execution of arbitral awards, and can, if necessary, bring to bear any methods of pressure which are at its disposal in order to compel a recalcitrant to conform with the decision taken by an international tribunal.

Permit me to say, moreover, that the suggestions of the delegate of Germany to the effect that the Council should be invested with power to take conservatory measures, and to order the cessation of preparations for war in a time of crisis, seem to me to be of very real importance. It is true, as M. Paul-Boncour observed yesterday, that these questions have already been studied within the League of Nations, and have been the subject of certain recommendations of the Council and the Assembly, but it does not therefore follow that these

recommendations should not be reinforced and that their execution should not be assured by means of more definite undertakings. It is not possible for us to judge the practical scope of the suggestions put forward by M. von Simson until he has submitted concrete proposals on the subject.

As regards the idea of regional security agreements, I would confine myself to stating, on behalf of my Government, that Sweden has no individual interest in this question. Sweden has concluded two regional security agreements establishing demilitarised zones, namely, an agreement with Norway which provides for the establishment of such a zone along a large portion of the frontier between Sweden and Norway, and an agreement for the non-fortification and neutralisation of the Åland Islands, together with the archipelago situated to the east of the Swedish coast between Sweden and Finland. Moreover, we consider the agreements made between Sweden and the three neighbouring countries for the pacific settlement of disputes as security treaties. The peaceful settlement referred to in those treaties covers all disputes, whatever their character may be. My Government does not contemplate that Sweden will be a party to any other regional security treaties. It nevertheless welcomed with the greatest satisfaction the conclusion of the Locarno Treaties. If similar treaties can be concluded in other regions where the need for them is felt, the maintenance of peace will no doubt be encouraged. It is, however, of the utmost importance that such agreements should be of the same character as the Rhine Agreement, and that they should not constitute, to use the words of the British memorandum, a mere alliance between one group of friendly States whose interests are common. My Government shares the views embodied in the German and British memoranda on this subject. These views seem to be entirely in conformity with those of the Rapporteur.

In conclusion, I would emphasise that the welcome accorded by public opinion throughout the world to the Treaties of Locarno is not merely due to the guarantee pact concluded between certain Powers which signed the Locarno Agreements. The compulsory arbitration treaties between several of these Powers are regarded as an essential part of the work of Locarno. The Swedish Government, in view of the progress made in the field of compulsory arbitration as a consequence of the conclusion of the Treaties of Locarno, hoped and still hopes that an increasing number of States will accept in the near future the principle of compulsory arbitration.

It is not the same thing for a State to declare its readiness to resort, if necessary, to the procedure of arbitration and for it to assume final obligations to that effect in arbitration treaties. The difference between these two things is as great as that which exists between the old treaties of friendship and a treaty of guarantee of the Locarno type. In the first case, assurances of friendship are given. In the second case, there is a definite undertaking assumed by the contracting parties and covering concrete cases. Treaties of compulsory arbitration are not the expression of a merely useless formalism, but are integral elements of international law, to which the League of Nations proposes to give a more solid foundation:

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — Mr. Chairman,—In reply to your request that the Governments represented on this Committee should make known their general views at the present stage, I rise to speak in order to give you in outline the point of view of the Government of the Kingdom of the Serbs, Croats and Slovenes. I shall confine myself to considerations of a general kind, reserving my right to speak again during the course of the detailed discussion of the questions. I would join in the tributes which have been paid by various speakers to the three Rapporteurs and to the Chairman of our Committee for the very skilful manner in which they have fulfilled their task. I say "very skilful" because, up to the present, every speaker has found in the reports before us a confirmation of the essential ideas which they have expressed in the name of their respective Governments. This is a proof that the reports have been drawn up impartially with the object of furnishing us with a collection of material in which each of us may find, from his own particular point of view, the arguments which he needs to defend his own opinion. I consider that this was the principal task of the Rapporteurs. It is now for the members of this Committee to draw, if it is possible to do so, practical conclusions from this work in order to find a solution for the grave problems underlying international security.

In attacking the problem, I wish first to discuss the Introduction which refers, quite naturally, to security in the form in which it exists by virtue of the articles of the Covenant of the League of Nations.

In my view, and I think it is shared by all members here, the Covenant itself has created a certain degree of security. I cannot, however, support the opinion expressed in the Introduction. I do not think that this security is sufficient. Nor can I approve the opinion expressed that the articles of the Covenant in their present form could prevent the outbreak of war in most cases. I do not think that the Council of the League of Nations, in the present state of affairs, possesses the means and the authority necessary to prevent the outbreak of a conflict.

In my view, the question of conflicts should not be judged by rule of thumb; that is to say, by trying to discover whether in most cases the Council is capable, through the means which it already possesses, of putting an end to an armed conflict. I think that it is more important to examine the question whether the Council of the League of Nations as at present constituted, and whether the Covenant itself by the principles which it enshrines, provide means to prevent conflicts whose gravity is known to all and which may lead to catastrophe.

It is my duty to say that, in expressing this opinion, I have no intention of belittling in the slightest degree the authority of the great international institution whose seat is at Geneva. On the contrary, the Kingdom of the Serbs, Croats and Slovenes has always been, if I may be permitted the expression, the faithful servant of the League of Nations. My country takes

the view that peace can be achieved only by the League of Nations, by the union of all the constructive forces of the whole world and by an effort which shall be really international. Consequently, though we may express doubts regarding the efficacy of the means at present at the disposal of the League, we do this in the desire to see those means strengthened, and to see the League of Nations become in actual fact what it ought to be according to the views of its creators, a distinguished representative of whom we had the pleasure of hearing this morning. I am glad, and you must excuse me if I say so, to have been a very humble representative at the Peace Conference, when I was a member of the delegation of the Serbs, Croats and Slovenes. My recollection of what occurred is the same as that of the delegate from Belgium, and I experienced the same feelings as he did on the signature of the Covenant of the League of Nations. I think that it is our duty not to put aside this basis, which is truly international, common and collective in character, when we investigate all the problems before us, and especially the problem of the security of nations.

After this preliminary observation, I desire to state, in the name of the delegation of the Serbs, Croats and Slovenes, that we consider that the best guarantee for peace consists in the peaceful settlement of all international disputes either by arbitration or by judicial decision or by some procedure of conciliation or by other similar means. We are convinced that real peace can begin its existence as soon as international life is subjected to some kind of legal organisation, however imperfect it may be. States must renounce a part of their national sovereignty in exchange for some form, however slight, of international control. I am in agreement on this point with the representative of Germany. It is by ideas such as these that the creators of the League of Nations were guided in 1919. It is our duty to pursue the same path to try to strengthen the authority of the League and to lay down in a more detailed manner the essential principles which inspired those who drafted the Covenant.

I now desire to say something about arbitration. I refer to arbitration not as a means for the settlement of disputes but as a measure which in practice may succeed in giving a certain degree of security to nations. I do not wish to examine the principles of arbitration. I wish merely to remind you of what I find stated in a masterly manner which does honour to British diplomacy in the memorandum of the British Government. In that document is described with complete clearness the relations which exist between arbitration and security. The British memorandum emphasises the fact—and I repeat I would have said the same myself—that the Covenant of the League of Nations accepts arbitration as a principle. It goes no further. The British memorandum also shows us that arbitration concerns only disputes of a legal kind, and even such disputes are not all submitted to arbitration as a general practice. There are reservations, reservations of long standing and of so important a kind as to prevent the regular and normal process of arbitration. These reservations concern national honour, vital interests, etc., and restrict considerably the application in practice of this method of peaceful settlement.

The Kingdom of the Serbs, Croats and Slovenes takes the view that the peaceful settlement of all international disputes constitutes the best means for the preservation of peace. We are in favour of as wide a use of arbitration as possible, provided that it is a form of arbitration effectively guaranteed, and not a form which is at the mercy of the public opinion of the peoples in question or of the goodwill of the States which will be left free to execute or reject arbitral awards.

You see, gentlemen, that, from the point of view of security which is of interest to us—I speak of security upon which disarmament depends, since the two ideas are knit together logically and indissolubly—you see that arbitration is of a very precarious nature in practice. Must we shut our eyes to this fact or shall we say so openly? As far as I am concerned, and I express the view of my Government as well as my personal convictions, it is my duty to say that I do not consider that arbitration in its present form gives such guarantees as are necessary for the security of peoples. I would remind you that we represent Governments and that we are responsible persons, and I think that, if we put ourselves in the place of any Government which is examining the problem of its national security, we shall all reach the same conclusion, however great the regret which the discovery of that conclusion may give to a great number, and indeed I think to all of us. My conclusion, therefore, as far as the question of the peaceful settlement of international disputes is concerned and the application of a system of arbitration, of a procedure of conciliation or of judicial settlement, is the same as that contained in the British memorandum. We must have time to achieve proper security. We must have time to re-educate the peoples of the world in the international field in order that they may become accustomed to seek the protection of their interests in a just and peaceful settlement of a dispute and not by force of arms.

As far as the problem of security agreements is concerned, it is my duty to say that, on this point, the delegation of the Kingdom of the Serbs, Croats and Slovenes takes its stand on the Covenant itself. The Covenant in its Preamble and in Article 11 lays down the following principles: the principle of international solidarity, that of the co-operation of the peoples, that of the common interests in all questions affecting peace. Article 11 states:

“ Any war or threat of war, whether immediately affecting any Members of the League or not, is hereby declared a matter of concern to the whole League.”

Consequently, any war or threat of war is a matter for each Member of the League of Nations. The Covenant knows no region in the world capable of being of greater or less interest to a country. It has put aside the idea of specially safeguarding the interests of a State in a particular part of the world. All Members of the League of Nations have agreed to state expressly that a threat of war wherever it occurs affects the whole League and each one of its Members.

This, therefore, is the logical conclusion, gentlemen, to be drawn from the Covenant as far as the problem of security is concerned. Any system of security which conforms to the Covenant of the League of Nations must be based on collective means and on a collective understanding.

This is the view of the delegation of the Kingdom of the Serbs, Croats and Slovenes. My country is faithful to the Covenant and the League of Nations. She desires general security of an equal kind for all and equally just for all. The objection may be made that such a form of security is vague. I do not agree with that opinion. I think that general security achieved within the framework of the Covenant by collective means is of real value to all peoples. It is true that, for reasons known to everyone, for reasons the true value of which we appreciate and of which we would not diminish the importance, each country desires to remain free to defend its own interests in the manner which it thinks best. Though, however, a system of general guarantees, as well as that resulting from the Geneva Protocol, has not been accepted and ratified, we must nevertheless not cease to think of the Protocol, and we must direct our steps towards it.

I am very happy to note that M. Paul-Boncour referred yesterday to a phrase which runs as a kind of *Leitmotiv* through the mind of the delegation of the Kingdom of the Serbs, Croats and Slovenes. Progress achieved by the conclusion of regional agreements can only be the beginning of a new method of arriving at general security. The Agreement of Locarno cannot represent the end and object but must only be considered as a means of achieving it. The reason why we now agree to the opinion expressed in the report, according to which in the present state of affairs the nations must seek for security in special agreements and in regional agreements, is because we do so desiring to work for the realisation of the true ideal of the League of Nations, which consists in reaching security by means of a general system.

I was glad to hear the observations of the representative of Italy, who stated that he agreed, in principle, to regional agreements. I was the more glad to hear this as I thought of the common interests possessed by Italy and the Kingdom of the Serbs, Croats and Slovenes in the region in which both countries are situated. The representative of Italy and the representative of Germany have made certain reservations. General de Marinis said that such agreements must be open to all States situated in the region concerned. I agree. He added, too, that such agreements by virtue of what they contained should not give rise to apprehension in any part of the world. On this point too I agree.

I also share the views of the German delegate, who reminded you that such agreements must not be signed under pressure of any kind. What will happen, however, if a State in a particular part of the world is not ready to sign one of these agreements? Must other States renounce the security thus offered them or the understanding which they have reached among themselves? The formula proposed by General de Marinis, according to which these agreements must be open to all States in the part of the world concerned, appears acceptable, but it must be clearly understood that a State cannot be compelled to belong to such a combine if it does not desire to do so. In certain parts of Europe, however, there unfortunately exists no desire to follow the example of Locarno. For various reasons, countries in certain parts of Europe do not wish to or cannot follow the fine example given by Germany.

The system of Locarno has been criticised. Doubts have been expressed as to whether such a system is applicable to other parts of Europe. As far as I am concerned, I can reply in the affirmative, for it is not a question of applying the Treaty of Locarno as a whole but the essential principles which it contains. These are simple and serve the cause of peace.

The first is that there should be no recourse to war in any case between the contracting parties. Why can this example not be followed in other parts of the world?

The second is absolute respect for the territorial integrity of each contracting party. On this point I regret to make reservations concerning the report submitted by M. Politis, who, when speaking on clauses necessary for an agreement on security, made the recommendation that a clause respecting territorial integrity should not necessarily be inserted, for fear that the introduction of such a clause might produce an effect contrary to what was desired. In my view, these scruples are quite useless. In a matter like this, no room must be left for misunderstanding. Territorial integrity is already guaranteed by the Covenant in Article 10. Each State Member of the League of Nations undertakes not only to respect the territorial integrity of all other Members of the League but also to defend it. I can see no objection to following the example of Locarno to its conclusion, for any other procedure may perhaps give rise to hopes which cannot be realised and which will not have served the true cause of peace.

The third essential principle of Locarno, which shows that it represents a real ideal, is that this Treaty was signed by two ex-enemy countries which deliberately stretched out their hands to each other, not being constrained to do so and acting under no kind of pressure, but in order to live at peace. Why should other ex-enemy countries find it impossible to follow this example?

I now reach a point which I find referred to also in the report and in the British memorandum. It concerns the resolution of the Assembly of 1926 by which the Council was asked to make the offer of its good offices for the conclusion of similar agreements. It was on my proposal that this passage was inserted in the resolution of 1926. We have to-day to note that no Government has approached the Council of the League. This is true, but the reason is not because no Government has desired to approach the Council, but because no encouragement has been forthcoming whence encouragement should be expected, neither from the League of Nations nor from the Powers concerned. I refer to the great Powers.

You remember in what circumstances the Treaty of Locarno was signed and by what laborious negotiations that signature was preceded. You are aware how many diplomatic

steps led up to it. Let me tell you that a similar procedure is going on in other parts of Europe. May those who have so far turned a deaf ear be encouraged to follow another line of policy. When we come to the detailed discussion, I shall propose that the Council of the League of Nations should possibly take the initiative at some future date in the conclusion of such treaties.

I have tried to make my observations of a general nature. I have pointed out several courses which we might follow, and I will summarise them as follows :

In the first place, security is indissolubly linked with the problem of disarmament. Security as it exists at present by virtue of the Covenant of the League of Nations is insufficiently strong to serve as a basis for a fresh change in the foreign policy of States Members of the League. It is therefore necessary, and this is the task of our Committee, to discover practical means for increasing that security and for giving it a more effective and efficient form. These means are of various kinds. There is arbitration, procedure of conciliation, the judicial settlement of disputes, the wise advice which the League of Nations can give in case of need — there is, in fact, a whole series of practical measures which we are going to examine and upon which I will not dwell any longer at the moment. There are also certain articles of the Covenant itself which we are also examining with a view to defining their scope.

I reserve my right to speak on all this at a future date, but I wish to summarise the guiding motive, the true point of view of the delegation of the Serbs, Croats and Slovenes, when I say that, as far as the problem of security is concerned, we must have, as I had occasion to state last September, something more than formulæ and paper systems. The British memorandum states that, as far as the Treaty of Locarno is concerned, the whole force of the British Empire is ready to guarantee the execution of the obligations assumed by virtue of their Treaty. It is necessary, therefore, that the force not only of the British Empire but also of the other countries represented on the League should effectively guarantee the obligations which have been assumed. In this way the problem of security will be solved. I leave it, however, to my colleagues to decide for themselves whether we can, at this juncture, attain such an object.

The Committee rose at 1 p.m.

FIFTH MEETING

Held on Wednesday, February 22nd, 1928, at 4 p.m.

Chairman : M. BENES (Czechoslovakia).

6. General Discussion (continued). •

M. CANTILLO (Argentine). — The general discussion is too far advanced for it to be right for me to occupy your attention very long. It is my duty, however, to reply to the request of our Chairman, who asked us at the first meeting to express our respective points of view on security, arbitration and the articles of the Covenant, the three questions dealt with in the memoranda. I propose to reply to this request in a very general and brief manner.

What was tangled and confused in these matters has been to a great extent cleared up and straightened out considerably by the preliminary work of the Rapporteurs, to whom I, in my turn, would pay a tribute.

Though, however, the data of the problem appear to have been simplified by defining them, the work of co-ordination is still none the less difficult.

This is due to the fact that we represent different countries whose situations and states of mind are very different. As far as I am concerned, I speak in the name of a country of the South American continent. It is not merely a question of geographical distance away from Europe. I represent a country with traditions and special antecedents, with a particular manner of regarding the questions which we have to deal with on this Committee. This means in fact that the ideas, feelings and conceptions of my country do not always fit in very well with the ideas, feelings and conceptions of other parts of the world where the dregs of conflicts, centuries old, still inevitably remain.

In South America our only memories of military glory are those bound up with the fight for liberty and independence. Such memories are not, so to speak, confined within frontiers ; they are common to all countries of that continent.

It is true that, once the struggle for independence was over, conflicts certainly arose between one or other country, but these were, if I may use the expression, family quarrels, about a common inheritance in which the share due to each was not always easy to determine.

Above or beneath these controversies there was a common origin, a common language, a common faith and traditions, an identical political ideal, parallel institutions and the same point of view regarding the past and the future.

Thank God there are none of those rivers or mountains in our continent, to which M. Paul-Boncour alluded, which have served for centuries as chasms or barriers between fiercely opposed civilisations, interests and possessions.

You will therefore understand that the notion of security, in the sense in which many of you mean it—a notion that security should be more or less measurable, to use the phrase of M. Sokal—has no echo in our continent, and cannot be adapted either to our state of mind or to the characteristics of our international position.

For us, arbitration, which we consider to be an essentially American principle, is a sufficient guarantee of security.

There is no need for me to remind you here of the support given by Latin America to proposals for the adoption of this principle, nor need I refer to the part played by arbitration in the international policy of my own country. I would point out merely, without providing a superfluity of examples, that every grave dispute which we have had with our neighbours has been solved by arbitration. Arbitration for us has been a concrete reality: It was as the result of an adverse arbitral award that Argentine had to cede vast stretches of territory. Such a defeat loyally accepted was not regarded in our eyes as such, for it meant the triumph of right over violence and over war.

Now that I have made this clear, I think that my country will view with sympathy anything which tends to strengthen and generalise arbitration, and in that matter her co-operation is already secured.

On the other hand, it would be very difficult for us to conceive of the conclusion of agreements similar to the Locarno Agreements, involving mutual assistance or sanctions against a third party. Such agreements, far from serving the cause of peace on our continent, might, on the contrary, transplant these feelings of fear and suspicion which have so far remained and which must continue to remain unknown to us.

There is a third point upon which I must speak, the articles of the Covenant. I am inclined to think that it would be dangerous to define these with greater precision or to add rules of procedure to them. Their future efficacy depends in great measure on their elasticity. It is not by dotting the i's and crossing the t's that you will add any additional force to the Covenant. If, when it is put to the proof, the Covenant of the League of Nations shows itself to be of any value, it will not be because of its letter but because of its spirit.

M. RUTGERS (Netherlands). — I desire first of all to express my thanks for the kind words used by several of our colleagues regarding the memoranda submitted to them.

After all the speeches to which we have listened, it is useless, I think, to lay before you to-day the views of the Dutch Government on all the questions which we have to examine, and I will therefore confine myself to observations of a general nature.

The Dutch Government is of opinion that the experience which the League has gained in trying to draw up a complete plan of security should not be lost sight of. If such an attempt were renewed at this juncture, to do so would be to show dangerous optimism and to court fresh disillusion. Though, however, a general plan of such magnitude is not to be recommended to-day, does this mean that no collective plan has any chance of success? Should agreements less complete, less vast, and dealing with more limited matters be also considered outside the realms of possibility? Should the League leave it to the States alone concerned to strengthen the security which they already possess thanks to its Covenant? The Dutch Government cannot help thinking that it is possible to obtain a certain result through the direct action of the League. Obviously, such results would fall short of the hopes which have on so many occasions been expressed at Geneva by the representatives of the various States. There is a proverb which says that Rome was not built in a day. There is no need, however, to quote a proverb to realise that, as far as security is concerned, no possible chance of progress should be neglected.

I mention the direct action of the League of Nations, which I contrast with the drafting by the organisations of the League of model types of treaty which possess no force in themselves and which must await the moment when a group of States, after direct negotiation, adopts them and puts them into force. This direct action of the League of Nations might be carried out by means of general agreements of which the object would be to bind all States and which would require the ratification of all Members of the League before they came into force, or, if they took the form of amendments to the Covenant, all the ratifications required by the text of the Covenant. But the direct action of the League of Nations might also create other agreements of a collective nature which will only be binding on States which have signed and ratified them, but which will remain open to the adhesion of all States or all Members of the League of Nations in the form of conventions adopted by the Assembly, and of which the protocol of signature is open at Geneva.

The memorandum of M. Holsti deals exhaustively with such collective agreements on arbitration and conciliation, and our Committee will have occasion to return to this point.

In the memorandum of M. Politis, mention is also made of regional agreements on security open to other States than those which originally signed them. Here, too, can be perceived the idea of developing regional agreements in the direction of collective conventions. Though this development is only provided for in a limited degree—and this limitation was certainly not the desire of the Rapporteur—this is to be explained by the fact that, if there is any question which experience shows does not lend itself easily to settlement by means of general agreement, it is undoubtedly the question of mutual assistance, which occupies a large place in regional agreements on security.

The difference between the establishment by the League of Nations, on the one hand, of collective treaties and model bilateral or multilateral treaties, on the other, is in my view considerable, I cannot share the doubts of certain of my colleagues regarding the importance of these model treaties, although they are nothing more than models. No State can sign them unless they have been previously adopted by two States or by a group of States. By following this procedure, the League of Nations confines itself to giving States good advice. In drawing up a collective treaty, however, the League does not rest content with a sample recipe for peace. It is itself preparing the banquet and laying the table when it says to States, "From to-day onwards you can sign the protocol at Geneva which has been opened under the auspices of the League".

I wish to draw your attention to another characteristic of this collective treaty, which is that, in establishing it and in opening it for the signature of States, the League can effectively

ensure that it is co-ordinated with the Covenant. It can supervise its terms so that they shall be contrary neither to the letter nor to the spirit of the Covenant.

We must now discover whether there are any questions which lend themselves to settlement by means of collective treaties open for signature. The reply, I think, can be in the affirmative. We have, indeed, before us the example of the Optional Clause to Article 36 of the Statute of the Permanent Court of International Justice. In this case there is no collective treaty to be drawn up. It already exists, and this clause has been signed by a considerable number of States. We are aware that several other Governments are still hesitating or have refused to adhere to this clause. I like to think that time is on our side and that the Statute and the legal practice of the Permanent Court will remove such fears and will show that the Court has no intention of constituting itself an international legislature.

Arbitration and conciliation constitute a second example of a question which can be settled by collective agreement. We have before us a Swedish draft which contains nothing of a regional or special nature and which, because of this feature, will certainly prove of a kind to be adopted by the League of Nations, which might invite States to sign a convention drawn up in Geneva. It was with the greatest satisfaction that I heard several of our colleagues urge the usefulness of studying the possibility of drawing up a collective agreement on the lines proposed in the Swedish draft. The speech of the Swedish representative has shown how many ways there are of realising such an agreement. We shall have an opportunity of examining, later on, the interesting suggestions which our colleague has submitted to us.

There are two other matters which have already been referred to by members of our Committee and which could be settled by a collective convention. There is, first, the plan of financial assistance, which, thanks to the initiative of the Finnish Government, has already attracted the special attention of various organisations of the League. There is, next, the idea put forward by the representative of Germany that the Council should be entrusted with the power to make recommendations which the parties would be compelled to respect, with a view to maintaining the military *status quo* in times of crises, and even to decreeing an armistice, of which the terms should be equal for both parties, in cases where hostilities have already broken out.

For the moment I do not intend to speak in detail on these two proposals. I will rest content with repeating once more that the League of Nations is not compelled to limit itself to giving good advice to its Members, but that it can draw up the text of a convention and open a protocol for signature at Geneva.

On a subsequent occasion we shall have an opportunity of discussing the alternative texts in which the suggested agreements can be drafted. More especially we shall be able to decide whether the entry into force of the obligations which States will assume should not depend on the adhesion of a sufficiently large number of Governments. During the eighth ordinary session of the Assembly the representatives of more than one Government pointed out that their provisional adhesion to the Finnish proposal depended on this condition.

As to the power of the Council to take measures to maintain the *status quo* and to decree an armistice, it can be assumed that States which are perhaps not generally in favour of considerably adding to the powers of the Council would nevertheless be ready to give such powers to it provided that the increase of the Council's power increased at the same time and to a definite degree the feeling of general security. This means that they would grant these powers provided a sufficient number of States signed the convention.

I have made these few observations in order to emphasise the importance of settling as far as possible those questions which can be dealt with by means of a collective agreement.

M. VALDÉS-MANDEVILLE (Chile). — To reply to the desire expressed by our Chairman, I wish to lay before you the point of view of my own Government on the questions which form the subject of the remarkable memoranda of the Rapporteurs. To do so will not prevent me from trying, when the detailed discussion starts, to make a concrete contribution to the study and presentation of these problems as a whole, for, as I said during the previous session of our Committee, we strongly desire to co-operate. I hope also that, in view of our impartiality, our help may be of an effective kind.

In the first place, as far as arbitration is concerned, it is not necessary to recall at this juncture the numerous and tangible proofs given by Chile of her adhesion to this method of preserving peace and peacefully settling conflicts. My Government does not think, however, that the moment has come to contemplate putting on foot the programme which M. Holsti has described as "more ambitious", and which comprises the negotiation of a general treaty to be open to the signature of all States. For such a treaty it would be necessary to introduce limiting provisions and reservations of too grave a character to make it a really effective instrument. In our view, arbitration treaties must be concluded and account taken of the special situation of the States negotiating them and the nature of their relations. In this I agree with the wise counsels of the British representative.

I am certainly not opposed to the drafting of one or more treaties of arbitration to be recommended to the attention of Governments as one of the means of making it easier to employ bilateral treaties of arbitration.

On the other hand, I think we should contemplate, as M. Holsti suggests, the possibility of a general draft treaty of conciliation to be proposed to all States. The treaty concluded at the Fifth International American Conference, although not a treaty of conciliation in the proper sense of the word, for it is more allied to the system of committees of enquiry proposed by the Hague Conference, constitutes an example of a multilateral treaty for peaceful settlement of disputes of which the mechanism, in several respects, I think deserves our attention. It contains two provisions which correspond exactly to the desires of the German delegate, who asked that a procedure of injunction in a civil case should be instituted. Not only is it

important for the parties to undertake not to begin mobilisation or undertake any preparatory hostile act until the Committee has produced its report, but also the Committee must have the right to fix the position of the parties and to safeguard the *status quo* during the procedure in course (see page 158 of the Study of Treaties, document 653. M. 216. 1927. V). This treaty, commonly known as the Gondra Treaty, which was submitted by the Chilean delegate to the consideration of the Temporary Mixed Commission for the Reduction of Armaments, whose successor we are to a certain extent, has actually been ratified by ten American States, among them Chile.

My Government has not stopped there and, though other multilateral treaties for the specific settlement of disputes have not yet been established, Chile has concluded with European States several treaties on compulsory arbitration or conciliation and judicial settlement. I would particularly refer to the Treaty with Spain, which has a very extensive scope and is virtually subject to no reservations, and to the Treaty with Italy, which has been already ratified and registered and which goes so far as to confer on the Permanent Court of International Justice the power to decide *ex æquo et bono*.

I come now to consider a few points of the very important memorandum of M. Politis on security questions. Here I am happy to note that the middle way of safety has been chosen, to use the happy expression of M. Paul-Boncour, so far as the conclusion of regional agreements is concerned. Our delegation, while strongly convinced that a reduction or even a limitation of armaments is not possible without security being simultaneously assured, has not ceased to desire a system of regional agreements owing to the diversity of ideas and circumstances attaching to this problem in the various parts of the world, and more particularly in Europe and Latin America. Treaties which in Europe might be ideal would not, in our opinion, be necessary in South America. Other methods have had to be sought or should be sought both for psychological reasons and owing to the special conditions prevailing in certain Latin-American States, as a result of the absence or the weakening of their relations with the League of Nations.

As M. Cantilo has so well shown, with an eloquence of which I am incapable, the idea of a security which can be measured and the methods of putting such a conception into effect to which M. Sokal referred yesterday, and which seemed to us so appropriate for European States, do not present themselves in South America in a similar fashion. It is necessary to realise, as M. Paul-Boncour so justly observed, that we are only dealing with the question of security in order to make it possible to fix the level of armaments, and that our regional security which it is necessary to consolidate cannot have as its counterbalancing factor a reduction but only a limitation of armaments.

I think, in any case, that there is in the suggestion of M. Politis a number of points which may perfectly well be applied to all situations, including that which I have described, and I will return to these points during the discussion on details. I would, however, emphasise immediately the importance which I attach to the following suggestion: "To incorporate in the regional pact the principle that respect for the rights established by treaty or resulting from the Law of Nations is obligatory for international tribunals and that the rights of a State cannot be modified save with its consent". As a commentary on this suggestion, which I entirely endorse, I cannot do better than repeat the words of M. Politis: "This would emphasise the spirit of legality which the parties would promise to observe in their reciprocal relations, avoiding all moral or political subterfuge or pressure".

Finally, in order not to abuse your patience, I will say only two words on the remarkable report of M. Rutgers. During the discussion of the memoranda in detail, certain problems may perhaps be examined which arise from the study and general practical application of Articles 11 and 16 in their relation to other provisions of the Covenant.

I fully approve of what I might call the cardinal point of this report, namely, the assertion that it is not desirable to establish a rigid and complete code of procedure to be followed by the League in times of crisis. In any case, though I recognise that it is not possible to set aside the doctrine of 1921 on Article 16, I am convinced that the efforts of the Committee must be chiefly directed to the prevention of war, since, as M. Rutgers so well says, preparation to execute Article 16 is the preparation of an action which one hopes may never have to be carried out.

I would conclude by paying a tribute to the Chairman and the Rapporteurs for their work. The value of these documents shows, as M. Sokal said, that the Security Committee had something to do in this field. From the point of view of the universal interest of mankind, I cordially hope that the Committee may do a great deal.

M. VON SIMSON (Germany). — I would like to say a few words concerning the suggestions which I ventured to submit on the first day of the session. These suggestions have been considered to be of interest by several of my colleagues and the observations made to-day by the delegates of Sweden and the Netherlands and the representative of Chile seem to me to be particularly important. M. Paul-Boncour, alluding to my suggestions, observed that such measures had already been the subject of discussion in the Committee of the Council and that the Committee of the Council had formulated certain conclusions which had been embodied in a report approved by the Council and by the Assembly.

I would point out, in answer to these observations, as the delegate for Sweden has already done, that these suggestions, nevertheless, contain new elements. They impose an obligation upon the States to accept the recommendations of the Council and to carry them into effect, whereas the report of the Committee of the Council did not provide for any such legal obligation.

In order to give a more definite form to my proposals, I have ventured, as M. Undén suggested, to put them in writing, and, with the permission of the Chairman, I will read them to you. They are as follows :

“ With a view to preventing war, the Committee on Arbitration and Security might examine the following possibilities :

“ I.

“ In case of a dispute being submitted to the Council, the States might undertake in advance to accept and execute provisional recommendations of the Council for the purpose of preventing any aggravation or extension of the dispute and impeding any measures which might be taken by the parties and which might have an unfavourable effect on the execution of the settlement to be proposed by the Council.

“ II.

“ In case of a threat of war, the States might undertake in advance to accept and to execute the recommendations of the Council to the effect of maintaining or re-establishing the military *status quo* normally existing in time of peace.

“ III.

“ In the case of hostilities of any kind having broken out without, in the Council's opinion, all possibilities of a pacific settlement having been exhausted, the States might undertake in advance to accept, on the Council's proposal, an armistice on land and sea and in the air, including especially the obligation, for the two parties in dispute, to withdraw any forces which might have penetrated into foreign territory and to respect the sovereignty of the other State.

“ IV.

“ The question should be considered whether the above obligations should be undertaken only in case of a unanimous vote of the Council (the votes of the parties in dispute not being counted), or whether a majority, simple or qualified, should suffice in the matter. Furthermore, it should be considered in what form the obligations would have to be drawn up in order to bring them into conformity with the Covenant.

“ V.

“ These obligations might constitute the subject of an agreement or of a protocol which would be open for signature by all States Members and non-Members of the League of Nations, and which might come into force separately for the several continents in a way similar to that provided for in the draft Treaty of Mutual Assistance of 1923.”

I venture to hand the text of these suggestions to the Chairman, asking him to submit it for discussion by the Committee at an appropriate moment.

M. Sokal in his speech said he believed that the thesis according to which disarmament pure and simple might be effected without any counterbalancing security had been abandoned. Although the question raised by M. Sokal does not, in my opinion, come within the competence of our Committee properly speaking, I feel bound, in order to avoid any misunderstanding, to repeat that the German Government maintains the thesis endorsed by the Assembly in 1926 and 1927 when it said that, having regard to the present conditions of regional and general security, a first conference on general disarmament ought to be convened.

In this connection, I would like to refer to certain remarks made by Lord Cushendun in his first speech. Lord Cushendun said that it was impossible to decide whether disarmament depended on security or security on disarmament. It seems to me that his observation was particularly opportune. The delegates of Poland and France congratulated Lord Cushendun on the first part of his sentence, but I would venture to thank him for the second part.

Moreover, I would associate myself with the proposals made by M. Undén, with the same ideas in mind, in regard to paragraph 56 of the report of M. Politis, to the effect that the text of that passage should be amended.

I was struck by an expression in the very interesting speech of M. Paul-Boncour. If I rightly understood him, he said that it would not be sufficient if an increase of security took place, but it was necessary that this security should be measurable. Personally, I do not think it will always be very easy to give numerical form to the increase of security effected. In any case, it will not be possible to do so in a way which would enable the figures to be embodied in a balance-sheet, to use the witty metaphor of M. Paul-Boncour. The important thing in my mind is the political value entailed by the increase of security. I am a little afraid of the reserve which M. Paul-Boncour seemed to make, and which appears to me to be too restrictive. I shall perhaps have an opportunity of returning to this point in the discussion on the memoranda.

In conclusion, I ask you to permit me to add a few words on the question of regional treaties. I have already explained the point of view of my Government in this matter. Several times during our discussions the opinion has been expressed, particularly in reference to this matter, that positive progress might be accomplished, and the possibility has been discussed of agreeing upon the establishment of a few model treaties. I am, as I have already said, prepared to collaborate so far as I can in this difficult but important task. M. Paul-Boncour has said that we are engaged upon an essential technical piece of work. I am far from denying that, up to a certain point, the French delegate is perfectly right. Nevertheless, we must not lose sight of the fact that the establishment and the recommendation of such treaties has also

a decidedly political aspect. Among the numerous points to which such treaties give rise I would venture to draw special attention to the political aspects which will be evident if we take up the question of the effects which the new treaties may have on treaties of another character which already exist between Members of the League of Nations, and which have been the subject of certain criticisms and several memoranda submitted by various Governments.

In view of the political importance of our work, and in order to enable the views of the States Members of the League to be taken into consideration in our discussions, it seems to be necessary to inform the Governments of the results of our work and not to take any final decisions until we have considered their possible observations.

M. MORFOFF (Bulgaria). — The Bulgarian Government is ready to support any measures which will tend to increase the security of States against aggression, provided that these measures do not involve a delay in establishing the most effective safeguard of peace, which is the general reduction of armaments, and provided they do not in any way prejudice the provisions of the Covenant of the League of Nations, which have already proved themselves effective so far as our country is concerned.

7. Procedure.

The CHAIRMAN. — We have finished the first phase of our work, and we are now passing to the second phase, which will, I think, be the principal one, since it should result in positive proposals. It is therefore extremely important to determine our procedure.

I am going to submit a proposal which I have no intention of imposing on my colleagues, who are entirely free to accept or reject my suggestions. In order to adopt a useful procedure, we must first of all remember the object of our work. The result which we are to achieve is the elaboration of a special report of this Committee. That report, in my opinion, should contain all the declarations and reservations made at this session. It would include also the concrete results to which I have referred—in other words, the proposals which we frame in the form of arbitration or conciliation agreements, model security treaties, resolutions concerning financial assistance to States, and recommendations relating to the communications of the League of Nations in times of crisis, etc. These concrete proposals, which will constitute a definite achievement, will be certainly submitted subsequently to the various States according to the customary procedure. Our Committee is closely connected with the Preparatory Commission. It will therefore make a report to that Commission, and that report will be submitted to the Council, which will, if necessary, send the results of its work to the Governments, in order that they may intimate their views on the subject, and in order that the Assembly may express its opinion. I do not, however, wish at this stage to open a discussion on the procedure to be followed when the report is drawn up. Such a discussion should come at the end of our deliberations. I will now limit myself to the procedure for the establishment of the report.

Starting from to-morrow, we shall review the memoranda submitted to us, without, however, discussing them word by word. I would remind you that the memoranda submitted to you are documents which are in a sense personal, and which serve as a basis for the work of the Committee, but that the result of that work will be a final report which should be unanimously adopted. We will accordingly review the Introduction and the three memoranda. The delegates, as they have already stated in the general discussion, will then draw attention to the various points of detail which call for consideration, will submit new suggestions, and indicate the views which they would like to see definitely expressed in the report.

If the Committee so desires, the Bureau might, as the discussion proceeds, take into consideration all that is said in the Committee, either as regards the recommendations and the draft resolutions already presented, or as regards the texts of model treaties. The Bureau might thus prepare some material to be passed to a Drafting Committee, which will examine the texts of the model treaties and of the recommendations or resolutions submitted to the Committee in plenary meeting.

If my proposal is adopted, I would suggest that to-morrow afternoon we should examine the Introduction and the Memorandum on Arbitration. We should then have suggestions on the subject of arbitration or the Introduction for submission to the Drafting Committee, which might then begin work on Friday morning. On Friday afternoon the Committee will continue the examination of the memoranda, and the results will be submitted to the Drafting Committee on Saturday morning, and so it will continue.

M. PAUL-BONCOUR (France). — I would ask whether it is the intention of the Chairman to discuss the whole text of the memoranda or only the conclusions.

The CHAIRMAN. — I did not intend that the texts should be read paragraph by paragraph. Objections, reservations and new suggestions have been in effect indicated during the general discussion. It is, however, possible that certain delegates will wish to raise other questions during the special discussion. It is for that reason that I thought it well to review the memoranda, in order to enable those who so desire to bring forward their special suggestions. Doubtless the conclusions of the memoranda must be regarded as the essential part of them, and it is by considering the conclusions that it will be easiest to formulate any possible objections or new suggestions. I think it would be superfluous to read the text of the memoranda line by line, as there is no question of amending these documents with a view to their adoption. The Committee is to frame a special report in which the point of view and the reservations of each Government will be clearly embodied.

The procedure proposed by the Chairman was adopted.

8. Appointment of the Drafting Committee.

The CHAIRMAN. — The Drafting Committee should not, in my opinion, comprise more than twelve members. I have consulted a certain number of my colleagues in order that the various tendencies which have appeared in the Committee may be represented. I propose that the Committee should be constituted as follows: the Bureau of the Committee, namely, the Chairman, the Vice-Chairman, and the three Rapporteurs, together with a representative of Great Britain, France, Germany, Italy, Japan and Poland.

Moreover, owing to the absence of the Vice-Chairman, who represents a South American State, I propose to complete the composition of the Committee by the appointment of the delegate for the Argentine.

The proposal was adopted.

9. Procedure.

The CHAIRMAN. — I invite the delegates who wish to formulate observations on the Introductory Note or on the Memorandum on Arbitration to forward to me their proposals in writing—if possible, before the afternoon meeting, in order that the Bureau may examine them.

The morning will be reserved for the work of the Drafting Committee, and the afternoon for the plenary meeting of the Committee.

Lord CUSHENDUN (British Empire). — In order to avoid any misunderstanding, I wish to ask a question. The delegate of Germany has submitted proposals, and a copy of them has been circulated. I would ask at what stage of our proceedings these particular proposals will be brought before the Committee.

The CHAIRMAN. — The representative of Germany, when he submitted his proposal, asked me to bring them up for discussion at the appropriate moment. I think that this discussion might take place during the examination of the Memorandum on Security of M. Politis, as there is a certain connection between the German proposals and that memorandum.

One of the tasks of the Bureau will be to decide at what stage of the proceedings any particular question would be examined.

The meeting rose at 6.10 p.m.

SIXTH MEETING.

Held on Thursday, February 23rd, 1928, at 3 p.m.

Chairman: M. BENES; later, M. UNDÉN (Vice-Chairman).

10. Discussion of the Introduction.

The CHAIRMAN. — We have received from certain delegations notes on the Introduction and on the Memorandum on Arbitration. These notes have been forwarded by the Roumanian delegation (Annex 2), the Polish delegation (Annex 3), and the French delegation (Annex 4). The Serb-Croat-Slovene and British delegations have prepared notes which will be communicated to us later.

I propose to refer at once to the Drafting Committee the portions of the various notes submitted by the delegations relating to the Introduction. When we have received the British and Serb-Croat-Slovene notes, we shall examine them and apply to them the same procedure.

Lord CUSHENDUN (British Empire). — Mr. Chairman,—As you have just announced, I should like to submit to the Committee a short text and to invite its adherence to it for the following reason. The Committee will remember that, when we were engaged on the general discussion, I ventured to call attention in the Introductory Note to certain statements made by you which I thought of very great value. As long as they remain merely in the Introductory Note they will, technically speaking, remain merely the expression of your personal point of view, and, although that personal view very naturally carries the utmost weight, I think that it would be to the advantage of our future work if the principal declarations contained in that Introductory Note were formally endorsed in the form of a resolution passed by this Committee, and it is for that purpose that I have put on paper what appear to me to be the most valuable statements contained in it. I have not the least wish, of course, to interfere in any way with the declarations that other delegations have prepared; in fact, I did not know that any such declarations were in contemplation. If I had known, I might perhaps have merely put in a declaration in the same way.

I am not certain that the procedure I am asking you to adopt is the best. I do not wish in any way to interfere with the full discretion of the Committee or to obtain any sort of advantage over any of my colleagues. All I am anxious to do is to obtain the sanction and approval of the Committee as a whole for the valuable principles contained in your Introductory Note, and if I am able to do that, I am quite willing to submit myself entirely to your guidance or to the views of my colleagues in the Committee. I have the declaration here, and perhaps, Mr. Chairman, I may hand it up to you and leave you to decide in what form I had better bring it formally before the Committee.

The CHAIRMAN.—I will read the text submitted by the British delegation :

“ The Committee on Arbitration and Security :

“ After studying the Introduction to the Memoranda on Arbitration, Security and the Articles of the Covenant submitted by the Chairman,

“ Declares its concurrence in the views therein enunciated that :

“ (1) The Covenant itself creates a measure of security which needs to be appreciated at its full value and that its articles are capable of being applied in such a way that in the majority of cases they can prevent war ;

“ (2) The common will for peace of the States Members of the Council can be exercised effectively within the framework of the Covenant ; all the more so because that instrument does not provide any rigid code of procedure for the settlement of international crises and that it is, therefore, inexpedient to attempt to draw up in advance a complete list of measures for preserving international peace ;

“ (3) Those nations which consider that the general measure of security afforded by the Covenant is inadequate for their needs must at the present moment regard the conclusion of security pacts with other States in the same geographical area as the only practical or possible form of supplementary guarantee.”

We have to decide first whether the Committee feels it desirable to make a declaration of this character. The text of the declaration would have to be established in such a way as would enable it to be adopted unanimously, taking into account the views of all the delegations, and it should therefore be previously submitted, in my opinion, to the Drafting Committee.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — We have three drafts submitted by the French, Roumanian and Polish delegations. I have myself prepared a text which I desire to submit to the Drafting Committee in the form of a suggestion (Annex 5). We now have before us a draft resolution submitted by the British delegation. The question arises whether we are ready to discuss the very important points embodied in these five proposals without having had time to study them. Personally, I am not yet ready to discuss them. Meanwhile, I would venture to read the draft suggestion which I intend to submit to the Drafting Committee and which differs appreciably, I regret to say, from the draft resolution submitted by the representative of the British Empire. I have thus an additional reason for asking the Committee to adjourn the decision to be taken on the British proposal.

For the moment, I will confine myself to reading my suggestions on the Introduction :

“ The object of the Covenant is to create security, but the exact meaning of security has to be defined. The provisions of the Covenant may then in certain cases prevent war. There have, indeed, been instances in the last few years in which the Council has been able to forestall a conflict. In theory, therefore, the members of the Council possess, under the Covenant, a fairly wide possibility of maintaining international peace. In the domain of practical politics, the system laid down in the Covenant has not yet gained, in its actual working, the importance and character of quasi-automatic international machinery guaranteeing within the framework of the Covenant the effects which the Covenant was intended to produce. The system of security, as contained in the Covenant, must be applied and studied for some time yet before any final conclusions can be drawn. Its value will have to be proved in cases of serious crises, in which the interests of great Powers are involved, in order that the peoples of the world may feel an absolute confidence in the unfailing action of the Covenant. Time is necessary for this.

“ The Serb-Croat-Slovene Delegation feels that an effort should be made to strengthen the authority of the Council of the League, so that it may take certain and effective action in all the cases, without any exception, covered by the Covenant.

“ Not until public opinion in all countries Members of the League has accepted in all sincerity and confidence the rôle of the Council as final arbiter of peace or war, shall we be able to speak of security guaranteed by the Covenant, with all its logical consequences as regards the limitation and reduction of armaments. This is not the case at the present time in most European countries.”

M. SOKAL (Poland). — The Polish delegation, in the note which I had the honour to present, has explained as follows what I have already had occasion to put before my colleagues regarding the Introduction in my speech during the general discussion :

“ 1. The Polish delegation feels justified in accepting as a whole the principles set forth in the Introduction, and proposes no amendments. In order, however, to make its views on these principles clear, it desires to offer certain observations which it thinks might be taken into consideration when the Committee's final report comes to be drawn up.

“ 2. The Polish Government realises that the Covenant of the League in itself affords the States Members a certain degree of security, inasmuch as the signatories of the Covenant have formally undertaken to co-operate in the preservation of peace, more particularly by the following clause in Article 11 :

“ ‘Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations.’ ”

“ Since, however, in the present state of international relations, such action cannot be specified or laid down in advance for all possible contingencies, the Polish Government shares the view, put forward in paragraph 12 of the Introduction, that, in order to increase the degree of security and render it measurable, the obligations contained in the Covenant must be supplemented by additional regional undertakings.

“ 3. The Polish Government is quite able to agree that, ‘ although paragraph 7 of Article 15 contains a gap from a legal point of view, nevertheless, from the political standpoint, there is a latent influence for peace in this freedom of action which it thus threatens to restore to the Members of the League in circumstances on which the public opinion of the whole world would be in a position to pass judgment ’. The Polish Government considers, however, that this observation holds good only provided that the powers with which the Council is invested for the maintenance of peace are adequate, and that the action of the Council to prevent conflict and to mediate is backed, if necessary, by sanctions.

“ 4. While accepting the idea that the undertakings given by the various States in virtue of Article 16 can be amplified if the Members of the League are honestly desirous of co-operating for the establishment of international peace, the Polish Government reserves the right to state more fully, when the Memorandum on Security comes to be discussed, its views regarding the part to be played by the League in the organisation of regional security by supplementary treaties of guarantee and assistance between groups of countries.

“ 5. The Polish Government desires to emphasise specially the importance it attaches to the ideas developed in paragraphs 11 and 12 of the Introduction.”

I have not repeated paragraphs 11 and 12 of the Introduction, but they are closely connected with paragraph 5, about which the representative of the British Empire has made a declaration. I think that this declaration certainly requires detailed examination, but I desire immediately to express my complete agreement with the passage in it concerning regional agreements.

M. ANTONIADE (Roumania). — In the short observations which I made on the Introduction, I tried first to emphasise the fact that the Roumanian delegation adhered to the very just and judicious observations contained in that note.

I desired rather in a concise way to refer to the defects in co-ordination, if I may use this expression, between the tenor of this note and certain passages in the memoranda. The present discussion shows, I think, that we are anticipating our discussion on the great question of security. I expressly refrained from speaking on this great question in my observations, either in order to wait for the examination of the memoranda concerning the articles of the Covenant which deal with the amount of security which the Covenant can offer, or until the examination of the memorandum concerning security itself. It was for this reason that I said that the Roumanian delegation agreed with the principle contained in paragraph 5, to the effect that the Covenant has established a certain degree of security, the full extent of which should be recognised. In appreciating this question, however, the Roumanian delegation cannot refuse to adhere to the statement contained in paragraph 53 of the memorandum of M. Politis. Further, when the organisation of security is discussed, the Roumanian delegation will pronounce in favour of more definite guarantees as far as their principle is concerned and less hazardous in their application than those offered by the Covenant.

In my view, the discussions on the suggestions presented by the British delegate, as well as those of the delegates of the Kingdom of the Serbs, Croats and Slovenes and of Poland, might be adjourned until we discuss the final report to be presented to the Preparatory Commission on Disarmament, or they might be sent to the Drafting Committee, which should endeavour to retain what it regards as useful in these proposals with a view to submitting them for discussion at a plenary meeting of the Committee.

The CHAIRMAN. — I think that the Committee will agree to adopt the procedure suggested by M. Antoniadé.

Obviously, the questions raised are of great importance and they may give rise, as M. Markovitch has pointed out, to very long discussion. During the general discussion, however, almost everything has already been said on this point. Members have had sufficient opportunity to express their views, and, this being so, I consider that the suggestion of the representative of Roumania is the best. We have before us the proposal of the British delegation and that of the Serb-Croat-Slovene delegation, as well as the observations of the delegates of Poland and Roumania. These represent two currents of opinion concerning the question covered by the Introduction. I propose, therefore, that the Drafting Committee should start to-morrow by discussing these proposals with the object of seeking a formula which may meet with the approval of the Committee.

This proposal was adopted.

11. Discussion of the Memorandum on Arbitration and Conciliation : Chapter I.

The CHAIRMAN. — The procedure to be followed in regard to this question will be, I think, a little more difficult. We must first decide what should be the result which we wish to achieve as far as the Memorandum on Arbitration and Conciliation is concerned.

From the general discussion it appears that the Committee takes the view that it is necessary to be prepared to propose model treaties of arbitration and conciliation. A model treaty of this kind has been submitted by the Swedish delegation. I think that, as a whole, this proposal has met with general assent. As far as model treaties of conciliation are concerned, the Secretariat has already been dealing with the matter and the Bureau will be in a position to submit models of such treaties to the Drafting Committee. The Drafting Committee will thus forthwith have before it immediately the necessary proposals and will be able to begin its work to-morrow.

The discussion on the Memorandum on Arbitration ought to make it possible for the various delegations to submit their observations in order that the Drafting Committee may take into account, as it is its duty to do, the note of the French delegation and the passage concerning arbitration to be found in the notes presented by the Polish, Roumanian and Serb-Croat-Slovene delegations.

I will now, therefore, pass in review the various paragraphs of the Memorandum on Arbitration in order to give an opportunity to other delegations immediately to make their reservations or their observations.

I will commence by taking the first part of the Memorandum on Arbitration, which I will briefly analyse.

Paragraph 19 concerns that form of arbitration which is an essential element of the system established by the Covenant. Paragraph 20 points out that the procedure of conciliation is compatible with the Covenant and that it strengthens the means for the peaceful settlement of disputes. Paragraph 21, in mentioning the resolution of the Assembly of September 25th, 1926, points out that the Council has not up to the present had occasion to offer its good offices and has not been asked by any State to do so. Paragraphs 22 and 23 emphasise the evolution of and the increase in arbitration treaties, conciliation treaties and treaties of both arbitration and conciliation. In paragraphs 24 and 25 it is stated that the value of an arbitration treaty depends on the importance of the States bound by such treaties and on the measure in which the relations between those States are capable of endangering the peace of the world. Finally, paragraph 26 notes the increasing readiness to accept arbitration or conciliation and to abandon the traditional reservations or to diminish their force.

General DE MARINIS (Italy). — I understand that we shall proceed to this examination, referring to the conclusions following each memorandum. It is perhaps a little difficult to submit observations which cover all the paragraphs.

M. PAUL-BONCOUR (France). — I merely desire to support the observation of General de Marinis. In my view, it is mainly, and perhaps only, when we discuss the conclusions that the observations which delegates may have to make can usefully be put forward. On the one hand, the main body of the report is rather the expression of the Rapporteurs' view, and, on the other, it is very difficult to disconnect the various ideas from it. Consequently, delegates may repeat themselves or not make the observation they desire at the proper moment. Observations can therefore usefully be made when we discuss the conclusions. With regard to the observations which the French delegation may desire to make, it has submitted a note on the subject in order to render it unnecessary to make them verbally.

The CHAIRMAN. — I entirely agree with General de Marinis and M. Paul-Boncour regarding the procedure to be followed. Nevertheless, the Bureau must show the necessary liberal spirit and must not demand too rapid a discussion, but must give everyone an opportunity of expressing his views. On the other hand, if delegates think that it is more logical and more useful to discuss the whole memorandum on the conclusions, I will not oppose such a proposal.

M. SATO (Japan). — For my part, I admire the speed with which the Chairman has taken us through the numerous paragraphs which we have already reviewed. I think, however, that this is a somewhat too rapid procedure, for some of these texts naturally give rise to difficulties.

Perhaps we should achieve a compromise between the procedure proposed by the Bureau and that proposed by General de Marinis. The first consists in grouping the paragraphs for discussion, the second in limiting the discussion to the conclusions. If members of the Committee could themselves have before them the table in which the paragraphs are grouped, the discussion might perhaps be more effective and might continue with that speed desired by the Chairman, while at the same time avoiding all confusion.

The CHAIRMAN. — I certainly do not wish to go too fast. On the contrary, as I have already pointed out, I desire that all delegates should be able to express their views most freely on each question submitted.

As far as the suggestion of M. Sato is concerned, I would reply that the grouping of paragraphs is only to be carried out in order to help the Chairman to preside over the discussion with greater ease. I would point out that, if we are to circulate to all delegations a copy of this table, it will have to be roneoed, which will cause us to lose all to-morrow.

I propose, therefore, that we should continue the discussion in the manner in which we have begun, but specify a little more definitely the questions to be raised and perhaps put them in smaller groups.

M. SATO (Japan). — I do not press my point.

The CHAIRMAN. — It is understood that we will examine the conclusions at the same time. In so complicated a question as that before us, it is very difficult to simplify the procedure. We will do our best, however.

Lord CUSHENDUN (British Empire). — As regards paragraphs 17 to 26, these clauses appear to me to be chiefly statements of fact, records of what has taken place, and the only point to which I should like to draw attention is contained in paragraph 20, which refers to what was done in 1922, when a model set of articles was drawn up and it was proposed that the Council should use its good offices. That is in that paragraph or in the succeeding one. At any rate, it was proposed at some time or other—I think in 1921—that a model set of articles should be drawn up, and they were drawn up. It was also proposed the Council should use its good offices. Then we are told that, in point of fact, that machinery has never been used.

Before we finally part with these clauses it might be well to consider whether we are content that the machinery which was devised in 1922 should be put on the scrap-heap, or whether it may not still be possible to get some good out of the proposal which was then made. I quite realise the difficulty of using that machinery if the Council has not seen fit to offer its good offices, but if the members of the Committee will do me the honour of turning to the memorandum of my Government (Annex 1), they will see that we propose that, "in accordance with the Assembly resolution quoted above, the Council place its good offices at the disposal of all States desirous of 'concluding suitable agreements likely to establish confidence and security'". Would not it be possible either to induce the Council to be prepared to use its good offices with regard to the promotion of agreements, or could we not recommend different States in different regions, which are prepared perhaps to conclude regional agreements, to approach the Council and ask that the Council should use its good offices by way of mediation in order to get over any preliminary difficulties that may exist, and in fact to smooth the way towards arriving at regional agreements?

I do not wish to delay the Committee by discussing the matter at great length, because I recognise it is a minor point, but I think it would be well, while we are on this part of the memorandum, to see whether some use could not be made of that machinery.

M. PAUL-BONCOUR (France). — I for my part desire to associate myself completely with the very important words just spoken by the representative of the British Empire, and, as I prefer to follow my own method, I ask that they be discussed with the conclusions. There is only one thing of interest, and that is the conclusion which we reach. Lord Cushendun, in my view, gave a very interesting suggestion just now. In the conclusions there is no trace whatever of any provision of this nature—or, at any rate, it is not so clearly stated as he himself has just stated it.

Consequently, I entirely associate myself with what my colleague has said, and I hope his words will be repeated in a concrete manner in the conclusions.

The CHAIRMAN. — With regard to the suggestion of the representative of the British Empire, I would draw the attention of my colleagues to the fact that the same question has been indirectly dealt with in the report of M. Politis in paragraph 89. I consider that this suggestion is of great importance and that the Drafting Committee should take account of it. It is perfectly possible that this suggestion of the delegate of the British Empire may lead us to adopt a kind of recommendation or formula which we might adopt at some future date when our work is finished and insert in our resolutions. This depends on the extent to which the Drafting Committee takes account of it.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — Despite the observation of the Chairman, I desire to revert to the proposal of the British delegation in order to support it with all the strength which I can command, because, in my view, it is a proposal to which the general assent can be given. Though we may not all hold the same views regarding the degree of security guaranteed by the Covenant, though we may have different opinions concerning regional agreements, I do not think that there is anyone who disagrees with the proposal that the peaceful settlement of international disputes should be effected by arbitration, either by judicial means or by the procedure of conciliation. Here before us is a proposal of the British delegation stating that not only should the good offices of the Council be offered with a view to the conclusion of such agreements, but going further and seeking to draft a formula making it possible for the Council of the League not to proclaim in theory that it is ready to support such-and-such a procedure or to serve as intermediary in cases where the need is felt, but to enable it to decide itself whether, by playing its essential part as a preserver of peace, it ought not in a concrete case to take the initiative and to question the parties, or to make a direct offer of its good offices to the particular States in question.

It is for this reason that I rise to speak. The Drafting Committee must be assured that on this question at least there is no divergence of views. It must therefore push its study as far as possible in this direction without taking account of a too rigid formula, if I may use the expression of the British delegate, and without fearing to go a little beyond the limits laid down in the statements which refer solely to the existing state of affairs.

M. VON SIMSON (Germany). — If I have properly understood the observations of the Chairman, the suggestion made by Lord Cushendun is connected to a certain extent with paragraph 89 of the memorandum of M. Politis. I would like to point out, however, that in my view there is an important difference between these two proposals.

In the memorandum of the British Government it is stated :

“ It seems to them that if States which, owing to any doubt or suspicion, hesitate to open negotiations were mutually to agree to place themselves in the hands of the Council and to conduct their conversations under its auspices, the conclusion of further agreements on the lines recommended would be greatly facilitated.”

In the memorandum of M. Politis, in paragraph 89 Annex 1 it is stated :

“ It will be possible to go even further, and the next Assembly might proclaim that if, in any specific area, two or more States desired to conclude a security pact with the other States belonging to that same area, they might apply to the Council, requesting its good offices for this purpose.”

This is not the same thing.

M. POLITIS (Greece). — I think that this is the same thing.

M. VON SIMSON (Germany). — I do not think so. In any case, if it is the same thing, what I say about your report also applies to the proposal in the British memorandum. I wish merely to recall what I said during the general discussion. I said that the German Government maintained the view that agreements could not be effective and could not advance the cause of peace unless they were concluded freely by countries and not under any form of pressure. I do not wish at the moment to dwell on this point, since the Chairman has said that the Drafting Committee will discuss this question.

The CHAIRMAN. — I think that we all agree with M. von Simson's proposal to submit the question to the Drafting Committee. It will then be possible to see whether there is any contradiction between the two proposals or whether they are connected.

I think that it is the duty of the Bureau to draw the Committee's attention, since we desire the Drafting Committee to know exactly where it stands, to a resolution of the Assembly of 1926 which also refers to the subject and which contains an invitation to the Council to make an offer of its good offices in certain eventualities.

All the observations of delegates and all documentation will be sent to the Drafting Committee, which should try to find a formula meeting with general satisfaction.

Lord CUSHENDUN (British Empire). — I would like to remove what possibly may be a misunderstanding. I rather gathered from the speech of the honourable delegate of the Kingdom of the Serbs, Croats and Slovenes that he was making rather more out of my suggestion than was intended. You will remember that I made my observation because we were discussing Chapter I of M. Holsti's memorandum, and I found that the first of his conclusions was that means be sought to facilitate and make more effective the procedure already contemplated in an Assembly resolution whereby the Council should lend its good offices with a view to the conclusion of arbitration and conciliation conventions. All that I intended was to support that conclusion. I do not make any new proposal at all. All I say is, as we have these clauses under discussion, we might consider whether that conclusion of M. Holsti's requires any more consideration, whether there are any methods which we could suggest for carrying out what he there proposes.

M. UNDÉN (Sweden). — Lord Cushendun has recalled a resolution adopted by the Assembly in 1922 which recommended a procedure of conciliation by means of permanent committees. I think that this resolution has encouraged to a certain degree the conclusion of bilateral treaties regarding the procedure of conciliation. Nevertheless, when that resolution was adopted in 1922, hope was expressed in various quarters that this method of conciliation would be developed in order to make it possible to conclude a general treaty of conciliation in the near future. In my view, it would therefore be desirable to take a step forward at this juncture and to draft a general treaty of conciliation to be combined with an arbitration treaty. If a general treaty of the nature proposed by the Swedish Government be accepted, the recommendation of the Assembly of 1922 loses its significance in view of the fact that a still more efficient system of conciliation will have been adopted than that recommended in the Assembly's resolution.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I must ask the pardon of the Committee for having misinterpreted the proposal of the British delegation, but in this case I must ask the Committee to take note of the fact that I maintain what I have said and submitted in the form of a proposal on behalf of my delegation.

The CHAIRMAN. — You will probably agree with me when I propose that all these observations and proposals should be submitted to the Drafting Committee.

12. Discussion of the Memorandum on Arbitration and Conciliation : Chapter II.

The CHAIRMAN. — Paragraph 27, which heads the chapter, contains three suggestions of M. Holsti.

The first consists in drawing the attention of Governments to one or more types of treaty which might be adopted between two States or between restricted groups of States.

The second concerns the eventual expansion of these treaties to other States with the consent of the contracting parties.

The third comprises the negotiation of a general treaty open to the signature of all Members of the League or even to all States.

I think that these three alternatives will have to be taken into account by the Drafting Committee when it deals with the drawing up of model treaties.

General DE MARINIS (Italy). — I ask your permission to say a word with special reference to No. 4 of paragraph 49 giving the conclusions of the Memorandum on Arbitration, which refers to paragraph 27. When I made my general observations I expressed the view that, if a model regional treaty is to be drafted, it should contain various formulæ between which it may be possible to choose, and that the parties desiring to adhere to it should be left the possibility of making reservations.

When, however, it is a question of general arbitration, the application of a system of reservations to a single model type of arbitration treaty appears less opportune, for it would impair the practical efficiency of such a treaty. I think we should realise that, while these reservations may be limited in number in a regional treaty, they would be much wider in extent in a general treaty of arbitration concerning all States. It is for this reason that we prefer special treaties of arbitration. I am all the more in a position to express this view, since my country concluded a certain number of arbitration treaties after the war which apply to all disputes without exception. These treaties have been negotiated with Switzerland, Spain, Chile, etc.

This does not mean to say that we are opposed to the drafting by our Committee of treaties of arbitration, but—and this is the conclusion which I reach—we take the view that there must be several models of these treaties, to be applied to differing circumstances. I hope that the Bureau will take account of my observation.

Lord CUSHENDUN (British Empire.) — I think paragraph 27 is a very important one. It raises some very important principles as well as methods, and it may afford a convenient opportunity for me to express the views which I hold on the subject of arbitration treaties, and to which I shall have to invite the Committee to agree. Let me say, with regard to the three alternatives (a), (b), and (c), that, while I am quite prepared to give my strong support to the first of those alternatives, namely, (a), as at present advised, I should not be prepared to support either (b) or (c).

That brings me to the consideration which we all have to keep in view as to the sort of treaty which we think will give the security which the world wants. That is really what we are here to try to give, namely, such additional security to that already provided by the Covenant as may enable disarmament to take place.

I have listened to the remarks of a member of the Bureau, who expressed the view that we should endeavour to agree upon a general treaty or general agreement. The question whether or not general agreements should be entered into is one of the points which appears from time to time all through these reports and which has cropped up constantly in the speeches of the delegates. I say quite frankly that I am opposed, speaking generally, to what I think we all understand by general treaties as distinguished from special treaties. I say that, speaking generally—I do not say without exception—I am opposed to them. I have noticed that both the reports which are before us and a good many of the speeches which have been made take the same view. I should like to explain very shortly why I take that view. I have no doubt other delegates for the same reason take the same view.

If I could see that the signing of a general agreement or general treaty open to accession by all States Members of the League, and perhaps others as well, offered more and better security to the world and, therefore, better hopes of maintaining peace than other sorts of arrangements, I should be one of the keenest supporters of general treaties; but that is not the case. I see no reason for supposing that a general treaty of arbitration or of conciliation offers any more security to the world or to individual States than a series of individual treaties, bilateral or group treaties; in fact, I strongly hold the contrary view. I believe you obtain less security instead of more by having a general treaty covering a large number of States whose circumstances are utterly dissimilar.

I was interested in the speeches made last night by the delegates from two South American States (Chile and the Argentine), both of whom brought to our attention the totally different circumstances with which they are familiar, and the totally different conditions for which they have to provide from those familiar to us in Europe. I was not surprised to hear that; it seems to me to be common sense. What possible object will you gain by having a general treaty in identical terms for all of us, whether big States or small States in Europe, Republics in South America, or Canada or other Dominions of the British Crown? That all these countries with utterly dissimilar conditions should think they are getting or giving better security by signing some pact in identical terms is a thing I have never been able to understand. I believe that it is a pure delusion. I cast my eye down this report; I look at paragraph 37. I see there: "The diversity of the provisions of these treaties, both as regards their scope and the procedure and choice of the tribunal, undoubtedly corresponds with the diversity of the circumstances which govern the relations of these groups *inter se*." To my surprise, I find the last sentence is: "At the present time, it would seem to be difficult to reduce this varying practice to one common type." My comment to myself when I read those words was: "Of course it is difficult, but why in the world should we try?" Why in the world should we try to reduce all these diverse circumstances which govern these groups to a common type? If we had reduced them all to a common type before we left this room, we should not have done one iota towards producing greater security in the world or in enabling disarmament to take place. Therefore, that is the first point on which I wish as strongly as possible to insist—that in the examination of the treaties which we can recommend, or the models that we can draw up, let us be clear in our minds, as I think the Rapporteurs are clear, and as certainly several of my colleagues are clear in their minds, that general treaties, for which there seems to be such a curious hankering in some minds, are really not of the slightest service to the objects we have in view. Let us try to devise something which will be more serviceable.

The next point on which I wish to insist is this. It is laid down very clearly and strongly in the British memorandum. We draw the clearest possible distinction between justiciable disputes and non-justiciable disputes, and that distinction is drawn in our minds not as the result of any clearly thought-out academic theory; it is not the result of university studies; it is the result of long, hard, practical experience of what arbitration can do and cannot do, and what conciliation can do and cannot do. We draw a clear distinction between justiciable disputes which can be settled by reference to a code of law and other disputes which arise out of political conditions, or which cannot be reduced to an actual violation of law. That distinction is very important, and it is not clearly kept in view by some of the delegates who have both spoken and written on this subject. We are anxious to maintain this distinction not merely for its own sake and because it is both logical and practical, but because it is perhaps still more important for the sake of the court to which justiciable disputes are, or ought to be, referred. I do not know that all States at the present moment are really prepared to trust all sorts of disputes to the Permanent Court. If they are not, the only reason for that distrust is that the Court has not yet had time to establish itself in the confidence of the world. That is through no fault of its own, but simply because it has not had a code of law sufficiently universal and sufficiently well established to be able to deal with every case that is brought before it. It would be very unbecoming in me to take up your time by referring to the as yet imperfect extension of international law, but no one knows better than my friend M. Politis and other authorities on international law that there are great stretches of subject-matter which are not as yet covered by clearly determined and defined law. We in England are familiar with long centuries of legal development, ultimately from the Roman law through our common law, and through long series of legislative enactments, until at last our courts have at their disposal a great code of law applicable to almost any case that can be brought before them. In the course of time, and indeed in no very long time, the Court at The Hague will also have as a result of its own decisions, always acting as precedents for future developments, a great code of international law sufficient to cover all the matters of dispute that can be brought before it; and, as that time progressively arrives, we shall all be increasingly content, whatever dispute arises, as long as it is a matter of law, to refer it to the Permanent Court.

Now, if you begin referring non-justiciable disputes to the Permanent Court, you do that Court an injury, because you are submitting to it disputes which cannot be determined by the same *ratio decidendi*, and which cannot be determined by reference to any code of law. Some other reason may be brought in; they may call it equity, or they may call it doing substantial justice. You may call it what you like, but it is not law, and the more the Court is used for extraneous purposes outside its proper domain of law, the longer it will be before that Court assumes a position similar to the domestic High Court of any country, such as my own, or France, or Germany, or Italy, or any other highly civilised country. Therefore, for the sake of the Court as well as for the sake of keeping a clear distinction in regard to disputes, we in England emphasise this distinction between justiciable and non-justiciable disputes.

And that brings me to a similar distinction between arbitration and conciliation. I think in some passages of these reports that distinction is not kept quite clear. It appears to me that the word "arbitration" is used where conciliation is intended. We say they are perfectly distinct, that arbitration is one thing and conciliation is another. Now, we are all in favour of the furthest possible extension of treaties between different States consenting to refer justiciable disputes to arbitration, we hope in every case to the Permanent Court, in order that it may grow in prestige and experience. We deprecate setting up by arbitration treaties other tribunals when the Permanent Court is there to be used, but we have no wish, of course, to coerce other people. If there are States which prefer in their arbitration treaties to name some other tribunal than the Permanent Court, I do not think that anybody has any right either to interfere with them or to attempt to put pressure upon them; but, as a matter of preference and principle, we support the reference of all justiciable disputes subject to arbitration to the Permanent Court.

When we come to non-justiciable disputes, which cannot be determined by any principle of law but by some other method, then we want a totally different tribunal. The delegate for Canada referred yesterday to the Commission which deals with a certain class of disputes as between Canada and the United States. There are a great many models which might be followed, and if we keep fairly in our minds, as I have endeavoured to suggest, that the individual circumstances of each country should determine the treaty which that country forms with neighbours or groups of neighbours, then the particular kind of commission — whether permanent or *ad hoc*, I do not think it matters very much — to be set up as a tribunal for conciliation is a matter which can be determined from time to time according to the circumstances of each State. At all events, we are anxious to give our support, in the fullest measure both to arbitration treaties and conciliation treaties on the lines that I have attempted to outline. But there is one qualification which I ought to speak of at this moment, since I am most anxious to be perfectly frank and not to mislead the Committee in any way. Whether you decide to have a general treaty or a special treaty of arbitration, owing to the special circumstances of the country which I represent (I could, if it were desirable, explain them in detail, but I do not wish to occupy your time), we could not accept, either for justiciable disputes or non-justiciable disputes, arbitration agreements altogether without reservation.

As I said the other day, we have a very long experience of these treaties, going back well over a hundred years. I do not say for one moment that the exact form of reservation which we have usually found sufficient and consistent in the past is altogether suitable for the present day; it is quite possible that some better form of reservation will be found, and it so happens that at the present time there are certain arbitration treaties in which my country is involved

which have to be reconsidered because they require renewal within a short period, and it is quite possible that the form of reservation will be a new one. I do not, however, want this Committee to suppose that it would be possible for the British Empire to accept any form of arbitration treaty which was altogether free from reservations.

I think that these observations, which I have made to the best of my ability, cover the point of view with which I approach these particular clauses, but I have no doubt that you, Mr. Chairman, and the Committee will not consider me committed beyond the possibility of exception by what I have said; and, as we consider these clauses, if some other point arises which I have omitted to mention, I shall venture to put it before the Committee.

The CHAIRMAN. — As you have observed, the British delegate has not confined his observations to paragraph 27 but has covered paragraphs 28 to 35, where reference is made to the difficulties which may be regarded as arising in a system which aims at submitting all disputes, with a view to their final settlement, to a procedure established in advance. I think that we can now proceed with the discussion not only of paragraph 27 but of the whole of the chapter.

M. VALDÉS-MANDEVILLE (Chile). — We have just heard some very important observations by Lord Cushendun and I am in entire agreement with the first part of his speech concerning general and regional treaties. Paragraph 27 (c) appears to me at the moment to be impracticable, not only because of the diversity of conditions to which Lord Cushendun referred, but for reasons which I mentioned yesterday when I pointed out that, with a general treaty, the limitative provisions and the reservations would necessarily become too extensive for the treaty to be a really effective instrument.

I support what has been said by General de Marinis, and I may be permitted to express myself with the same freedom as was shown by him, since my country has given proof of its warm support of arbitration. I gave yesterday certain examples, among which, in fact, was the treaty which we have signed with Italy. I have already mentioned the compulsory arbitration treaty which we have signed with Spain without reservation. Many other treaties are at present being negotiated.

The Pan-American Conference which has just been held showed a desire to conclude a regional arbitration treaty, since it decided to convene next year a conference which will endeavour to establish an arbitration treaty for disputes of a legal character.

I expressed yesterday my opinion in regard to conciliation and quoted an example which the Committee will, I hope, take into consideration.

M. POLITIS (Greece). — I intervene in this discussion in order to ask for some explanations. It seems to me that there is a misunderstanding.

I quite agree in substance with the representative of the British Empire. I think that at present it is absolutely impossible in practice to conclude a general arbitration treaty between all States and covering all disputes. I would go even further. I think that at present it is impossible to carry into effect a general arbitration treaty limited to disputes which are purely legal. Even for disputes of a legal character, I do not think that it is possible at present for a large number of States to agree upon one and the same formula. According to the special interests of the majority of these States and according to the parties with which they will conclude the treaties, they will feel a very legitimate need to make a certain number of reservations. It may even happen, in view of the diversity of the circumstances arising, that it will not always be the same tribunal or the same jurisdiction which will be considered most suitable to settle their disputes and to inspire them with equal confidence.

Accordingly, in answering substantially the question whether at present it is possible to conclude a general arbitration treaty, I would reply, with Lord Cushendun, in the negative.

I wonder, however, whether something else may not be done. It appears from the conclusions of the report of M. Holsti that he proposes with considerable hesitation to examine whether it would not be possible to achieve the conclusion of a treaty which would be general so far as the number of States was concerned but which would be extremely elastic and would accept compulsory arbitration only up to a certain point and subject to certain qualifications.

I imagine—and this is an idea which I developed at some length before the First Committee of the Assembly in September last—that it would be possible to establish a general treaty, open to the signature of these States which desired to bind themselves by such a treaty. In order, however, to facilitate the adherence of a large number of States, it might be possible to permit each State to adhere to the treaty subject to such reservations and stipulations as it believed to be necessary for the safeguarding of its particular interests.

It will be asked what can be the value of a convention general in its external form but in detail varying according as it was applied to a dispute arising between countries A and B or between countries C and D.

Well, gentlemen, we cannot refrain from noting that, at present, arbitration as a pacific institution is becoming a real symbol and that there are numerous countries which believe that the more arbitration assumes a generalised form, even though it does so with considerable timidity, the stronger will be the existing guarantees for peace and for the future welfare of nations.

These are the considerations which inspired the proposal of the Swedish Government. You will all remember that the Swedish Government at first desired a very much wider and extensive treaty containing much stricter undertakings. In the draft finally submitted, the Swedish Government confines itself to requiring a general undertaking in regard to legal disputes and in regard to other disputes—that is to say, for non-legal disputes—confines itself to the procedure of conciliation. In other words, the Swedish Government, as indicated in

its note, proposes to generalise the form of pacific procedure adopted at Locarno, drawing a very clear and very useful distinction, in my opinion, between disputes of a legal character and non-legal disputes.

I believe that it is possible to go even further in the direction of making the idea more elastic. In the general framework of the Convention which all States who so desire would be invited to sign, a whole series of reservations might be accepted as to time and as to the extent of the obligations incurred and even as to the States with which the contracting parties desire to contract. There would be in this arrangement something which, at first sight, might seem a little odd, namely, that in a general treaty the signatory States would limit their obligations towards certain other signatories and would not accept those obligations towards the world in general.

I think that it is possible to find a formula and, in any case, I believe that this Committee will not have fulfilled its task if it does not endeavour to do so.

I would therefore ask whether the words of the representative of the British Empire mean that he objects to the Drafting Committee studying an elastic formula which might be submitted to the plenary Committee with a view to a more general discussion. If the British representative does not object to that course, I think that the Drafting Committee might here do some very useful work.

I venture to hope that the British Government does not object to my proposal since, in its memorandum, which we very thoroughly examined, I read on page 52, paragraph 22, the following words concerning a scheme of Dr. Nansen which went considerably further :

“ The utility of studying the draft of any such agreement depends on whether there are any States which feel themselves able to accept and sign such a general agreement. If there are, the draft of such an agreement should be worked out.”

M. UNDÉN (Sweden). — After the observations of M. Politis, it is perhaps hardly necessary for me to speak, but since Sweden has submitted a draft general arbitration treaty, I would like to add a few words concerning the reasons which induced my Government to submit that draft to the Committee. Its object was to render more precisely effective Article 13 of the Covenant. Under Article 13, the Members of the League agree that, whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement. The article goes on to enumerate the cases which are generally suitable for submission to arbitration or judicial settlement. I would draw attention to the word “generally”, which constitutes, so to speak, a safety valve. A State may declare that in the particular case the dispute is not suitable for submission to arbitration or judicial settlement, and refuse to submit it to an arbitration tribunal.

I fully agree with the representative of the British Empire that it is not necessary to frame a uniform general treaty which would prevent States from concluding bilateral treaties permitting them to choose other tribunals or forms of pacific settlement for their disputes. A general treaty would simply play the part of an undertaking supplementary to the Covenant, which would come into play in the event of a dispute having arisen between two States for which there exists no bilateral agreement or any undertaking to arbitrate. It is in no way the intention of the Swedish Government to impose on States the obligation to choose a particular method of pacific settlement. It merely wished to establish an undertaking which may, in the last resort, serve as a supplement to the Covenant. If the Covenant is not completed in this respect, a case may easily be imagined in which a dispute of a legal character suitable for settlement by arbitration would not be submitted to any arbitration tribunal owing to the refusal of one of the parties in the case.

M. RUTGERS (Netherlands). — I entirely agree with the representative of Greece. I do not think I am to interpret the conclusions of the speech of Lord Cushendun to mean that he considers it as impossible or in practice useless to establish a collective convention which would enable a judicial settlement to be reached of all disputes of a legal character. That can hardly be his contention, in view of the existence of the Optional Clause of Article 36 of the Permanent Court. It cannot be maintained that that clause is impossible or without practical utility, since it has been signed by a number of States. The British memorandum points out that the clause was signed by a limited number of States but the number is quite considerable. The signature of the States which have already accepted the Optional Clause corresponds with a large number of bilateral arbitration treaties. The establishment of a collective arbitration treaty has the symbolical value emphasised by M. Politis. It has a real power of suggestion. It will also have the very important effect of increasing the number of arbitration treaties, since by the signature of a new State there will exist an arbitration treaty between this State and all the other signatories. I do not think that the representative of the British Empire will altogether dispute that contention. The memorandum of the British Government contains certain reservations on the point. It is there stated that probably more appreciable progress will be realised by means of bilateral agreements than by means of general agreements open to the signature of all States. There can be no certainty on the subject, but in view of the number of States which have already signed the optional clause, I am of opinion that better results will probably be obtained by establishing a collective agreement.

The establishment of an arbitration convention in addition to the Optional Clause has the advantage—emphasised in the note of the French delegation distributed this afternoon—of offering greater elasticity and enabling States to resort at their discretion either to the Permanent Court of International Justice or to an arbitration court of the type which exists at The Hague.

The following inference might be drawn from the speech of M. Politis. He argues that a collective treaty would perhaps only be signed by several States with a great number of reservations, whereas these States would be ready to sign bilateral agreements with other States with fewer reservations. In these circumstances, more real progress would be achieved by means of a bilateral agreement than by a collective agreement. A collective agreement, however, would leave it entirely open to States to sign bilateral arbitration treaties, and I do not, moreover, see any objection to leaving States which have signed collective agreements with reservations free to abandon them wholly or partially in respect of certain States by a special agreement.

For these reasons, I am convinced that by a collective agreement more rapid progress would be achieved than by bilateral or multilateral agreements.

I hope that the members of our Committee who see no advantage for the States which they represent in the establishment of a collective agreement will not object to such an agreement being concluded and opened for the signature of States which see an advantage in signing it.

General DE MARINIS (Italy). — M. Politis, in the important declaration which he has just made, in order to render possible the adherence of numerous States to a general arbitration treaty, contemplates the introduction into the treaty of a very large number of reservations. This induces me to refer once more to what I have previously said, namely, that the practical effect of the treaty would be greatly diminished.

What is the essential clause of an arbitration treaty? The essential clause is precisely that which defines the cases suitable for submission to arbitration. If, in the classification of these cases, one is obliged to make a great number of exceptions for certain States in respect of certain other States, it seems to me that the progress obtained is really of small importance. One feels justified in saying that things remain almost the same as they were before.

I venture to observe that there is a close connection between the difficulties of forming a clear idea of an arbitration treaty and its utility. If the treaty is made extremely elastic in order to admit of the adherence of numerous States, I venture to think that in fact the practical advantage of the treaty is almost non-existent.

I therefore think it well to adhere to the principles explained by the British delegate in this connection.

Lord CUSHENDUN (British Empire). — I think it would be discourteous if I were not to give a short answer to a question which I understood was put to me by M. Politis. I understood him to ask whether it was to be inferred from the speech I made a short time ago that I objected to the Drafting Committee including in its text an examination of general treaties and agreements. I did not intend any such objection. Reference has been made to Clause 22 in the British memorandum, in which we say that the utility of studying the draft of any such agreement—that is a general agreement—depends on whether there are any States which feel themselves able to accept and sign an agreement, and that if there are any such States the draft of an agreement should be prepared. We desire, however, to arrive at the largest possible measure of agreement. It is now quite clear that there is a considerable number of delegates—perhaps a majority—who are opposed to the conclusion of general treaties. Therefore, while I have no objection, if it is so desired, to entrusting the examination of such treaties to the Drafting Committee, I venture to doubt whether we are going to get more forward in our work by doing so, and I am wondering whether we should not really arrive at more practical conclusions by limiting ourselves to subjects on which we are all agreed, namely, particular agreements, whether for arbitration or conciliation. Even if there are some members of the Committee who feel strongly that a general agreement has advantages, it would perhaps be wiser for them to join with their colleagues on ground which is common to us all.

If that suggestion does not appeal to my colleagues, I wish to repeat that the very last thing I desire is to be obstructive. I am perfectly willing that the whole subject should be examined in all its bearings and in the fullest possible way.

M. SATO (Japan). — It seems to me that we have reached an important point in our discussion. Must we give to the model convention which we are going to draft a general or merely a regional character? I have already had occasion to define the attitude of my Government on this subject, but I think it would be useful for me to repeat some of the explanations which I gave during the general discussion.

I pointed out that, in the opinion of the Japanese Government, the best method of serving the cause of peace would consist in the conclusion of arbitration agreements between two or several States; that is to say, between a small number of Powers able to give certain undertakings with the full knowledge of their practical scope and bearing. These undertakings would be defined, having regard to the special situation of each of the contracting parties.

It seems to me that the point of view of the Japanese Government is the same as that of the British Government, which Lord Cushendun has just explained. I think also that General de Marinis has the same views, together with a certain number of our colleagues from South America.

When one comes from the other side of the world to discuss the question of arbitration at Geneva, one naturally attaches special importance to the differences which will be necessary in the drafting of arbitration treaties. As the representative of Italy has very well said, the formula which would be applicable to all States would inevitably be very vague. On the other hand, a text applicable to European States would be too rigid for the States of other continents, and the formula which States like mine would accept would be too vague to be of any use to European States.

In these circumstances, it seems to me that we must content ourselves first of all with seeking a formula which may be applied to States of the same region whose economic, financial or political constitutions are analogous. A formula too broad in its conception would not be of any use.

Dr. RIDDELL (Canada). — I merely wish to recall what I said in this connection yesterday, when I mentioned that provision would presumably be made for a multilateral treaty or model bilateral treaties furthering arbitration in justiciable and conciliation in non-justiciable disputes through special *ad hoc* commissions. There is nothing in my instructions which would make me oppose the consideration by this body of a multilateral treaty. On the other hand, it does seem that we might get further if we were to confine ourselves not to a bilateral treaty but to bilateral treaties. It has been abundantly evident in the last two or three days that there is not support here for one definite model bilateral treaty. We have heard from South American countries of the kind of treaty adopted there, a treaty that has met their needs, and, as other speakers have said, those countries are not likely to abandon a type that has been of great value to them. In going over these reports, I turned to the model that was proposed by the Assembly in 1922. I see that it differs very materially from the one concluded between Canada and the United States in 1909. It could not be expected that my Government, after seventeen years of experience, and fifteen years of the most satisfactory experience of a certain model of treaty, would abandon it for something that had been worked out theoretically at Geneva. That is not to be supposed. I have gone over the model proposed by the Swedish Government, and I think the Swedish Government is to be congratulated on that model. No doubt it would meet a certain situation, but it is difficult to presume that it would meet all situations. I conceive that we might have two or three model bilateral treaties if we are really going to accomplish the purpose we have in mind. I want to make it clear that I am not here to oppose the consideration of a multilateral treaty. On the other hand, it seems to me that we shall get further by dealing with model bilateral treaties.

The CHAIRMAN. — We may regard the discussion on Chapter II as closed. The observations of the various speakers will be referred to the Drafting Committee. I draw attention, however, to the fact that, from the drafting point of view, a general treaty is hardly to be distinguished from a multilateral treaty concluded with a limited number of States.

The meeting rose at 6.45 p.m.

SEVENTH MEETING.

Held on Friday, February 24th, 1928, at 4 p.m.

Chairman : M. UNDÉN (Sweden).

13. Discussion of the Memorandum on Arbitration and Conciliation : Chapter III, Paragraphs 38, 39 and 40.

The CHAIRMAN. — During yesterday's discussion on arbitration, various opinions were expressed as to whether it was opportune to recommend the conclusion of a general treaty on arbitration. I think, however, that no member of our Committee is opposed in principle to the drafting by the Drafting Committee of a model collective treaty of arbitration.

Various opinions have also been expressed on the question of ascertaining what categories of disputes ought to be covered by a general arbitration treaty, more especially whether such a treaty ought to include only disputes of a juridical nature.

I now call upon the Committee to discuss Chapter III, paragraphs 38 and 39, in which the Rapporteur states that such a model treaty should only concern disputes of a juridical nature. Further, paragraph 39 deals with the reservations excluding certain categories of juridical disputes from arbitration.

Is the Committee of opinion that the Drafting Committee should draw up a model general treaty of arbitration and insert in it provisions concerning only juridical disputes, in conformity with the suggestions of the Rapporteur ?

M. ROLIN JAEQUEMYS (Belgium). — As I have not had an opportunity of attending the meeting of the Drafting Committee, I desire to know what the question put by the Chairman exactly means. When mention is made of drafting a general agreement, does this mean a general arbitration agreement or a general arbitration and conciliation agreement ? Is it to be a general agreement drawing a distinction between the juridical disputes to which arbitration is to be applied and non-juridical disputes to which a procedure of conciliation is to be applied ? Is it an agreement based on the modified Swedish draft ?

In my view, if it is desired to achieve something which can usefully be taken into consideration, the draft to be drawn up must be a draft general agreement drawing a distinction between the juridical and non-juridical disputes, and applying in principle, though allowing for exceptions, arbitrations to disputes of a juridical nature and conciliation to other disputes.

Lord CUSHENDUN (British Empire). — I do want to make it clear that, if I acquiesce in the proposal which has been made, I do not withdraw at all from the position I have taken up with regard to general treaties. The Committee will understand that, personally, I think we should leave general treaties aside, but I do not want to obstruct in any way the inclusion in the draft to be made by the Drafting Committee of a model of that sort if it is thought desirable.

I should like to repeat that, as far as I have been able to follow the opinions of the Committee, there is a very considerable body of opinion which considers general treaties undesirable or impracticable at the present moment, and I think that is the opinion to be deduced from the three reports also. I do not know whether there is any procedure at our disposal for determining which side has a majority on a point of that sort. I am not anxious to press the matter to a division, but I confess, as a mere matter of curiosity, I should rather like to know whether a majority of the Committee is or is not in favour of general treaties. I leave that, however, entirely in the Chairman's hands.

The CHAIRMAN. — At the moment, I do not propose that our Committee should recommend the conclusion of a general treaty or of bilateral treaties. It is merely a question of instructing the Drafting Committee to perform its task. Our Committee will have an opportunity of examining the texts of a model treaty drawn up by the Drafting Committee.

From paragraph 39 it appears, in the view of the Rapporteur, that it would be useful to draft the text of a model treaty on the basis of the Locarno Treaties. The representative of Belgium has also suggested that the Swedish draft could serve as a basis for discussion when the text of this model treaty is drawn up.

As far as the procedure of conciliation is concerned, the Committee will have an opportunity of discussing it in a moment, during the examination of Chapter IV.

M. SATO (Japan). — Yesterday, I had the honour of supporting the view in favour rather of bilateral agreements. This view was supported by several members of our Committee. It would appear, however, from the explanations just given by the Chairman, that our work is tending in a somewhat different direction. If I have properly understood him, our Chairman proposes to instruct the Drafting Committee to draw up the text of a model general treaty of agreement. I do not entirely approve of this suggestion, which, if it be adopted, will be in opposition to my view. I ask, therefore, that the Drafting Committee should be instructed to draft a model bilateral agreement.

This does not mean that I have any great objection against the Drafting Committee being instructed to draft a model general agreement also. But I could not accept a suggestion that its labours should be confined solely to that task.

The CHAIRMAN. — I would draw the attention of the representative of Japan to the fact that, in paragraph 40, the Rapporteur has also suggested the drafting of a model bilateral treaty.

If I have properly interpreted the views of the various members of the Committee, my colleagues agree that the Drafting Committee should be instructed to draw up a collective or general treaty on the basis of the Locarno Treaties and of the Swedish draft, which is founded on the same principles as those treaties.

It still remains to decide whether the Committee wishes also to instruct the Drafting Committee to draw up other model bilateral treaties.

M. ROLIN JAEQUEMYS (Belgium). — I entirely understood the reservation made by Lord Cushendun when he said that the fact of preparing a general treaty would in no way alter the objections which he has put forward, and that to agree to such a preparation did not mean that he bound himself in any way to accept such a treaty.

I wish merely to say, with reference to the proposal that model bilateral treaties should be drafted, that my agreement to such a proposal does not in any way mean that I attach the least practical significance to such treaties. I think, even, that if it is decided to instruct the Drafting Committee to draw up a new draft, and if it were definitely to be adopted, this could have but one result, which would be to confront Governments ready to conclude treaties of arbitration and conciliation with an additional difficulty resulting from the multiplication of texts presented to them.

Nevertheless, if it is thought useful, I will not oppose such a suggestion, but I wish to express the desire that the Committee should in any case pay great attention to the general treaty.

General DE MARINIS (Italy). — I desire also to express my opinion on the task to be entrusted to the Drafting Committee. I would remind you of what I have already said in my general observations regarding a general treaty. The Italian delegation shares the views of the representatives of the British Empire and Japan, and other colleagues, that a general treaty of arbitration would not be of great practical use.

I would, however, in no way object to the proposal that the Drafting Committee should draw up a general model treaty of arbitration, but I remain in the position which I have taken up, and I reserve my approval for bilateral or special treaties.

The CHAIRMAN. — I think that the discussions of yesterday and to-day have clearly shown that it is not possible at the moment to achieve a general treaty, but, as I have already pointed out, a collective treaty and a general treaty do not differ, from the drafting point of view.

If no member objects, I think we could instruct the Drafting Committee to draw up a model collective treaty, which might, at some future date, be signed by a certain number of States.

This proposal was adopted.

The CHAIRMAN. — I next pass to paragraph 40, which concerns the question, already discussed, as to whether the Drafting Committee should also be instructed to draw up several bilateral treaties. Several members have expressed doubt as to the utility of this work. Perhaps we could leave it to the Drafting Committee to decide whether or not such model treaties should or should not be submitted.

Lord CUSHENDUN (British Empire). — Mr. Chairman,—May I respectfully say that I hope that the last suggestion will not be adopted. I have already several times expressed the opinion that if model treaties are to be of any use they should be special, bilateral or regional and not general, and I am afraid that, if the Drafting Committee were to prepare a model of a general treaty and were not at the same time to supply us with models of bilateral treaties, whatever might be said in this Committee, the effect of that, when the document was before us and became public, would be to suggest that, in the opinion of this Committee and in the opinion of the Drafting Committee, a general treaty was really to be preferred to a particular treaty, and as that is quite the reverse of my own view and, I venture to think, the reverse of the view of the majority of this Committee, I hope that equal weight will be attached both to general treaties and to particular treaties, by having the models side by side in the document to be prepared by the Drafting Committee.

Perhaps I may say one word more. I should like at some time or another if some more competent member of the Committee than myself would explain, for my own information and, it may be, for others as ignorant as myself, what precisely is the object of a model treaty; when we have got a model treaty—whether it be of a particular treaty or a general treaty—what purpose is it to serve? I have no objection to having dozens of model treaties, but I should like to know what their purpose is. As I have already explained on a former occasion, we, in my own country, do not require a model treaty; we could produce a treaty at very short notice, and I should have thought anybody could have done the same. It appears to me a very simple thing to do, but if there are States which think that facilities in the way of arbitration would be supplied to them by these model treaties, by all means let us have them, and the more the better. I think, however, it would be convenient that, at some stage of our proceedings, it should be explained, as a matter of instruction to less intelligent members of the Committee like myself, by someone who understands this matter (my friend M. Politis would be very competent to do it), exactly what is the purpose in view of these model treaties, which is not at all clear to me at the present moment.

M. POLITIS (Greece). — I cannot resist the kind invitation which has just been addressed to me and I will explain to you to what extent standard bilateral treaties or special treaties are, contrary to the opinion of M. Rolin Jaquemyns, likely to be of use.

I have noticed since public opinion has been interested in arbitration—that is to say, since the time when the Hague Peace Conferences have successively come together to examine questions relating to arbitration—that, without anyone having assumed the least obligation, the mere fact of having proclaimed certain principles and of having sketched certain treaties has resulted in the conclusion immediately afterwards of a certain number of treaties of this character. To some people the reason for this result remains perhaps something of a mystery. Personally, I attribute it to a psychological cause. This cause became effective after the Conference of 1899, which confined itself to stating that the conclusion of arbitration treaties was highly desirable. The same result was noted again after the Conference of 1907, when at The Hague the bases of certain arbitration treaties were laid down.

I am deeply convinced that the same results will follow in the present case, not only because the cause of arbitration has made more progress but also because the League of Nations has in the eyes of the world moral authority greater than that of the Conferences at The Hague.

For that reason, it seems to me useful to establish one or several special model treaties without prejudice to the establishment of a model collective treaty. All these models will be useful and will all lead to the same end, since they all contribute to increase the credit of arbitration in public opinion.

I am well aware that many countries have no need of these models, either because they have in their archives the necessary elements to establish treaties for themselves or because they have advisers who are able to dispense with such models. I maintain, however—and this is an important point—that for certain States which do not belong to either of these categories it will suffice for the League of Nations to give its imprimatur to certain model treaties for them to attribute to these models a very considerable value in practice.

Even if this were not the case, it would be sufficient merely that there was no danger in following this course to justify us in proceeding in this direction and in elaborating treaties which will be merely offered to States, but which, of course, will not be imposed on anyone.

Lord CUSHENDUN (British Empire). — I thank M. Politis for his very kind response to my request for instruction. I am very glad in this matter to be his pupil, and I would like to say my final word on the matter. If I may say so respectfully, I think he has made a very good reply. No one in this room is more anxious than I am to see arbitration carried out in the widest possible way. I quite agree with him that it has been given a great stimulus by the foundation of the League of Nations. I feel a certain amount of justifiable national pride that the example which we have set for more than a hundred years is now being so largely followed in consequence of the Covenant and of the League, and, as M. Politis has persuaded me that that movement for arbitration may possibly be further stimulated by providing these model treaties, and, as he quite truly says, it can in no case do any harm, I would like to range myself along with him as acquiescing at all events in the provision of these models.

M. ROLIN JAEQUEMYS (Belgium). — I associate myself with Lord Cushendun in thanking M. Politis for the interesting explanations which he has just given. These explanations convince me that my suggestion for the study of general arbitration treaties—a study which seems to fall in with the views of several members of the Committee—was an excellent one. I therefore maintain my suggestion.

The CHAIRMAN. — I would venture to add a small observation to what M. Politis has just said. I well understand the doubts expressed by the representative of the British Empire. The question he has raised, however, does not merely concern the problem of arbitration but also the problem of security, since the Rapporteur who drafted the report on security also recommends the framing of model treaties.

I willingly accede to the wish expressed by Lord Cushendun for the elaboration by the Drafting Committee of one or several model special treaties on arbitration and conciliation.

This proposal was adopted.

14. Discussion of the Memorandum on Arbitration and Conciliation: Chapter III, Paragraph 41.

The CHAIRMAN. — Paragraph 41 deals with the Permanent Court of International Justice. The Rapporteur suggests that a recommendation should be framed urging that general treaties of every kind should contain, as far as it is possible, an article conferring on the Permanent Court jurisdiction in disputes relating to the interpretation or application of the treaties. The paragraph, secondly, states that, under the special arbitration treaties, disputes of a legal character should be referred to the Court rather than to other forms of arbitration tribunal.

M. POLITIS (Greece). — I do not see in the conclusions of the memorandum of M. Holsti any suggestion in regard to the possibility of encouraging States to adhere to the Optional Clause of Article 36 of the Statute of the Court. I suppose the reason for this is that it is not clear, as is stated in paragraph 41, by what procedure it would be possible to encourage States to accept such an arrangement. I do not think, however, that it is possible to pass over this question completely in silence when we frame the conclusions resulting from our work. Article 36 represents a serious step forward in the progress of international justice. On several occasions during the last four years the League of Nations has recommended States to adhere to Article 36. I appreciate that it would perhaps be useless and even open to criticism merely to renew a recommendation already put forward on so many occasions. It seems to me, however, possible to give this recommendation a somewhat new form, modifying the expressions which the Assembly has hitherto used. I am thinking in particular of the following point: in 1924, after a very thorough study of the question, it was realised that Article 36 of the Statute of the Court was extremely elastic and possibilities were indicated for States wishing to adhere to the clause of doing so subject to certain reservations. These reservations were analysed, either from the point of view of the period of validity of the undertaking or from the point of view of the exclusion of one out of the four categories indicated in Article 36, or from the point of view of the limitation of the cases covered by each of these four categories.

It is possible to go even further in this direction and to indicate other categories of reservations which might be made. It will be objected that it may be unsatisfactory to multiply the possibility of reservations. What would finally remain if a State adhered with a considerable number of reservations? I would answer that it seems to me preferable for a State to adhere to Article 36 even with reservations which very greatly restrict its undertakings rather than for the State not to adhere. The adherence of a State with reservations, however little it may mean, constitutes a new undertaking between the countries concerned and may be regarded as a sign of confidence in the Court. All this has considerable value from the practical and moral point of view.

I think, therefore, that it would be possible to instruct the Drafting Committee to find a formula by means of which the recommendation made so many times may be renewed, but with definitions indicating to the States what are the principal reservations which may accompany their adhesions.

M. VON SIMSON (Germany). — I would like to say a few words on the question under discussion. The point of view of the German Government on this subject is well known. We have signed Article 36 and we are very shortly to ratify that arrangement, as Dr. Stresemann has already announced. We can therefore very keenly hope to see the field of application of the provisions of Article 36 enlarged, and I accordingly associate myself with the wishes expressed to this effect.

M. PAUL-BONCOUR (France). — I would like to follow up the invitation which has just been given by M. Politis. He finds a close connection between adherence to the clause of Article 36 and our desire further to encourage arbitration.

The position of my country, as appears from a recent discussion of the Committee for Foreign Affairs of the French Chamber, is as follows: when the French Government signed a Protocol in October 1924, it signed at the same time its adherence to the clause of Article 36, subject to the ratification of the Protocol. This means that from the outset its attachment to the clause of Article 36 was not in doubt. When, in the Committee for Foreign Affairs of the Chamber, we recently resumed a discussion of the question—in agreement with the Government and as the result of a note of the Minister for Foreign Affairs—we pointed out that evidently the ratification of the Protocol was not a supposition which we completely discarded, but the facts of the case compelled us to state that its practical realisation was at least deferred. In these circumstances, it seemed to us that to subordinate our adherence to the clause of

Article 36 to the ratification of the Protocol, however faithful we might remain to the Protocol, would be to attach to our adherence a condition which would not be realisable in practice. We agreed that this condition should be withdrawn, and that our adherence to the clause of Article 36 should be made independently of any ratification of the Protocol.

I would, however, draw attention to a fact which will show the importance attached by the Committee for Foreign Affairs of the Chamber to the work on which we are engaged. In view of the fact that the Security Committee was on the point of meeting under the resolution of the Assembly of 1927, in accordance with which we have come together, in order to find a means of giving further encouragement to the cause of arbitration and to co-ordinating and generalising that procedure, the Committee for Foreign Affairs assumed as a hypothesis that a general treaty of arbitration such as it desired would be adopted. In those circumstances, it thought that the adherence to the clause of Article 36 was a step towards arbitration of less importance than adherence to the general treaty. It took this view for a simple reason. It is still necessary to define exactly the scope of the undertaking implied in adherence to the clause of Article 36. Article 36, paragraph 4, contains a very precise list, from which it seems that disputes which come to the Permanent Court of International Justice are disputes of a purely legal character, and that therefore, in adhering to Article 36, States were undertaking to bring these disputes before the Court.

There clearly remained the very wide field of disputes which are not of a legal character. I do not think I am pessimistic when I say that these disputes are precisely those which most obviously endanger the maintenance of peace. We do not, therefore, disguise the fact that adherence to the clause of Article 36, important and desirable as it may be, leaves out of account the unfortunately wide field both of danger and possible disaster in disputes of a political character—in other words, disputes which are not legal, and which therefore do not come within the jurisdiction of the Permanent Court at The Hague.

In conclusion, as the Chairman very justly remarked, it appears from the very authoritative declarations which have been made in this Committee that to persist in the endeavour to frame a general arbitration treaty will bring us to a deadlock. In spite of that, however, it is recognised—and this is a very courteous and confident concession made by our colleagues—that it may be interesting to define the general lines of such a treaty. It is, in fact, possible that such a definition will act as a stimulus, but in reality the Committee has moved in the direction of special treaties. This circumstance means that adherence to the clause of Article 36 resumes its previous importance.

The CHAIRMAN. — I thank the delegates of Germany and France for the important declarations which they have just made on the attitude of their respective Governments concerning arbitration.

I will venture to propose that we ask the Drafting Committee to frame a recommendation in the sense indicated by M. Politis.

This proposal was adopted.

The CHAIRMAN. — The Rapporteur has suggested in paragraph 41 the framing of two recommendations which I have quoted. I propose to refer them to the Drafting Committee.

M. POLITIS (Greece). — M. Holsti proposes in effect that a recommendation should be made that the Permanent Court should be recognised as a common law jurisdiction by means of two procedures. The first procedure would consist in inserting an arbitration clause in every general treaty under which the Court would be given competence for any dispute relating to the interpretation or application of the treaty in question. By the second procedure, the competence of the Court for all legal disputes would be recognised in special arbitration treaties.

I willingly accept the first proposal. It does seem to me useful that for the interpretation and application of the treaties there should be constituted a sole jurisdiction. That jurisdiction has been in course of preparation since the Court began working at The Hague, and has already been applied to numerous treaties.

I should, however, hesitate to accept the second proposal. I believe that it is desirable to leave States which enter into a special treaty free not to submit all disputes of a legal character which may arise with other States invariably to the Court at The Hague. It is possible that, according to the special relations of the contracting countries, disputes, even of a legal character, not anticipated when the arbitration treaty is concluded may be of such a character that the parties consider that a special arbitration tribunal would offer them a safer guarantee and leave them easier in their minds. I think that the adoption of the second procedure would rather hinder than facilitate the movement towards the conclusion of special arbitration treaties.

I will therefore ask that the first recommendation should be retained and the second discarded.

M. VON SIMSON (Germany). — To a certain extent I associate myself with the declarations of M. Politis. I think, with him, that it would not be desirable to establish as an absolutely rigid rule that disputes of a legal character should always in special treaties of arbitration be referred to the Permanent Court at The Hague. It is easy to imagine disputes of a legal character which have at the same time a very technical character, and for the solution of such disputes the Court would not perhaps always be quite adequate. Moreover, an endeavour should be made to avoid overburdening the Court with work with which it would not be very familiar.

Personally, however, I did not interpret the recommendations of M. Holsti so strictly, for the Rapporteur says in effect that such disputes should be referred to the Court whenever

possible. As a general rule, I approve the suggestion that disputes of a legal character should be referred to the Court at The Hague. As the representative of the British Empire pointed out yesterday, such a procedure would give the Court an opportunity of framing a system of international law. The Drafting Committee might endeavour to find a more elastic formula.

The CHAIRMAN. — I think that there is no difference of opinion within the Committee concerning the first proposal of the Rapporteur. I accordingly consider that proposal as adopted.

M. POLITIS (Greece). — There does not seem to be any disagreement either as to the second recommendation. I entirely accept what M. von Simson has just said. It would be sufficient to find a formula somewhat more elastic than the one to which he referred whenever possible. Something must be found which will clearly indicate that the parties are free to choose another tribunal if they so desire.

The CHAIRMAN. — The two proposals will accordingly be referred to the Drafting Committee, which will take account of the observations which have been made within this Committee.

The proposal was adopted.

15. Discussion of the Memorandum on Arbitration and Conciliation : Chapter III, Paragraph 42, and Chapters IV, V and VI.

The CHAIRMAN. — We will now pass to the chapters on conciliation. I think that it is preferable to discuss at the same time the whole problem of conciliation.

General DE MARINIS (Italy). — I would like to say a few words concerning the general conciliation treaty, and I will begin by stating that the Italian delegation entirely agrees with the point of view expressed on this subject by the French delegation in Point VIII of its Observations (Annex 4). The French delegation has given an entirely exact idea of the value and the desirability of having a general conciliation treaty. I ask my colleagues, however, for permission to submit to them my own point of view.

We also note that the Covenant already offers a general system of conciliation which may be applied to all disputes which arise. It can very easily be argued that this system may be completed by special conciliation treaties which would render easier the pacific solution of a dispute by leaving it to be dealt with by the parties in question on the basis of a procedure contemplated in advance and accepted by them. It does not, however, seem to be useful to provide a system of general conciliation to be added to that already embodied in the Covenant.

The system which consists in providing a first phase of conciliation before the Council gets to work may have advantages, but it also has disadvantages. Such a procedure may help to elucidate the subject of the dispute, but may, at the same time, render it difficult for the Council to propose to the parties with the full weight of its authority certain solutions already unsuccessfully proposed by the conciliation commission.

It accordingly seems desirable to leave the two States by means of special conciliation agreements free to adopt or not to adopt of their own initiative this system of preliminary conciliation, and it would perhaps not be very desirable to fix by a general agreement regulations according to which the work of conciliation of the Council would only come after that of the conciliation commission. Moreover, it would be difficult, as the Rapporteur himself emphasises, to co-ordinate the two systems.

It therefore seems to me neither necessary nor desirable to adopt a general conciliation treaty. There already exists in the Covenant a system whose application is entrusted to a body which enjoys a great moral authority.

The point which I most emphatically insist upon is that nothing should be done which may prejudice the powers enjoyed by the Council under the Covenant.

M. ROLIN JAEQUEMYS (Belgium). — I would ask permission to say a very few words on the question because, as you perhaps remember, I drew attention in our general discussion to the possibility, in default of an agreement upon a general arbitration and conciliation convention, of falling back upon the idea of a general conciliation convention. I must confess that I did not think it likely that an agreement would be reached in favour of a general arbitration convention, and it seems to me that the achievement of a general conciliation agreement would mark a progress of which public opinion would certainly be sensible. The achievement of such a convention would also indicate an understanding between the States which would constitute a beginning and be capable of development in the future.

I see that there have been almost unanimous objections from the various delegations, although the reasons for those objections may be different. In the French note, which I have before me (Annex 4), it is stated in Point III that "a system for the pacific settlement of international disputes which only includes conciliation procedure without arbitration, even for conflicts of a juridical nature, seems to the French delegation to be inadequate". I am absolutely of the same opinion, and I am speaking for the Belgian Government. The attitude of the Belgian Government is shown by its signature of Article 36 of the Statute of the Permanent Court of International Justice. We are, in the first place, in favour of the settlement of legal disputes by means of arbitration, but, in default of a general agreement in this direction, a general agreement of conciliation seems to me desirable.

But, on the other side, I have also heard it said that it does not matter whether this or that solution is adopted, as the Covenant already provides the necessary procedure, and that to provide an alternative would be to diminish the value of the Covenant.

In face of this objection, I dare no longer insist that the Drafting Committee should undertake to prepare a general conciliation agreement. I renounce this idea the more willingly as I have noted that the Drafting Committee will be required to draw up a general arbitration and conciliation agreement, which I personally prefer; therefore I consider that my views have been met, at least provisionally.

The CHAIRMAN. — I think I may conclude from the speeches which have just been made that there is no opposition to the system of conciliation in itself.

In 1922, the Assembly of the League of Nations adopted a resolution drawing the attention of all the Members of the League to the advantages of conciliation as a method of settling disputes, and inviting them to conclude conventions with a view to the institution of conciliation commissions.

The representative of Belgium has said that, in his opinion, there is no need to frame a special model treaty embodying the procedure of conciliation, but that it would be preferable to combine conciliation and arbitration in a single treaty. As the Drafting Committee has been asked to prepare such a combined treaty, it does not seem to me that there is any need to ask it to draw up a model conciliation treaty pure and simple.

Dr. RIDDELL (Canada). — I rise again to emphasise the great importance attached by my Government to conciliation and investigation as a means of avoiding disputes. I have listened with great interest to what the honourable representative of Belgium has said with regard to the combination of arbitration and conciliation in a single treaty. If it is possible to accept such a proposal from the Drafting Committee, I would agree to it, but I would like to make sure that this Committee is given every opportunity to consider most carefully a proposal with regard to conciliation and investigation. I think this Committee would lose a great opportunity if it did not give to conciliation and investigation their proper place in the settlement of international disputes. In the opinion of my Government, they are by far the most important, and this view is based on years and years of experience with arbitration and also with conciliation and investigation; so that I would not wish to see a draft come back from the Drafting Committee dealing simultaneously with arbitration and conciliation and discover that the two combined are unacceptable. In that way we might overlook conciliation. I want to make sure that conciliation and investigation, as a means of settling international disputes, will have the full and careful consideration of the Drafting Committee and then of this Committee.

M. VALDÉS-MENDEVILLE (Chile). — I am happy to support the observations of the representative of Canada, and I would refer to paragraph 42, which is as follows:

“The treatment of the question of conciliation depends to some extent on whether an endeavour is to be made to draft a general arbitration treaty.”

In this connection, Lord Cushendun has observed that no decision has been taken by the Committee, either unanimously or by a majority, in favour of drafting a general arbitration treaty. No one has objected to a model treaty of this kind being examined, but there has not been any formal decision.

I think that it is essential not to connect the question of conciliation procedure with that of arbitration procedure, but that an endeavour should be made, as stated in paragraph 43, to draw up a general conciliation treaty on the basis of the five proposals of the Rapporteurs, which seem to me to be quite acceptable.

The second of these proposals consists in laying down that the “conciliation commission” should be permanent. I think it would be better to refer to “commissions of conciliation”. As to a general treaty, it would be advisable to provide for several types. The model to which I ventured to refer the other day, and which is a regional conciliation treaty, provides for two conciliation commissions. We might well be guided by this example. I had requested the Bureau to submit this treaty to the Drafting Committee as a basis of study.

Another important point has reference to the co-ordination of conciliation treaties with Article 15 of the Covenant. Like the Rapporteurs, I will forbear from going into a thorough examination of this question. I will merely state, with reference to the example which is quoted of a treaty concluded by Chile, that in negotiations which are at present proceeding concerning similar treaties this provision has been abandoned.

I would venture to draw attention to a mistake in paragraph 45. The paragraph refers to a treaty signed between Chile and Spain, whereas the treaty in question was between Chile and Sweden. It is important to correct this mistake, as the treaty which we have signed with Spain is a compulsory arbitration treaty.

In conclusion, I would add that the solution proposed in paragraph 46 should, in my view, receive special consideration. It consists in recognising the jurisdiction of the Council and the jurisdiction of the conciliation commission as parallel instances.

M. VON SIMSON (Germany). — I would like to support the opinion expressed by the delegates of Canada and Chile. As you know, the German Government attaches the greatest importance to the procedure of conciliation. I will not repeat what I have already said on the subject, but I would draw your attention to the memorandum of my Government

(Annex I, pages 176-178). On the question whether it is necessary to frame a general arbitration and conciliation treaty only, or in addition a treaty of conciliation pure and simple. In the view of my Government, it would be sufficient to frame an arbitration and conciliation treaty, since we are in favour of these two procedures. I support, however, the conclusion of the Rapporteur which suggests that special attention should be given to conciliation and that the framing of a general conciliation treaty should be considered in the event of a general arbitration treaty not being favoured. As the representative of Canada has emphasised, there is a certain danger in combining the two procedures of arbitration and conciliation in the same draft, since one portion of the members of the Committee cannot accept the arbitral procedure. For that reason, it seems to me important to frame a treaty of conciliation pure and simple.

My Government, however, does not attach cardinal importance to the establishment of a general conciliation treaty. We stated in our memorandum that "such a scheme for peaceful settlement of disputes could be embodied both in bilateral and in multilateral treaties". The German Government, however, considers that it is very important for a general system of conciliation to be provided, and I think that the Drafting Committee might examine this question in detail.

The German Government in its memorandum indicates that, in its opinion, it is important to consider these questions thoroughly. The German Government states :

"The idea of settling all disputes of an exclusively political character by a compulsory and final decision to be pronounced by an arbitral tribunal cannot be realised in present circumstances. An advance, however, may be made in this direction by adopting other procedures which, taking into account the legitimate needs of the nations and of their development, will ensure in practice, as far as possible, the settlement of their disputes."

This is the point which seems to us important. We must find a method to settle all disputes by means of conciliation. I think that on this point a work of the utmost importance can be done by the Drafting Committee.

As regards the relations between the conciliation treaties and the Covenant, my Government holds that this too is a point of great importance. It is necessary that an attempt should be made to increase the value and the authority of the recommendations made by conciliation tribunals by bringing them into relation with those which come from jurisdictions provided by the Covenant.

M. RUTGERS (Netherlands). — Mention is made in paragraph 45 of the clause of a treaty. I will not say much concerning it because we have learned it no longer exists, as I understood from the speech of the honourable delegate of Chile, according to which the parties who have signed a conciliation treaty cannot for the moment make use of Article 15. The memorandum on this subject points out that the question whether this result is desirable in all cases and whether it is fully compatible with the system of the Covenant constitutes a problem which will require a thorough study. This applies also to the whole question of the co-ordination of the treaty of conciliation with Article 15 of the Covenant.

I would contribute modestly to this study by raising two questions.

The first deals with the following point : if a treaty of conciliation contains a clause that any dispute which has not been settled by conciliation under the treaty shall be referred to the Council, which will act as provided in Article 15, it enlarges the mandate of the Council.

Take, for example, Article 17 of the Swedish draft. It is said in that article that :

"If the two parties have not reached an agreement within a month from the termination of the labours of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League."

According to the Covenant, the Council can only deal under Article 15 with disputes which may lead to a rupture, whereas the Swedish draft applies to all disputes of whatever kind in which the parties mutually contest a right and which it has been impossible to settle by friendly negotiation. There is here a difference which may be fairly important. It seems necessary to ask whether the organisation and methods of work of the Council permit of this extension of its powers, which may perhaps be considerable. It may also be asked whether the fact of bringing disputes before the Council which are not in themselves very serious would not give to such disputes a regrettable and perhaps dangerous importance.

Moreover, if disputes which have been submitted to a conciliation procedure and which are not in themselves of a nature to be referred to the Council under Article 15, because they are not yet considered as likely to lead to a rupture of the peace, are in fact submitted to the Council and if the Council decides in regard to them under Article 15, the question arises whether in that case paragraph 7 of Article 15 would apply.

That is the first question which I would wish to raise.

The second is as follows: If, on the one hand, it is necessary to ask whether it is desirable that a special agreement, or even a collective agreement on conciliation, should extend the mandate of the Council under Article 15, it may also be asked, on the other hand, whether the competence of the Council under Article 15 can be diminished by a special or collective agreement.

I do not, of course, dispute the automatic effect which the extension of arbitration will have on the conciliatory mission of the Council. That effect follows from the first paragraph of Article 15, which refers to disputes likely to lead to a rupture of the Covenant and which are not subject to the procedure of arbitration. I would, however, draw attention to the fact that the League of Nations, in establishing the Permanent Court of International Justice,

has thought it desirable, in order to exclude from the conciliation procedure provided by Article 15 conflicts which are brought before the Court, to add a few words to this paragraph. The paragraph is in the following terms :

“ If there should arise between Members of the League any dispute likely to lead to a rupture which is not submitted to arbitration or *judicial settlement*.”

The last words were added when the Permanent Court was set up.

There may be a legal advantage in the right which States have to resort to the procedure of Article 15. Paragraph 2 of Article 12 states that :

“ In any case under this article, the report of the Council shall be made within six months after the submission of the dispute.”

I would draw attention to the serious consequences which the procedure before the Council may entail, and I wonder whether that procedure would be applicable in virtue of a special or even a collective agreement. I speak with all reserve imposed by the complexity of the problem. It would perhaps be preferable to make no allusion to Article 15 in special agreements, or in collective agreements of conciliation. We might limit ourselves to inserting a phrase such as is contained in the resolution of the Assembly of 1922, which reserves the rights and obligations mentioned in Article 15 of the Covenant. If my fears were well founded, it would perhaps be better not to refer either to the co-ordination of conciliation treaties with Article 15 of the Covenant, but merely to recognise that special or collective conciliation treaties are and must remain subordinate to Article 15.

Lord CUSHENDUN (British Empire). — The last speaker has raised some extremely important points, but they are under Chapter V, which I did not know we had yet reached. The very few observations which I wish to make are directed not to Chapter V but to Chapter IV. I think the points he has raised will deserve very careful consideration later on.

I want to refer to the numbered paragraphs in paragraph 43, where it is stated : “ The following ideas might be taken as the basis of a system of conciliation”. I think these ideas illustrate what the disadvantages I have already intimated are, both of general treaties and of all treaties of this sort which provide for a great number of different subject-matters.

Paragraph 2 says that the conciliation commission should be permanent. I ask, Why? I have not heard any reason given why the conciliation commission should be permanent. I think I am right in saying that at the present moment we have in operation in the British Empire treaties of both types. We have sometimes found it desirable to have a permanent commission. You can have a permanent commission very appropriately in an arbitration treaty with some particular nation with whom you have well-defined relations and between whom and yourself you know fairly well the sort of difficulties that may arise. You can, in that case quite appropriately, safely and usefully establish a permanent commission and you may decide beforehand what its constitution shall be.

On the other hand, there are a great many disputes which may arise where those conditions do not obtain, and there it is very much more convenient—we have always found it so and I am sure other people will find the same—to wait until the occasion arises before deciding what the nature of the commission shall be. It may be, for example, that the particular dispute which is to go to conciliation may have reference to maritime rights or fishing rights or something of that sort. It may then be very desirable to have on the Commission some person with expert knowledge of that class of subject. A totally different matter of dispute might come up, however, where you did not want an expert on fishing or maritime business, but where it might be extremely important to have an expert on engineering business. We have always found it very much better to reserve the personnel of the tribunal which is to try the case until you know with whom the dispute arises and the subject-matter to be discussed.

I do not see any reason, therefore, why, if we are to have a model treaty, we should compel States to establish a permanent conciliation commission, which might be very hampering and inconvenient and have exactly the effect we wish to avoid of restricting rather than stimulating resort to this sort of tribunal.

Then, surely it is quite unnecessary to go still further and to say so precisely that the commission should consist of five members. Why five members? I rather object, if I may say so, to these ideas, because they illustrate a tendency to fetter the discretion which it is extremely useful to preserve and which very often facilitates the submission of a matter either to an arbitration court or a conciliation commission. I have no objection to the number five and I daresay in a great many cases it would be a very useful number : but I can quite well imagine other cases where it would be very much more convenient to have three members or more than five members. Why should we in this way impose fetters and bonds beforehand, trying to foresee all the cases which may arise, which we cannot possibly do, instead of leaving it to sensible people of goodwill to set up such a tribunal as they may find convenient and useful when the circumstances with which they have to deal are known? I would like, at all events, some explanation of why we are to be tied in this particular way. Then I come to No. 4 :

“ While the proceedings are in progress, the parties should undertake to refrain from any action which might aggravate the dispute.”

I have no objection whatever in principle to that ; it appears to me to be perfectly right that everybody should abstain from doing anything to aggravate the dispute. It causes me a certain amount of misgiving, however, when I see inserted in what, after all—if this is going to be of any service—is in the nature of international legislation a phrase of that sort, which is capable of such innumerable interpretations. I ask myself whether these five gentlemen—whoever they may be—who are to constitute the conciliation commission will, with the

best will in the world and the most commanding intellects, always be in a position to say precisely that such-and-such action aggravates the dispute. What is going to be the principle on which they will decide? It appears to me that people might be submitting themselves under such a clause as that to a very precarious state of affairs. I think you are placing or seeking to place a responsibility on the conciliation commission which it would be extremely difficult for it to assume or, having assumed, conscientiously to discharge.

“The Commission of Conciliation might indicate to the parties the provisional measures which it would be desirable to adopt.”

There, again, we are assuming a critical state of affairs where a dispute has arisen which may possibly lead to danger. That state of affairs is amply provided for by the Covenant. There are disputes, however, which are troublesome and which require to be settled, but which do not really lead to the danger of war or require the machinery of the Covenant to be applied to them—at all events, at the particular stage which I am assuming. Possibly the Council of the League of Nations, with all its international prestige, might, if the danger of war were acute, be able to lay down certain provisional measures which it would be desirable to adopt, but I really cannot believe that any conciliation commission I can imagine would really be competent to say what provisional measures should be adopted. What is it that is intended? Is it financial measures or military measures? What is in contemplation when we talk of indicating to the parties the provisional measures it would be desirable to adopt? If a provision of that sort appears in the model treaties which we are to recommend, and to which we are to give our sanction, I think it will require the most careful consideration of every word of the clause which contains a provision of that sort. I do not want to discuss it in detail now, because it is much better to leave it to the Drafting Committee. I have such a high opinion of the Drafting Committee that I have not the least doubt that, when its members get round a table discussing this matter, they will very clearly see the sort of difficulties which have occurred to me more or less on the spur of the moment, and which I am not prepared at the present moment to analyse as far as they require to be analysed; but I do think it would be desirable for the Committee to beware of the notion that, in any model treaty we can recommend, all these ideas, especially those to which I have referred, can very properly find a place.

There is one other matter to which I want to refer, because I think it is relevant to what we are now discussing. I turn to the conclusions of this report, and I find in No. 5: “that consideration be given to the distinction between juridical and non-juridical disputes”. I very thoroughly agree with that proposal, as I have already explained earlier this afternoon. Non-juridical disputes are those which will be submitted, no doubt in the majority of cases, to the conciliation procedure upon which we are engaged at the moment. “That consideration be given to the distinction . . . with a view to the framing of special rules in regard to procedure and decisions”—I particularly call attention to these concluding words—“so as to facilitate the acceptance of arbitration for non-juridical disputes”. I am not quite certain in what sense the word “arbitration” is there used, but, as I tried to explain to the Committee this morning, we in Great Britain draw a very clear distinction between juridical and non-juridical, and we do not want to see non-juridical disputes referred to arbitration, because, as I explained, in our view it is only those juridical disputes which can be settled by the application of principles of law that can properly be submitted to arbitration. This we distinguish from conciliation, which we think suitable for non-juridical disputes. I would therefore like, so far as I respectfully may, to insist that the Drafting Committee, so far as we can instruct it, should make it quite clear that non-juridical disputes are not to be sent to arbitration but to conciliation; and I think, from what I have heard in the Committee, that that view is very generally accepted. I think it quite possible that the clause, as it stands in the conclusions, really agrees with my view, and that the word “arbitration” is used in rather a different sense, because the word “arbitration” has very often been used, as we think, rather loosely to cover both classes of dispute. I think it is a matter of such importance that I should like to be quite clear upon it before we pass from the chapter in which this machinery for conciliation is dealt with.

The CHAIRMAN. — I desire to point out that the discussion concerns the whole of the chapters dealing with conciliation.

M. HENNINGS (Sweden). — I hope you will forgive me if I intervene in this discussion as a substitute member of the Committee. Since our first delegate for Sweden is to-day in the Chair and is consequently prevented from putting forward the point of view of the Swedish Government, I desire to say something in view of the fact that several members have referred to the draft on arbitration and conciliation which the Swedish Government has submitted.

The delegate of the Netherlands, M. Rutgers, wondered at the outset whether it was really necessary to insert in such a draft general treaty the provision contained in Article 17 of the Swedish draft, which is to the following effect:

“If the two parties have not reached an agreement within a month from the termination of the labours of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League.”

I wish to draw the attention of the representative of the Netherlands and all other members of the Committee to the fact that this provision is a reproduction of a similar provision in the Locarno Agreements. It is to be found in Article 18 of the Arbitration Convention concluded between Germany and Belgium and also in the other arbitration treaties of Locarno. The Swedish Government, in drawing up its draft, tried to model it as closely as possible on the Locarno Agreements, of which the value is recognised and of which the provisions have been

submitted to a very close preliminary examination. The objections which M. Rutgers has made to the Swedish draft should therefore be applied equally to the Locarno Agreements.

As far as the substance is concerned, I cannot but think that there is considerable advantage to be gained in cases where the procedure before the special conciliation commission has been exhausted without achieving agreement between the parties, if an organisation exists before which the dispute shall in any case be laid. Though this organisation is not a court of arbitration—which might be of still greater advantage—it is useful to endeavour at any rate to induce the parties to agree that the dispute should be submitted to an organisation of the League of Nations which can, if necessary, bring the proper pressure to bear.

The representative of the Netherlands has also raised the question of the co-ordination between the Council and the conciliation commissions. I fully agree with him that the question is very difficult and complicated. M. Undén devoted a great part of his speech to this question in the general discussion. He pointed out that it raised various points which must be taken into consideration. On the one hand, he emphasised that it seemed incontestable that the Council should not in principle interfere with the duties of a conciliation commission without very grave reason, and that it would be desirable in principle to leave such conciliation commissions to carry out their task. On the other hand, there are certain cases in which the Council must intervene in order to maintain peace when a grave dispute has arisen. It is for this reason that M. Undén said that he hoped that the final report of the Committee would emphasise more definitely than the memorandum of the Rapporteur that it is only in exceptional cases—that is to say, in cases which really endanger peace—that the Council ought to declare itself competent to deal with a dispute which, according to a treaty in force, ought in the first instance to be submitted to a conciliation commission. I think it very difficult to insert provisions of this nature in a general draft convention, but I think it would be possible perhaps to insert in the reports certain considerations of the kind to which I have given expression. I think in any case that it is desirable that the Drafting Committee should bring all its attention to bear on this problem.

Lord Cushendun also criticised somewhat severely the point inserted in paragraph 43 of the memorandum of M. Holsti. He wondered, at first, why the conciliation commission had to be permanent. For my part, I think that in principle it would be an advantage to have permanent commissions, but if it is a question of a general convention, it is obviously difficult to choose a permanent commission to deal with every possible combination of countries. The Swedish draft contains a provision in this respect to which I should like to draw your attention. Article 5 is as follows :

“The Conciliation Commission, to which the disputes referred to in Article 3 must be submitted, shall either be permanent or specially set up for the settlement of the dispute which has arisen between the parties.

“On a request to that effect being sent by one of the signatory States to another signatory State, a Permanent Conciliation Commission shall be instituted. If, at the time when a dispute arises, no permanent conciliation commission appointed by the Parties to the dispute is in existence, a special Commission, constituted in accordance with the provisions of the present Convention, shall be set up to investigate the said dispute.”

The system provided for in this article of the Swedish draft is therefore as follows : If a party requests, in the case of any dispute it may have with a particular State, the establishment of a conciliation commission, such a commission should be established. If in the relations between two States the establishment of such a permanent commission is not requested and, consequently, if there is no permanent commission in existence when a dispute arises, a special commission should in that case be constituted, composed in conformity with the provisions of the Swedish draft, for the examination of the particular dispute.

I think that this is the way in which the difficulties pointed out by Lord Cushendun may be solved and his hesitations overcome.

Lord Cushendun also laid special emphasis on point 4 of paragraph 43 of the report, which contains the obligation of the parties to refrain, during the course of the procedure, from any act which might aggravate the dispute, and which authorises the conciliation commission to point out to the parties the provisional measures necessary.

As I have already pointed out, Lord Cushendun has been somewhat severe in his criticisms with regard to the considerations put forward by the Rapporteur. I would, however, point out that the Rapporteur appears to have copied exactly the Locarno Treaty. In the Convention on Arbitration between Germany and Belgium you will find the following provisions in Article 19 :

“The German and Belgium Governments undertake respectively . . . to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

“The Conciliation Commission, or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice . . . shall lay down within the shortest possible time the provisional measures to be adopted.

The text of the Rapporteur and the text of Article 19 are therefore practically identical. The criticism of Lord Cushendun therefore applies equally to the Locarno Agreement.

M. HOLSTI (Rapporteur). — Lord Cushendun has been good enough to put some questions to me, but as M. Hennings, the delegate of Sweden, has been good enough to give some explanations already, there is not much I need add.

According to statistics, out of fifty-two treaties of this kind in existence, forty-nine have permanent conciliation commissions, and as regards membership, out of these fifty-two treaties, forty-six provide for five members.

So far as point 4 in paragraph 43 is concerned, numerous treaties contain stipulations to the same effect. I should like to say, therefore, that these principles which are recommended in the report are merely generalisations from treaties now in existence.

Lord CUSHENDUN (British Empire). — I only wish to point out that the treaties referred to are bilateral treaties. It is quite clear that you can put a clause of this sort into a bilateral treaty with a particular nation when you know exactly where you are. My objection was to applying that sort of clause to a general treaty, where you have not that knowledge. That also answers what was said as to the Locarno Treaty. There is no objection to it in the Locarno Treaty, which is in fact a bilateral treaty; it is only when you have a general agreement to which everybody may accede and which is a model to everybody that, in my opinion, it becomes impossible to have a provision of that sort.

M. POLITIS (Greece). — I wish in a few words to cause the discussion to return to its starting-point.

The question is whether the Drafting Committee was or was not to be instructed to draw up a general treaty of conciliation. You have heard various members express doubts as to whether this work was opportune, and you have heard others who have, on the other hand, declared themselves entirely in favour of such a treaty. I belong to the latter group. In my view, to draw up a general treaty of conciliation will be of great use for several reasons.

In the first place, such a treaty would be supplementary in cases where the collective treaty of arbitration and conciliation does not meet with final general approval when it is returned to us by the Drafting Committee.

Even if such a model arbitration treaty is agreed to by the Committee, I think that it would still be of use for this Committee to submit to the League a model treaty of conciliation.

The objection made against the draft appears to me to result from a confusion due to the fact that M. Holsti has spoken of the "conciliation commission". He seemed to mean that there would be but one organisation instituted; that being so, members were perfectly right, as was the case with General de Marinis, in expressing doubts as to whether there would not be some sort of authority competing with the Council of the League. I think, however, that M. Holsti did not wish to make provision in any such model treaty of conciliation for a single organisation only. When it is examined by the Drafting Committee and eventually by the Council, it will be of advantage to make its provisions in this respect as supple as possible in order that a combination of separate commissions may be established, to sit as and when the parties may have reason to use them.

The usefulness of drafting such a treaty is, in my view, as follows: To-day, there are a large number of special conciliation treaties in existence. When they are studied, it is to be noted that they nearly all repeat themselves, that they possess a large number of provisions in common, and that, apart from these, there are some varying provisions. I think this fact shows us that a kind of codification, though of a fragmentary nature, of the important instrument of peace constituted by international conciliation has already been achieved. It will be of use to take a further step in this direction and to codify finally the general regulations concerning conciliation and lay them in a common framework before all States.

The advantage in practice would be the following. In the future, a State which desires to conclude a conciliation convention with another country might simply adhere to a convention already in force.

I do not wish to be pedantic and quote you the figures, but it has been calculated that, by the present system of bilateral agreements, more than three hundred and fifty treaties would be necessary to establish conciliation as a general practice for our continent alone. Although the number of treaties concluded is already considerable, the lapse of a certain number of years would still be necessary. If we have a general treaty in which the regulations already common to several treaties are inserted, States which, one after another, desire to conclude similar treaties would, by a single act of adhesion, increase the number of contracting States. In this way it is to be hoped that, in a relatively short time, such a system would become a common law, at any rate, I would repeat, in our continent.

These are the reasons why I am in favour of drafting a model collective treaty of conciliation, of which the provisions shall be as supple as possible for the various reasons which I have explained.

The CHAIRMAN. — We find ourselves in the same position as we were in regard to the question of arbitration. Some members of the Committee are in favour of a general treaty; others are opposed to it. For the moment, there is no question of recommending these types of treaties but only of causing a model treaty to be drawn up by the Drafting Committee.

The representative of Belgium was the first to propose that no action should be taken on the suggestion of the Rapporteur to the effect that such a treaty should be drafted. He has, however, now informed me that he will not press his proposal. In those circumstances, I think that all members of the Committee will agree to instruct the Drafting Committee to draft such a model treaty. We shall have an opportunity on a subsequent occasion of examining the text, but for the moment we shall make no recommendation.

As far as the conciliation procedure is concerned, the composition of the commissions and the co-ordination of the procedure of conciliation with the procedure of mediation, which belongs to the Council, I think that we ought to rely on the wisdom of the Drafting Committee. We shall also have an opportunity of discussing these questions when the Drafting Committee has submitted the results of its work.

M. ROLIN JAEQUEMYS (Belgium). — I wish to explain what the Chairman has just said with regard to my suggestion. It would appear from what he said that I had proposed that no instructions should be given to the Drafting Committee to draft a general treaty of conciliation. This is not quite what happened. On the contrary, I think I was the first to say that I was in favour of drafting a treaty of that kind. From motives of discretion and fearing lest the Drafting Committee should be overburdened with work, I proposed that no action should be taken on this suggestion, thinking that we could return to it on a subsequent occasion in default of an agreement on a draft general treaty of arbitration and conciliation. After having heard, however, the proposals of the representatives of Canada and Germany and the subsequent remarks of M. Politis, I note that these colleagues of mine are in agreement with me. In those circumstances, I would be very happy if the Committee would examine the question of the general treaty of conciliation only, and I hope that it will do so.

The proposals of the Chairman were adopted.

16. Discussion of the Memorandum on Arbitration and Conciliation: Chapter VII (Conclusions) and Paragraphs 50 and 51 (Sub-Annex).

The CHAIRMAN. — It remains for us to discuss the conclusions of the report. I think, however, that we have discussed all the problems with which they deal. We will pass, therefore, to the Sub-annex of the memorandum.

M. VON SIMSON (Germany). — The paragraph 51 deals with the various kinds of reservations which are often added to arbitration and conciliation agreements. I am far from denying that some States might be led to make such reservations. In principle, however, I think they are not desirable, in view of the fact that they invariably weaken the value of the agreements. I hope, therefore, that our Committee will avoid any recommendation in favour of such reservations.

The CHAIRMAN. — The observations of M. von Simson will be submitted to the Drafting Committee.

M. HOLSTI (Rapporteur). — You have been kind enough to go through the report which I have the honour to submit for your approval, and I avail myself of this opportunity to extend to all the delegates in the Committee my very sincere thanks for their learned and very friendly criticisms.

The Committee rose at 7.30 p.m.

EIGHTH MEETING.

Held on Saturday, February 25th, 1928, at 10.30 a.m.

Chairman: M. UNDÉN (Sweden).

17. General Discussion of the Memorandum on Security Questions.

The CHAIRMAN. — We are now to discuss the memorandum of M. Politis on questions relating to security. The Bureau has received a note from the British delegation (Annex I, appendix 4, pages 166-176).

M. VON SIMSON (Germany). — I excuse myself for speaking at the beginning of this meeting, but I would like to submit a few general observations on the important memorandum of M. Politis. As you have realised from the speeches which I have already made at previous meetings of this Committee, I often start from a different point of view from that of M. Politis. I fear that I may try the patience of the Committee if I repeat in regard to various paragraphs of the memorandum what I have already said on previous occasions.

If I understand the memorandum rightly, M. Politis attaches the utmost importance to the necessity of providing sanctions as a guarantee of security. He accordingly devotes his attention chiefly to Article 16 of the Covenant and its consequences, whereas my Government considers that Article 11 of the Covenant should be given pride of place.

In these circumstances, I would repeat in regard to each paragraph that I am not entirely in agreement with M. Politis, since the general idea underlying his memorandum is everywhere apparent. I would accordingly ask you to remember this general observation, which I am making once and for all, in discussing the whole of the memorandum.

No country in Europe or even in the world is more interested than Germany in the question of increasing security. Germany is disarmed, whereas the other nations, particularly her neighbours, are not disarmed. This state of things prompts us inevitably very carefully to consider the increase of our security.

I have already several times explained that, in our opinion, the conclusion of regional agreements is not the only means of increasing guarantees of security. The essential aim is not to suppress a war which has already broken out but to establish measures which may prevent it from arising. We do not think that it is in the spirit of the Covenant to create a system of measures intended to stop war. The principal idea of the Covenant of the League of Nations is the prevention of war.

We believe that measures of security cannot be effective without mutual confidence on the part of the Members of the League. We consider that mutual confidence is no less important than mutual assistance.

As I have already said, regional agreements concluded between two or several States can only, in our opinion, contribute to the stabilisation of peace if detailed discussions have taken place in advance with a view to clearing the political atmosphere between the countries concerned.

Such discussions preceded the conclusion of the Locarno Treaties. I would here repeat that we appreciate the work of Locarno at its full value. Personally, I am entirely in favour of agreements of this character, and I must confess, not without some embarrassment after the somewhat sceptical criticism which the delegate of the British Empire directed yesterday against permanent commissions, that I am a member of the Permanent Commission set up by the Locarno Treaties. I would add, however, that my French colleague and, I would venture to say, my friend, M. Saydoux, once declared that we are members of a Commission which is permanently on holiday. We have, at any rate, had nothing to do up to the present, and in that respect we may be regarded as harmless.

Permit me to make a further remark as regards regional agreements. We believe that the guiding principle of the League of Nations is its universality, and we think that it is essential to be very careful not to weaken this principle, which, in our opinion, is the very soul of the League, by adopting a regional principle, which would be the inevitable consequence of regional agreements if we give them too much prominence. It may be—and I draw your special attention to this point—that regionalism may threaten to dislocate the League.

I venture to make these observations because I am of opinion that the reservations which I have submitted—above all, when I said that it was impossible to conclude regional treaties without previously abolishing all existing political divergences—should be taken into consideration if we recommend a system of regional treaties.

M. POLITIS (Rapporteur). — I feel bound to intervene at the outset of this discussion in order to show in a few words that the ideas which have just been explained are not as remote as might be imagined from the spirit which inspired the report submitted for your discussion.

M. von Simson has just said that the idea of Article 16, which is the idea of repressive action, constitutes the backbone of this report, and that it would be better to prevent rather than to repress war. In other words, that it would be better to establish confidence than to guarantee mutual assistance.

I think we are separated merely by a slight difference of outlook, or, I might even say, a mere misunderstanding. I believe that we all agree, and that we cannot fail to agree, in declaring that it is infinitely better to prevent than to repress war, and that confidence is infinitely more valuable than mutual assistance. I would observe, however, that in any social organisation, even in those which are the most developed and the most civilised, and *a fortiori* in infant or embryonic organisations like that of the League of Nations, the two ideas cannot be separated. In every direction an endeavour is made to prevent the evil, and repressive measures are considered owing to their preventive value. Whenever a thing is prohibited, the sanction which should accompany this prohibition comes immediately into view, and the mere fact of defining the sanction has a preventive force. I need not go into too many details in order to appreciate the truth of this fact in regard to all organisations.

The same is true of confidence. Confidence is doubtless more valuable than assistance, but assistance also, when it is provided for in advance, tends to increase confidence between States, as in society it increases confidence between men who are called upon to collaborate and, if necessary, to render assistance.

To abandon these abstractions in order to put before you the concrete reality of the truths which I have just expressed, let me refer to the case of the Locarno Treaties. These treaties were established on the basis with which you are familiar, and there was no hesitation in providing for and organising mutual assistance. Did this result in a lack of confidence between the contracting parties? Is it not true, on the contrary, that these agreements have tended, and very happily tended, to increase confidence between the parties? I would ask why it should be otherwise in other agreements of the same nature. We do not know in what part of the world such covenants may still be concluded, but we cannot say in advance that they are not likely to be concluded anywhere. In these circumstances, do not let us shut the door to the possibility of establishing agreements of this character, which, while organising but leaving in the background repressive measures and providing assistance, would have the effect of preventing a rupture of the peace and at the same time of increasing confidence between the contracting parties.

I would say the same in regard to the misgivings expressed by M. von Simson in regard to universality. We all desire the League of Nations to preserve the universal character which underlies its Covenant. We all desire to see this universality further developed, but the adoption of the universal formula which might have at once realised the security we are seeking did not depend on those who had the honour to support the thesis contained in this report. In default of a general system, it has been necessary to deal with the problem piecemeal, and to proceed from the specific to the universal. It is in this hope that we ask you to proceed in the direction of collective security agreements, in order that, by their multiplication and

repetition according to a common type and a uniform progression, we may one day arrive, by a co-ordination of the agreements, at a general universal system, which for the moment is impossible.

From these explanations you will see that there are hardly any real divergences of principle at issue and, as I said at the beginning, we are separated by a merely verbal misunderstanding. I hope that the explanations which will be furnished to you will finally remove this misunderstanding and enable us unanimously to achieve the object which we are pursuing.

I would like now briefly to indicate what, in my opinion, should be the practical method of procedure in examining the question which we are now to discuss.

After the exchange of views which has just taken place, the next step is to review the various suggestions formulated in the memorandum in order to determine the instructions which this Committee wishes to give to the Drafting Committee.

I perceive three series of questions.

The first deals with the model treaties of security to be elaborated. I have indicated a certain number of types: a collective security treaty embodying the principle of non-aggression, the pacific settlement of all disputes, and finally mutual assistance; bilateral treaties of the same character; collective treaties of non-aggression and pacific settlement; special treaties of the same character.

The first type offers, in my view, the greatest number of advantages for the security of States, but I recognise that in certain cases such a type may not be practical, and that the States would prefer not to go so far in undertaking engagements. The States may prefer to remain within the limits of a more modest treaty which embodies only the other principles which I have enumerated, and in particular the principle of non-aggression.

I think it would be useful at once to frame all these types of treaty, in order to offer them all to the States for selection, it being understood that each State will be free to make a choice at its discretion, either adopting a type as a whole or combining various clauses taken from the different models.

The second series of questions relates to clauses which it is desirable to insert in model treaties.

So far as models for collective treaties of security are concerned—which are the treaties I still prefer—it is proposed in the memorandum to distinguish between the essential clauses—such as the clause of non-aggression, the clause providing pacific settlement and, finally, the clause guaranteeing mutual assistance, which should always be inserted in a treaty of this kind—from the complementary or subsidiary clauses which may be adopted or omitted at the discretion of the parties.

In respect of each of these clauses it will be useful to indicate the intentions of the Committee, in order to ascertain whether they should be retained or not for the examination of the Drafting Committee.

The questions belonging to the third and last series deal with the co-ordination of security agreements as between themselves and with the Covenant of the League of Nations.

Finally, there remains the delicate question, with which we have often previously dealt, of the part to be played by the Council of the League of Nations with a view to the conclusion of security agreements.

That seems to me to be the order in which it is necessary to examine the various suggestions contained in the memorandum if we are to follow a logical and expeditious method of work.

The CHAIRMAN. — I propose that the order indicated by the Rapporteur should be followed. The first question which he has submitted to the Committee is the question concerning the types of treaties to be elaborated by the Drafting Committee. Perhaps M. Politis would again explain the classification which he has adopted for the various types of the treaties.

M. POLITIS (Rapporteur). — I contemplate three principal types of treaty.

The first is the most complete type, covering the whole field of security. It embodies the principle of non-aggression and of the pacific settlement of all disputes, and the provision of mutual assistance. This first type may serve either for collective or multilateral treaties (according to a time-honoured expression which I do not very much like), or for bilateral or special treaties between two States.

The second type embodies the principle of non-aggression and the principle of pacific settlement, but omits mutual assistance. Here, again, the type may serve for collective treaties between several States and special or bilateral treaties between two States.

The third type embodies only the clause of non-aggression. This type may also serve for collective treaties or special treaties.

I would ask you to entrust the Drafting Committee with the task of framing the different model treaties. When you have the text of them before you, it will be possible for you to discuss them with a full knowledge of the facts.

Lord CUSHENDUN (British Empire). — I am not raising any objection to any proposal that has been made, but I want to be sure in my own mind what the Rapporteur means by collective treaties, and whether collective treaties might be equally well described in English as general treaties. If so, I gather the proposal now before the Committee is not quite in harmony with paragraph 65 of the memorandum, in which the Rapporteur says “the conclusion of a general treaty binding on all States Members of the League must, for the time being, be excluded”. I do not know whether the Rapporteur now advises us to depart from that principle.

I have already expressed my own preference for bilateral and regional as against general treaties. I still wish, of course, that this view may be considered by the Committee. If, however, the Rapporteur now recommends us not to act on the principle laid down in paragraph 65, but suggests that the Drafting Committee should prepare general treaties, I do not wish to raise any objection to that course being taken.

M. POLITIS (Rapporteur). — There can be no possible confusion. Paragraph 65 clearly indicates that it is not possible for the moment to consider a general treaty. We are considering only collective treaties—in other words, treaties to which more than two States are a party, or treaties which are merely bilateral and are made between only two States. The term “general treaty” means a treaty open to all States. That kind of treaty is not covered by my proposals.

M. ERICH (Finland). — As regards security and non-aggression, the Finnish delegation ventures to draw the attention of the Drafting Committee to a question raised during the general discussion, namely, the possibility of transforming the resolution unanimously adopted by the Assembly on September 24th, 1927, into a general convention.

Without desiring to submit a more precise suggestion at the present moment, we hope that the Drafting Committee will consider the various possibilities which may present themselves in this connection.

M. RUTGERS (Netherlands). — I would ask for some information on the subject of the type of bilateral treaty to which M. Politis referred, namely, the type which will include the principles of non-aggression, of pacific settlement and mutual assistance.

What is the significance of mutual assistance afforded as between only two States? Such a system can only apply in the event of aggression by a third State. This question of mutual assistance, when it arises as a result of aggression by a third State, is dealt with in paragraph 82 of the memorandum of M. Politis with a great deal of reserve, and a possible extension of a treaty of mutual assistance. When, however, we are considering a bilateral agreement, we are not dealing with the possible extension of an existing treaty, but with the treaty itself, which deals with the case of aggression by a third State.

I would ask whether, by adopting the proposed procedure, we are dealing at the same time with this kind of agreement.

M. POLITIS (Rapporteur). — I will briefly reply to the interesting observation of M. Rutgers.

The reply depends on the fate reserved for the suggestion contained in paragraph 82 of the memorandum. If the idea of extending the guarantee against the aggression of a third party is rejected, bilateral security agreements cannot, obviously, include mutual assistance, and they will only include non-aggression and the pacific settlement of disputes.

M. VON SIMSON (Germany). — I associate myself with the opinion of M. Rutgers, but I do not wish to go into the substance of the question, as I understand that it will be discussed later on. I would merely ask for an explanation. If we decide that the Drafting Committee should elaborate three types of treaties, as I said yesterday in reference to arbitration and conciliation, such a course does not imply that the Committee on Arbitration and Security will have to recommend the texts which are framed. We shall be entirely free to decide that question later. I would venture, however, to point out that treaties which are limited merely to providing for non-aggression appear to have a very limited scope. Personally, I have no objection to this type of treaty, but I think that a treaty which provides for non-aggression should at the same time provide for the pacific settlement of disputes, since the principle of non-aggression is of no great value unless it is accompanied by pacific settlement. I reserve the right to defend my views in the Drafting Committee.

M. SOKAL (Poland). — The Rapporteur has put to us a definite question. He asks what are the views of the members of the Committee in regard to three categories of regional agreements, and he has asked for our views in order that useful instructions may be given to the Drafting Committee.

I think that we shall perhaps find ourselves in a rather difficult position if we cannot reach unanimity on the subject. I wonder in advance what will happen if the Drafting Committee, and later on the Committee on Arbitration and Security, presents to the Preparatory Commission and to the Council various types of regional agreements, between which the interested parties will have to choose, without signifying what in the opinion of the Committee is the type which it specially recommends.

I do not wish to reopen the general discussion, but I would nevertheless draw attention to two facts.

First, I would venture to remind you, although it may not be necessary, that the Assembly constituted this Committee in order to seek out methods of increasing security, and we must not forget the object of our work.

In the next place, our Rapporteur, as M. Paul-Boncour has reminded us, points out in paragraph 91 that, in order to afford nations a greater degree of security, the conclusion of a general agreement, adding to the obligations of the Covenant, cannot at present be contemplated. M. Paul-Boncour has psychologically explained the difficulty in which our Rapporteur found himself involved, but you will perhaps permit me to analyse the position in a political sense.

The Rapporteur asks us to choose between three types of treaties, each type being divided into collective and bilateral treaties. In order to guide the Drafting Committee, I do not think it will be necessary for our Committee to confine itself to presenting various proposals without indicating any preference, as the result of that procedure would be null. It is necessary that we should say exactly what we want.

We wish to increase security. I entirely agree with the representative of Germany, who says that the treaty of non-aggression alone has no value. It is necessary to complete it by means of other essential factors, which the Rapporteur has enumerated. There is the

peaceful settlement of disputes and mutual assistance. These are the three factors which constitute a regional agreement, and I declare myself in advance in favour of the latter. There must be no difference of opinion on this point. We must be sure as to our general direction, and we must have clear and categorical instructions to the Drafting Committee.

I think that, as to the detail of the agreements, our discussion should take place later. I will therefore confine myself to expressing this general view. I would, however, thank the delegate of Finland, who has made a suggestion which is a sequel to the initiative taken by Poland in the eighth session of the Assembly, but I can only take a decision on the subject after a text has been framed.

M. PAUL-BONCOUR (France). — I have no special observation to make on the point now under discussion. I wish merely to voice a feeling which, I think, is shared by a certain number of my colleagues. Without in the least degree changing the procedure adopted, allow me to put before you the difficulty under which I personally labour. I persist in the view that a useful discussion can only take place on definite conclusions. In taking the body of the report, which is, for the most part, an expression of the personal views of the Rapporteur and of which the object is to lead, by a series of arguments and statements, to the conclusions which are proposed, we are faced with a very difficult task. Since the opening of the discussion I have listened, on more than one occasion, to the statement of very important declarations. With some of them I agree, while from others I differ fundamentally. This divergence of view ought to be given expression at the proper moment and it ought, if possible, to be settled by means of agreement, which we all desire.

Nevertheless, I have not asked to speak, because I felt that, either in order to prove certain statements in the report or to show in what I differ from certain other statements therein, I should find, further on in the report, a number of points which would allow me to make such statements at a more prudent moment. Those of my colleagues who have spoken have not done so out of order, for, at any moment in the memorandum of M. Politis, it is possible to find an idea which a number may desire to approve and others may desire to reject. As far as I am concerned, I reserve the right to make my remarks only when the conclusions themselves are examined. The report of M. Politis ends by a series of conclusions of a very definite kind with regard to which, as M. Sokal has so justly pointed out, the Committee must certainly make known its opinion, for indeed, if we are merely to confine ourselves to the production of a series of model treaties which will be all the better the more numerous they are, as Lord Cushendun pointed out yesterday somewhat ironically, I do not think that we shall have added anything very much to the security of the world. I hoped for something quite different from this session. For me it is a question of discovering whether I shall be deceived in that hope or whether it will be fulfilled. We cannot discover this until we discuss the conclusions, and for my part I shall only speak when that time comes.

M. POLITIS (Rapporteur). — I wish to say a few words because I think that a misunderstanding has arisen. M. Sokal is doubtful whether we ought immediately to make a choice. I was careful to point out, at the beginning of the explanations made this morning, that various types of possible agreement in such a question can be contemplated. I asked you to instruct the Drafting Committee to prepare texts for these various model treaties and I carefully explained that it was upon these texts that our Committee could then take a decision with the full knowledge of the facts in order to choose that model among those submitted which it preferred and which it would recommend.

I have not hidden my thoughts for one moment. They are clearly set out in the report and I have not changed my point of view since I drew it up. In my view, the best model, that which gives the greatest practical view of security, is the complete model—that is to say, one which offers various clauses, to which I alluded just now, and which goes from non-aggression spheres and includes mutual assistance. This is my personal view. I hope that it will be shared by the Committee. It is my duty, however, if I am to be impartial and methodical, to lay before you the various conceivable types of mutual treaty. I have done so in paragraph 60 of my report and I have classified them in order of importance. Once more I ask you to instruct the Drafting Committee to draw up the texts required. After detailed discussion concerning the other parts of the memorandum and after having considered the texts drawn up by the Drafting Committee, the members of this Committee will have a complete idea of the situation and will be able to take a decision with a full knowledge of the facts.

As far as I am concerned, I still hope that you will agree that the only type of treaty capable of giving real guarantees of security is the complete type, which I have designated as N. 1 in paragraph 60.

M. SOKAL (Poland). — I would like to thank the Rapporteur for the reply which he has given me and which gives me entire satisfaction, for he himself considers the model type of treaty comprising complete regional agreement to be the type to be recommended. I hope that the Committee will agree with the Rapporteur and will give instructions to the Drafting Committee to this effect. I fear that, if we ask the Drafting Committee to prepare a series of model treaties, we shall be entrusting it with work which, as Lord Cushendun said yesterday, unless I am mistaken, will only be in the nature of a curiosity. If we wish to do something really serious, and our task is a very serious one, I think that the first thing for us to do is to adopt the proposals of the Rapporteur.

I would add that I rose to put a point of order. I warmly support the proposal of M. Paul-Boncour that, if we wish to consider the views of the Committee, we must examine the conclusions submitted and take up a definite standpoint with regard to them. Unless we do so, our discussion can have no positive result.

M. PAUL-BONCOUR (France). — While thanking M. Sokal for supporting my proposal, I wish to point out that I did not intend to raise a point of order. I do not in the least degree wish to prevent my colleagues, if they so desire, from following the report step by step. I merely desire to explain why, as far as I am concerned, I reserve my right to give my opinion and that of my Government on the definite conclusions submitted to us. I am still of the view that it is only by following this method that a useful discussion can take place. But it is not for me to change in any way the procedure which the Committee has adopted. I merely wish to inform you when I intend to give my views.

Lord CUSHENDUN (British Empire). — Although M. Paul-Boncour says he is not putting any motion before the Committee, he has, as a matter of fact, raised a very important question of procedure, and I must say I feel very much in agreement with what he has said. It does not appear to me that the procedure we are now following is likely to lighten our work. The memorandum of M. Politis is a document full of most interesting and important matter and contains a great many valuable propositions. I think I am in substantial agreement with it, but there are sentences or expressions with which I am not certain that I do agree, while there are others with which I certainly do not agree, and some as to which I am not clear as to their meaning. It would be very laborious no doubt to go paragraph by paragraph through this long memorandum, and therefore I think it would be very much more precise and convenient to concentrate discussion on the conclusions, provided the conclusions cover all the ground, as to which I do not express any opinion at the moment.

Otherwise, it appears to me that, if we simply pass on to the Drafting Committee all this material, without sifting it in this Committee first, and if we ask them to prepare model treaties and to embody all the various propositions in its report, we shall be in no better position than we are now for arriving at a precise agreement. I think it would be better not to commit to the Drafting Committee more than we feel absolutely necessary; we should eliminate as much as possible in this Committee before anything goes to the Drafting Committee, so that when we get a document from the Drafting Committee it shall not cover all the matter we have already had before us in these reports, but shall deal only with the particular points on which this Committee is in general agreement. In that way I think we shall be in a position to carry the matter further. It is very difficult to pick out the various points which arise on the memorandum, some of which are very small, and make a set speech about them, and I do not feel myself in a position to do so. What we really want is to deal with the subject in a conversational way, so that we can ask what the meaning of something is, or object to something else, or agree informally with something else.

There are some important points which I think we might discuss and eliminate. For instance, there are various proposals here—I think the most important—which come under the heading of co-ordination with the Covenant and which raise very important principles. I think we might have a discussion on these proposals, I should hope with a view to agreeing to leave them on one side. If the opportunity occurs, I should like to state my reasons for thinking it would be unwise to adopt the proposals with regard to the clauses of the Covenant, but the particular point I am on at the present moment is that I should like to see some course followed that would minimise our labours and reduce the time we shall be called on to spend on these questions, which seems likely to be very prolonged if we first of all discuss this memorandum at large, and then practically discuss the whole thing over again when we have before us the document which has been prepared by the Drafting Committee.

The CHAIRMAN. — There seems to be a tendency to abandon the procedure followed hitherto.

If no member objects, I propose to pass immediately to the conclusions contained in the memorandum of M. Politis.

General DE MARINIS (Italy). — Before settling this point of order, I wish to ask M. Politis a question connected with a very interesting discussion which has been going on, and which I followed with much attention.

In the classification which is given us of the various types of model treaties which it is proposed to draft, M. Politis has spoken of collective treaties and of bilateral treaties, while M. Sokal in his statement used the following expressions: "regional treaties" and "bilateral treaties".

Would M. Politis be good enough to tell us what is the precise meaning he attaches to the expressions "bilateral treaties" and "regional treaties"?

M. ERICH (Finland). — Before beginning the discussion on the conclusions of the report, I wish to reserve my right to make known my views on the question of demilitarised zones at any moment which the Chairman may choose.

M. POLITIS (Rapporteur). — This point is dealt with in the conclusions.

As far as General de Marinis is concerned, I would reply as follows: Between the expression "regional treaty" and "collective treaty" there is only a shade of meaning, but it is an important one. A regional treaty means that all States belonging to a particular region, that is to say, to a territorial district, somewhat vaguely defined—for it is very difficult to say what exactly comprises a district—agree to become parties to the same treaty. During the time that I have followed the discussions of the League, it has appeared to me to be more practical to make this term more elastic, and preferably to use the expression "collective" instead of "regional", for collective means any treaty comprising more than two signatures, *i.e.*, three, four, five or a greater number. It may occur that in what is called

more or less arbitrarily the region concerned, there may be only a few States which will agree on the treaty, but there may be a more considerable number of States than those in the region which signed the treaty.

It is for this reason that the word "collective", which is more elastic, is preferable, in view of the fact that account must be taken of various shades of meaning which become clear during the course of our discussions.

18. Discussion of the Memorandum on Security Questions : Conclusions : Paragraph 91.

The CHAIRMAN. — I consider the procedure of reviewing the conclusions as adopted, and open the discussion on paragraph 91.

M. ROLIN JAEQUEMYS (Belgium). — I am not sure that I understand the exact meaning of paragraph 91. I assume that it has not any connection with the conclusions previously reached by the Committee as regards the draft general treaties of arbitration and conciliation or of conciliation only to be prepared by the Drafting Committee and that it is only a preliminary statement of facts, referring only to regional pacts. I would like to be assured that this is the case.

The CHAIRMAN. — The Rapporteur is of the same opinion as the Belgian representative.

M. VON SIMSON (Germany). — May I be allowed to make an observation regarding paragraph 91. I merely wish to point out that, by accepting the conclusions with which I am in agreement that "the conclusion of a general agreement adding to the obligations assumed under the Covenant cannot at present be contemplated", no prejudice is caused to the suggestions which I have submitted on behalf of the German Government, and which, as they have a general bearing, seem to come within the scope of paragraph 91. If I have rightly understood the matter, however, we shall discuss these suggestions separately.

The CHAIRMAN. — That is understood.

19. Discussion of the Memorandum on Security Questions : Conclusions : Paragraph 92.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I should like to make a slight observation in regard to paragraph 92. My remark refers to the spirit in which this paragraph was drawn up. Mention is made of "States which require wider guarantees of security". Security is not referred to as a general political factor applicable to Europe as a whole (to take Europe first); on the other hand, reference is made to particular States which require guarantees of security as an exception.

I should like to know whether this means that there are countries which are not at present in a state of security, and the Committee's task consists in tranquillising these particular countries. Does the paragraph refer to exceptional cases of this kind, or is it a written formula the application of which was not clearly determined by the Rapporteur, to whom I desire to pay a well-deserved tribute for the excellent document which he has submitted to us?

I should be glad to have the Rapporteur's explanation on this point, because I consider that the drafting of this paragraph is not altogether consistent with the Covenant of the League of Nations and the duty of our Committee.

M. VON SIMSON (Germany). — I should like to say a few words with regard to paragraph 92. Without repeating what I have already said on many different occasions, I should like to stress three points.

According to this paragraph: "States which require wider guarantees of security should seek them in the form of separate or collective agreements for non-aggression". I have already said several times that I did not consider that this was the only means that could be employed to meet special situations. In that case, the words "should seek" do not seem correct, and should be replaced by "might seek".

The Rapporteur advocates as a method of guarantee and security the conclusion of separate agreements for mutual assistance. This is the point emphasised by M. Rutgers at the commencement of our discussion. For the reasons I have already stated, I am personally opposed to separate agreements containing a clause for mutual assistance, because, as stated by M. Rutgers, these agreements would be directed against a third State.

My third remark is as follows: we are of opinion that measures for arbitration and conciliation should always be added to separate or collective agreements for non-aggression.

M. PAUL-BONCOUR (France). — I merely wish to say that the reason I refrained from commenting on paragraph 92 was that this paragraph is amended by paragraph 93.

If I took paragraph 92 by itself, I should be obliged to make express reservations. It states:

"States which require wider guarantees of security should seek them in the form of separate or collective agreements for non-aggression, arbitration and mutual assistance", etc.

If this paragraph stood by itself, the collective agreement—which I still call "regional", because I think it the most appropriate term—and the separate or bilateral agreement would apparently be placed on the same footing as regards guarantees of security. In my opinion, there is a fundamental distinction between these two systems from the point of view of security.

As it happens, however, this paragraph is followed by paragraph 93, which indicates the Rapporteur's preferences, and I think that it is on this latter paragraph that a useful discussion might be opened.

M. POLITIS (Rapporteur). — In reply to M. Markovitch's observations, I should like to point out in the first place, and would ask the Committee to consider my remarks as of a general nature, applicable to the discussion as a whole, but it seems to me that we should not take the formulas contained in these conclusions literally. Nothing is more difficult than to compress an idea into a phrase. These conclusions were somewhat hastily adopted at Prague. I can assure you that the matter was a difficult one. The conclusions do not contain all the exact shades of our meaning. They must not therefore be taken at more than their value in a general sense. In M. Markovitch's observations, however, there is one statement which is worthy of notice. It was not my intention to say that only certain States require guarantees of security, but to refer to the existing situation: certain States say that they do not require guarantees of security; others say they do; if we give satisfaction to the latter, the former will have the benefit. I put forward this suggestion in paragraph 65, when I said that collective security pacts would not only increase the security of the contracting parties but would increase general security, and thus constitute a guarantee for every country in the world.

It was in this spirit that, at the conclusion of the last session of the Assembly, the Preparatory Commission asked us to work, it being our task to discover the best methods of increasing the security of all States. It is in order to obtain as a definite result the increase in the guarantees of security for all States that we have considered these pacts.

We have already furnished an explanation with regard to the observations of M. von Simson. The most important point is that referred to by M. Rutgers. As I have already remarked, this question will come up for discussion under paragraph 82, which is summarised in paragraph 98. I hope we shall be able to clear up this matter and reach an agreement when this paragraph is discussed.

I need hardly say that I am in agreement with M. Paul-Boncour: paragraph 92 must not be interpreted apart from paragraph 93, which explains it. My full meaning is set forth in the latter paragraph, and is, moreover, set forth in the clearest possible terms in the memorandum.

M. SOKAL (Poland). — I should like to say a few words with regard to the very important question raised by M. Markovitch, although M. Politis's reply to that gentleman was entirely satisfactory.

To facilitate our discussions, I think that paragraph 91 should be added to paragraph 92. Paragraph 91 cannot be regarded as a statement pure and simple, because it is dependent on paragraph 92. Our investigations and endeavours to determine the methods indicated in the excellent report of M. Politis are being continued, because we have not arrived at a general treaty.

Secondly—and this is a logical conclusion—if we accept this premise, there can be no question of using the word "might" as proposed by M. von Simson, but the word "should" must be kept. There is a fundamental distinction between the two: the League of Nations involves not only rights but also certain obligations, and by using the word "should" stress is laid upon the obligations of Members of the League.

In conclusion, I should like to make a third remark, which is perhaps merely a question of style. The Rapporteur meant to say that there is only a slight difference between the terms "collective" and "regional"; but, as in the other paragraphs—and, if I am not mistaken, all the way through—he uses the term "regional agreements", it would perhaps be preferable for the sake of clearness to adopt the word "regional" instead of "collective".

Dr. RIDDELL (Canada). — I wish to express my appreciation of what M. Sokal has said with regard to the use of the word "regional". It seems to me, in view of the statement in paragraph 91, that it is better to give a more concrete idea of what we really mean, and I think "regional" does that better than "collective". It is very difficult to draw the line between "collective" and "multilateral" and therefore I favour the word "regional" and I think that point has been well taken by M. Sokal.

I wish to compliment the Rapporteur most highly on the excellent work he has done. In Article 92 he uses the phrase "collective agreements for non-aggression, arbitration and mutual assistance". I want to be sure "arbitration" in that phrase implies conciliation and investigation—*i.e.*, all the pacific means for the settlement of international disputes and for avoiding them.

Then there is the question of separate and collective agreements. My Government is strongly of opinion that, if you are to have separate agreements, you must be exceedingly careful and scrutinise them very closely to see they do not become merely military alliances.

M. VON SIMSON (Germany). — I had raised a certain objection against the word "should" employed in paragraph 92 and I had said that the method recommended in that paragraph was not the only one, and that therefore this expression was not correct.

The honourable delegate of Poland has now attached to the word "should" a meaning to which I must object still more strongly. He says that this word should be retained to make it absolutely clear that there is an obligation for everyone. This belongs to a type of idea which I have frequently had occasion to express before you already. We are opposed to pressure of any kind, and I desire to repeat this.

M. RUTGERS (Netherlands). — Allow me to explain why I have no objection to the word "should". The only obligation which this word suggests is that of seeking wider guarantees of security by certain means, and this obligation is imposed on States which need those wider guarantees. I therefore think that this is not a very alarming obligation. In reality, I think that this word has about the same meaning as in a sentence like this: "If you want to go to Chêne, you should take tram No. 12". This does not imply an obligation preventing you from taking a taxi if you prefer it.

M. CANTILLO (Argentine). — I associate myself with the remarks of M. Rutgers. I consider that the word in question is very clearly explained by the preceding paragraph. As no general agreement is possible, it remains for States which need guarantees to seek them. In these circumstances, the word "should" has not the meaning which our colleague attributes to it.

The CHAIRMAN. — I consider that the discussion concerning paragraph 92 may be summed up as follows: The members of the Committee approve the Rapporteur's remarks, but there are certain shades of difference between the different points of view. The observations made by the various delegates will be sent to the Drafting Committee.

20. Discussion of the Memorandum on Security Questions: Conclusions: Paragraph 93.

M. VON SIMSON (Germany). — I apologise for speaking again, but I desire to say that I do not agree with this point. This will hardly be a matter of surprise to anyone. As previously, and so as not to waste your time, I only desire to state clearly and briefly our objections in regard to this conclusion.

Paragraph 93 says first of all: "Regional pacts comprising non-aggression, arbitration and mutual assistance, represent the completest type of security agreement . . .". I have nothing to object to in this statement, because these pacts in fact represent a complete type. The paragraph goes on ". . . and the one which can most easily be brought into harmony with the system of the Covenant". Here I can no longer associate myself with the Rapporteur, for reasons which I have already explained on different occasions, and to which I shall not revert now.

The report then says: "Such pacts should always include . . .", and here I think I shall not be mistaken in attributing to the word "should" a sense of absolute obligation. I resume:

"Such pacts should always include the following provisions:

"(a) A prohibition to resort to force;

"(b) The organisation of pacific procedures for the settlement of all disputes;

"(c) The establishment of a system of mutual assistance to operate in conjunction with the duties of the League Council."

My Government's view is, as I have often explained, that this system of mutual assistance need not necessarily be an integral part of a regional treaty. I do not deny that, in certain circumstances, the political relations between States may be such that this third possibility may be added; but what I dispute is that, to be effective, each regional pact should in all circumstances include the establishment of a system of mutual assistance.

M. PAUL-BONCOUR (France). — We have here reached a vital point in our debate and, although our respective views are still known, I rise to say, as I indicated just now with regard to paragraph 92, that, as far as I and my country are concerned, I give my unreserved approval to paragraph 93 of the conclusions of M. Politis's report. This paragraph develops an idea which was merely indicated in paragraph 92, and, while the latter spoke both of separate and collective treaties, paragraph 93 clearly shows that the Rapporteur's preference is for the latter.

I think this is quite legitimate. Bilateral treaties can, in my opinion, be nothing more than a makeshift, and it is only if they can get nothing better that States can be led to conclude them. These treaties may add to their mutual security, but I do not think that they add much to the general security, except in the rare case of a bilateral treaty between two States which have belonged in the past to different groups of alliances. I say "in the past", because it must be assumed here—although I am not really sure of it—that there are no such alliances at present, and that there will never be any more in future. In the case of a bilateral treaty concluded between two States which have been separated by a long misunderstanding, or have belonged previously to different groups of alliances, I think there will be, all the same, some increase in the general security. An agreement between these two States, in addition to giving them greater individual security, solves disputes which might have endangered the general security. None the less, there is nothing to compare with regional agreements, even on this most favourable and, it must be admitted, in frequent hypothesis.

What we are seeking, in order to increase general security and permit of more effective measures of disarmament, is rather the application to the whole of a specific area of Europe what I may describe as an apparatus of security, which will settle conflicts and which will bring into being that harmony and agreement which experience has shown to have resulted from the Locarno Treaties. We do not desire to apply these treaties as they stand to parts of

Europe for which adjustments may be necessary. But we retain the general framework, the more so as this framework is itself the outcome of the principles of the Protocol, which ceased to be universal and which applied to a particular area.

If we look at the question from this angle, can it be denied that those regional treaties are superior to separate treaties from the point of view of general security? I do not think there can be any doubt about this. Consequently, the criticisms which may be levelled against regional treaties should not be the outcome of a comparison with separate treaties, but should be concerned with their intrinsic possibilities or with the drawbacks which may be inherent in them.

I admit that I cannot see the danger of defining these regional treaties as I have just done, and as the Rapporteur defined them himself. Presumably, in view of the number of signatories involved, these treaties are not concluded between States belonging to the same system of alliance, but between such States and one or more other States with which possible conflict was feared. I think, therefore, that general security is most certainly affected by the conclusion of agreements of this kind.

Would it be affected to the same extent by the conclusion of regional agreements embracing a certain number of States with varying historical or geographical features or systems of alliances, but limited (thus differing from the complete type proposed by the Rapporteur) to a pact of non-aggression? In any case, as the German delegate rightly remarked, a pact of non-aggression of this kind would have to be completed by the procedure of pacific settlement, which is obviously the consequence of any pact of non-aggression. Such a clause, when confined to a moral affirmation, may possibly be of interest—since everything is of interest—but it is certain that, from the point of view of positive guarantees of security, it is of far less value than a pact of non-aggression completed by the provision of pacific procedure which it involves. This is also the case if it is considered apart from mutual assistance, and if the third term mentioned by the Rapporteur is lacking. I would not go so far as to say that what remains is valueless, neither do I say that the League of Nations, by establishing types of treaties of mutual assistance, and by taking the necessary steps to enable its organs, and the Council in particular, to conclude such treaties, would do nothing to increase security, but I would remind all our colleagues that we are here on a definite mission. It must not be forgotten that we are here in virtue of the resolution of the 1927 Assembly. This resolution, which combined the German and French proposals with the Netherlands proposal, was adopted unanimously by the Third Committee. We must not forget that we are here as the result of the work for disarmament. We have not met together merely to deal with security in general; we have to endeavour to increase security, which is bound to influence the reduction of armaments.

I would therefore address the following appeal to my colleagues. If we bring before the Disarmament Conference a regional treaty excluding mutual assistance, and without a guarantee that, in the event of conflict, the forces maintained by a State after a reduction of armaments will be increased by the forces promised, shall we be in a suitable frame of mind to achieve a reduction of armaments? I do not think so. When speaking of the reduction of armaments, we must be careful to take a practical view. When a nation is asked what is the total number of effectives which it considers necessary for its security and the observation of its obligations under the Covenant according to Article 8, upon which all our work is based, on what grounds is that nation to appreciate this security? Not on any theoretical concepts, you may be sure, not even by bearing in mind this or that treaty which may afford it a reliable guarantee that conflicts will be avoided. It will fix the number rather in relation to the possible conflicts which it may fear. Do not let us forget that. Because, in other branches of the League's activity, this idea of conflict can be avoided, since everything tends to prevent it, we must not forget that, in discussing this special question of armaments and disarmament, we are reasoning in every case with the possibility of a conflict before us. A conflict breaks out when all preventive measures have been exhausted and have proved unsuccessful. The total number of effectives fixed by that nation at the Disarmament Conference will be based on this possibility. And, naturally, it will not be able to accept these reductions of armaments, I will not say light-heartedly, but with a calm and resolute mind unless in compensation it has treaties of assistance which provide it with a definite guarantee against all the possibilities of conflict it may apprehend.

Another criticism is that made by the German delegate at the beginning of our meeting. The argument is a strong one. Do not regional treaties, which are, after all, separate in relation to the whole and in relation to a general pact, run the risk of leading to a dislocation of a society which is universal in its essence?

I agree, but I would beg our colleagues to note that, if we are obliged to take our stand on regional agreements, it is not in the case of many of us because we like it. We have shown in many circumstances that our preference was and continues to be for a general treaty. It is our profound conviction that the germs of conflict cannot be completely destroyed, or the possibilities of conflict if not completely removed at least diminished to such an extent that security can be regarded as achieved, until the day when there is sufficient international solidarity and international spirit to create this general treaty. But, with great wisdom, the Rapporteur says to us: After the very clear declarations of September, to the frankness of which we pay a well-deserved tribute, we note what we can do and we know what we cannot do. We know that it is only by means of regional agreements and the partial and regional application of principles which indeed are general that we can achieve any success. Now we are committed to this course in virtue of the 1927 resolution and we are fully committed to it. This resolution leaves us no choice. No doubt our minds are entitled to choose, but they must observe the juridical bonds constituted by the Assembly's resolutions. We therefore must

not fail to seek every means of bringing about these regional agreements, of co-ordinating them and of generalising them. If, therefore, compared with a general treaty, regional treaties have drawbacks, which we who are in favour of a general treaty realise better than anyone, we must not hesitate in the face of these criticisms to go forward on the only course which remains open to us. To do so would be a serious matter. We can weigh these arguments, these drawbacks which are pointed out to us, and try and secure co-ordination—as the Assembly resolution stipulated—not only between the treaties themselves but between the treaties and the Covenant of the League of Nations.

In our discussions in the Third Committee and, later, in the Assembly, it became very clear—and our colleague of the Kingdom of the Serbs, Croats and Slovenes made very significant statements in this connection in 1926 and 1927—that the treaties which the League of Nations had to promote, co-ordinate and generalise would necessarily have to remain in conformity with the spirit and terms of the Covenant. We cannot reject the arguments put forward at the beginning of this meeting by the honourable German delegate. We must, on the contrary, give them our best attention and, in the resolutions which we are going to propose, endeavour to ensure that these treaties should remain completely within the scope of the Covenant. It is, in fact, for this reason that our Rapporteur proposes that we should draw up a model treaty. There is no other reason, for, if we are going simply to substitute ourselves for the jurists of the different countries, our meeting would be quite superfluous. Each country, each diplomatic service, each Ministry of Foreign Affairs, has legal experts who are perfectly capable of finding adequate formulæ in conjunction with the jurists of the countries with which the treaty is to be concluded. The only real importance of the model treaty is to find a text which comes completely within the framework of the Covenant and is in conformity with the principles of the Covenant.

When this model treaty has been drawn up, a discussion will inevitably arise as to other conclusions of M. Politis's report, for I consider that we shall only have done half our work, or rather that only half the work will have been done. The other half will be for the Council to do. These model treaties must not remain in the archives as a testimony of the legal ability of those who proposed them and those who adopt them. They must serve the Council as a standard to judge what is good and what is less good, what is acceptable and what is not, what must be encouraged and what must be discouraged.

The meeting rose at 1.10 p.m.

NINTH MEETING.

Held on Monday, February 27th, 1928, at 4 p.m.

Chairman : M. BENES (Czechoslovakia).

21. Appointment of a Member of the Drafting Committee.

M. UNDÉN (Sweden). — I ask the Committee to appoint an additional member to the Drafting Committee, and I propose Baron ROLIN JAEQUEMYS (Belgium).

This proposal was adopted.

22. Discussion of the Memorandum on Security Questions : Conclusions : Paragraph 93 (continued).

M. ROLIN JAEQUEMYS (Belgium). — I thank the Committee for the confidence which it shows in me in appointing me a member of the Drafting Committee. I am very grateful to you.

May I explain the reasons why I have abstained from taking part in the discussion of the report and the proposals of M. Politis? My reasons were not due in the least to indifference. On the contrary, my Government is very much concerned as to what will happen regarding this question. It appeared to me, however, during the course of the discussion, that the observations on both sides of which the Drafting Committee could take account had been made in such a manner that, though my preferences might be for one view or for the opposite, it was unnecessary to give expression to them.

There is a further reason : as far as the direct interests of Belgium are concerned, we took steps during the discussions of the Locarno Treaty ; consequently, the work of drafting now in progress does not directly concern us.

To speak from a more general standpoint, I thought that, whatever the nature of the texts you might adopt, the regional agreements achieved could never in practice be the exact reproduction of one of those drafts which we should have drawn up. Consequently, it will be far more the recommendation which will be of service—that is why this discussion is so useful—than the text itself, which may only be the skeleton or scarcely more than the skeleton of the agreements to be concluded.

To explain to you the interest which my country continues to feel in the question under discussion, I desire to inform you that, during the last meeting of the Belgian Senate, M. Hymans, Foreign Minister, said, with the unanimous approval of that august body, that the Belgian Government was convinced "that the most effective system of security at the moment lay in the conclusion of regional pacts of non-aggression, arbitration and mutual assistance."

You will know from this statement that the help of the Belgian Government is already entirely at your disposal, and that, if it has any preference, it is for regional agreements fulfilling the threefold condition which I have mentioned—non-aggression, arbitration and mutual assistance.

M. UNDÉN (Sweden). — In the name of the Swedish Government, I support the views expressed by the representatives of the Netherlands, of the British Empire and of Germany concerning the extension of the mutual guarantee in the case where a third State has committed an act of aggression. Although this question is dealt with in paragraph 98, it is also touched upon in paragraph 93.

It is obvious, as M. Rutgers pointed out at the last meeting of the Committee, that a bilateral treaty of mutual assistance is necessarily in the nature of an alliance directed against a third State. Such alliances exist at the present moment, it is true, and they may be inevitable for some time to come, but the League of Nations, when giving directions for the future, ought not to request States to form combinations of this kind.

These considerations also apply to the multilateral treaties which cover the case of an aggression committed against a contracting party by a third State. In my view, the League of Nations ought not to recommend the conclusion of treaties which would have the effect of giving rise to disquiet and fear on the part of certain third States and thus increase tension between peoples. The provisions in question are intended to increase the individual security of a contracting State, but in actual fact their tendency is to shake the mutual confidence existing between contracting States and certain third States, and thus the general security of Europe will be gradually diminished.

From the practical point of view, it seems very improbable that a State would be ready to accept an invitation to join a regional agreement which would impose upon it such wide obligations in connection with guarantees.

It is desirable, in my view, that the report of the Committee should, in reproducing paragraph 93 of the memorandum, expressly add that mutual assistance should only cover the case of an aggression directed by one of the contracting States against another contracting State.

M. ANTONIADE (Roumania). — Before the end of the discussion on the first three conclusions of the Memorandum on Security Questions, I wish briefly to explain the attitude of the Roumanian delegation.

After the explanations of M. Politis and the declarations of the French, Polish and Serb-Croat-Slovene delegations, what I have to say is merely repetition, but I think that it will not be without interest, in view of the fact that the moment is near when each of us will have frankly to define his position in this discussion.

It is my duty and pleasure to pay my tribute—one of many—to the brilliant study which M. Politis has submitted for your discussion. I am convinced, gentlemen, that this memorandum will remain in our records as a model of clearness, penetration, analysis and at the same time of legal and political construction.

As far as the first three conclusions are concerned, the Roumanian delegation desires, in its turn, to affirm the necessity of not losing sight for a single instant of the fact that this organisation of security is not an abstract problem or an academic point of international law. It is not a vague theoretical question of security but real security which will make possible the limitation of armaments or even general disarmament.

If it were a mere question of abstract security, the provisions of the Covenant might be sufficient. Many nations would feel tolerably secure under their protection and with bilateral treaties of assistance and with the armaments which each possesses.

It is proposed, therefore, as a means for organising this actual tangible security with a view to progressive disarmament, that special or collective agreements should be concluded on the basis of the three principles: exclusion of recourse to force, organisation of peaceful procedure for the pacific settlement of disputes, and a system of mutual assistance. It is proposed that we should take, say, three together, or else only two of them, or else only the first; hence the three models submitted by M. Politis, each divided into bilateral or multilateral agreements. We are told as clearly as possible that it is the widest form of regional agreement with these three points which represents the most complete security and that which is most in harmony with the system of the Covenant, and I think that this is the general, if not the unanimous, feeling of the Committee.

Up to the moment, I have heard no serious criticism of this system, nor any suggestion which could advantageously take its place. It is true, I think, that not everyone likes the expression "regional"; let us therefore use the more crabbed expression "multilateral" or "plurilateral" or, more simply, the expression "collective". Will this change of wording, however, do away with the fact that, outside these States, there exist all over the world regions with their past history, their needs and their special interests, and also their special danger-spots?

It is also said that this idea of confidence in the regions will run counter to the notion of universality which is at the basis of the League of Nations. Is not, however, the idea of peace still more fundamental than the principle of universality? If regional agreements are likely to assure general peace, ought they not reasonably to be given preference over that cherished idea of universality? It is easy, however, to allay the apprehensions of those

who cling to universality so much. They can be shown that these regional agreements, after having spread their net over the whole world, may be co-ordinated, and thus a return will be made to the universality of the Covenant.

We are also informed that regional agreements will be "one way" of assuring security but that they are not the only way. I shall be very grateful to know what other ways there are. What can they be? There is the Covenant, with its guarantees, indefinite in their principle and hazardous in their application. There has been always, with an eye upon this idea of universality, a treaty of mutual assistance and the Geneva Protocol; both of them, however, have remained dead-letters. What is now proposed? We are told that any measures of security would be ineffective without mutual confidence, and that confidence is just as essential whatever form of agreement is in question. We are told that our main task must be to increase that confidence. I am the last to dispute the value of the psychological and moral factors in the life of peoples and their relations. Let our task be, therefore, to increase the yield of this moral factor which is of great importance, but do not let us forget that, for the moment, what we have to do is something of a very definitely concrete character which it is desired to achieve at short notice. Each one of us is now required to renounce a part of his armaments and to prepare for complete disarmament. Is it possible to renounce palpable guarantees in order to obtain in compensation—what? The prospect of happy years to come when a spirit of confidence will prevail everywhere?

Let us keep, in the absence of other panaceas, to complete regional agreements, based on non-aggression, peaceful settlement of disputes and mutual assistance. I own that I do not regard this as a maximum but, on the contrary, a minimum of that security which is to precede disarmament. I have heard more than one authoritative voice define this system as a *pis-aller*. As far as I am concerned, I share this view.

The Roumanian delegation expresses its preference, therefore, for this complete type of agreement, and desires to see it, after it has been discussed and drafted, put forward in the first place both by the present Committee and by the Preparatory Commission and the other organisations of the League. Obviously, we are only required to recommend it. We are not required to impose anything in this matter on sovereign States. We can, however, make recommendations which can be accepted or refused. The fact, however, that the Roumanian delegation shows this preference does not mean that it is opposed to the drawing up of the other kinds of agreements proposed by the Rapporteur. It is plainly conscious of their usefulness, which is the result, in the first place, of their possible adaptation to all needs and to all situations. They are still more useful from another point of view. After a firm and frank offer has been made, the acceptance in a particular region of a particular model treaty will be the measure of the limitation or the disarmament to be carried out. The wider the type of treaty accepted, the more numerous the guarantees obtained, the greater will be the measure of disarmament. Every State will then know how it stands as far as the intentions of its neighbours are concerned and its own security. If there is a refusal to accept any of the models, then there will be no disarmament.

M. VON SIMSON (Germany). — I did not intend to speak again on paragraph 93, for I have already explained my Government's point of view. The speech just made by the representative of Roumania, however, compels me to rise once more.

The representative of Roumania said at the beginning of his speech that he was going to repeat words already used by other representatives, more especially by the representatives of France, Poland and the Kingdom of the Serbs, Croats and Slovenes. He has not only repeated but has expressed with greater force the ideas lightly touched on in, for example, the speech of the representative of France. The Roumanian delegate has emphasised them in a manner which compels me to state that my views are the exact opposite to his.

I said the other day that, in my view, M. Politis was not justified in the conclusion in his report where he states that regional agreements of non-aggression, arbitration and mutual assistance represent the most complete type of a security agreement, that which is most in harmony with the system of the Covenant. I was supported to a certain extent by M. Paul-Boncour when he said that he also was in favour—a fact which I never doubted—of the universality of the Covenant and that he considered regional agreements a *pis-aller*. Now the representative of Roumania seeks to give me and all those who are specially concerned with the universality of the League a certain amount of consolation by saying that it is possible to conclude regional treaties all over the world and that this system can be co-ordinated with the system of the Covenant. Well, gentlemen, in my view, it will not be as easy as that, and I do not think that in a few months, or even in a few years, we shall see a network of regional agreements spread over the whole world. I believe that on this point the Roumanian delegate displays an optimism which I cannot share.

On the other hand, he has sounded a note of pessimism to which I should also like to refer. In company with previous speakers, he has noted the difference between that security which is measurable and that which is not, between the increase of that security which is real and tangible and that which is not. I think he might wish to draw the conclusion that the increase of security by means of elements which members who have spoken have considered not to be entirely measurable will lead to no measure of disarmament. Well, gentlemen, I desire to say as clearly as possible that this is not our point of view. We take our stand on Article 8 of the Covenant of the League. So many articles have been quoted, both during the discussion and in the memoranda, that I will read this article once more to you:

"The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations."

The Roumanian delegate next said that it had been pointed out that regional agreements did not constitute the only means and he asked what other means were contemplated. As it was I who originally made the remark, I suppose he was referring to me: I think also that in this point too we should abstain from being too pessimistic. At the beginning of the discussion we were all agreed, and the representative of Great Britain made special reference to it, that the degree of security given by the Covenant of the League of Nations was not a negligible quantity: it already amounts to something and it is something which we can still further strengthen. I would recall the Finnish proposal concerning financial assistance. I would also recall the suggestions made by the German Government, which have not yet been discussed. I think that this is a matter of clearly palpable guarantees, of which the consequence will be a very definite increase in security.

If I remember rightly, the Roumanian delegate said that there was no question of imposing the recommendations of the Committee on anyone, but that, if a State refused to accept them, neighbouring States would draw the requisite conclusions. I suppose this means that if, for example, the Council of the League recommends a certain State to conclude a certain regional agreement and if that State replies that it cannot accept this advice, there can be no further question of disarmament. I must say that I am not of this view.

The representative of Roumania has also said that he attaches great importance to the increase of mutual confidence. I would like once more to emphasise this point. M. Paul-Boncour said in his speech—he expressed it much more eloquently than I can and I must ask your pardon if I repeat badly what he said—that if the crown of mutual assistance is lacking in the regional treaties an essential element is lacking, and that mutual confidence cannot be established except by means of mutual assistance. I would once more repeat that I am not in the least degree opposed to regional treaties of mutual assistance, but what I must always protest against is that nothing will have been achieved if we do not succeed in establishing such a treaty. I must refer to the great impression made on me by the speeches of our colleagues from South America. Among the countries of that continent there exist only treaties of non-aggression and treaties for peaceful settlement of all disputes. There is not a single treaty of mutual assistance, to my knowledge, in that continent. Nevertheless, that is a part of the world where mutual confidence is much more highly developed than in Europe.

23. Discussion of the Memorandum on Security Questions: Conclusions; Paragraph 94.

M. ERICH (Finland). — The Rapporteur has shown his appreciation of the practical value of demilitarised zones in connection with regional security agreements. He is right in considering that the establishment of demilitarised zones may assist in avoiding the danger of an armed conflict. Further, in the explanations contained in paragraph 72, the Rapporteur has emphasised the fact that the establishment of demilitarised zones can be recommended as a measure suitable for the prevention of aggression and as one which facilitates, if necessary, the determination of the aggressor. At the same time, the report recommends that the greatest subtleness should be shown with regard to the extent of a zone and the other details connected with it. Account should be taken, among other things, of the configuration of the frontier line and of the relative importance of the States concerned.

The Rapporteur has thus pointed out in a few words the conditions and essential attributes of demilitarised zones. What he has said will certainly meet with the approval of everyone. This is a practical measure of security which cannot but encounter our unanimous approval. Any State which consents to this limitation of a territorial nature, as far as the exercise of its military power is concerned, will give, by so doing, a conclusive proof of its goodwill. It is thus possible to note in a tangible and measurable manner—to use the expression of M. Sokal and M. Paul-Boncour—that material security has increased in any case in a certain part of the world where natural conditions invite respective States to give each other, so to speak, mutual guarantees of security of this nature. Such guarantees are of value, especially for a small State, however innocent may be the intentions of its large neighbour.

When I speak of the concrete and measurable guarantee which the States concerned bestow upon each other, it is important to draw attention to one very important point which is already implied in the observations of the Rapporteur. He says that account must be taken of the configuration of frontiers and of the relative importance of the States. This is a very true remark. It can often be applied to two neighbouring States definitely unequal from the point of view of their size, material resources and potential war resources. Obviously, a serious reduction in armaments by the more powerful State will lead to an increase of security as far as its neighbour whose circumstances are more modest is concerned. In order, however, that its neighbour should feel really secure, it may be necessary for the State which is stronger, as far as its forces and potential resources of war are concerned, to consent still further to restrict the possibilities which it has, and which it may be free to use against its neighbour. This can be done in a really tangible and measurable manner if the greater of the two countries consents to withdraw its troops from a sufficiently large portion of its territory running along the frontiers of a far less important neighbour. When I say a sufficiently large part of its territory, I mean that a demilitarised zone ought to be of an extent such that the fact of having to concentrate troops on the side of this zone would retard the crossing of the frontier not by some hours but by some days. What is really of material value for some peoples at the tragic moment which precedes war is the time available for the mobilisation and concentration of its troops. On the other hand, in the case of a large nation which is going to attack a small, the time factor is not of the same importance, since it can commit an act of aggression without

awaiting the end of its mobilisation. Consequently, if it is desired to establish, in the circumstances which I have just outlined, a demilitarised zone which shall conform to the existing needs of security and which corresponds to real equality, and by that I mean to equity, it will be necessary to establish, at least as a general rule, a wider zone on the side of the frontier belonging to the more powerful State and a relatively smaller zone on the side of the frontier on which the military and material resources are inferior.

In this respect it must obviously be admitted, with the Rapporteurs, that a certain degree of suppleness is necessary. In each given case what is admitted to be just must be taken as a basis.

The points which I have just laid before you are implied in the arguments of the report, which, as we have seen, urges that account should be taken of the geographical configuration of the frontier and the relative importance of States. In order clearly to define what States individually appreciate as tangible security, it would be useful to emphasise expressly as a practical consequence of this relativity that a certain relation must exist between the breadth of the zone and the military importance of the States concerned and contracting, on the one part, and the size of the zones to be established alongside of the frontier on the other part.

As far as the proper working of a system of zones is concerned, account must be taken of the necessity for a control, as is mentioned in the report, in which the question is raised, in a somewhat vague way, of a temporary or permanent control which the parties might request the Council to organise. Nevertheless, the last observation in the argument, to the effect that it is for the Council to prescribe the necessary measures to ensure respect for the engagements undertaken, appears to indicate that in this field it is impossible to do without international control.

This observation should recall the important reality, which is that the establishment of a neutral zone between two States does not mean that their relations are strained, or that there is any mutual mistrust or special menace or susceptibility. This guarantee of security springs from the same notion as guarantees of security in general, that is, from a just appreciation of existing facts. There is nothing, therefore, strange or out of the ordinary in seeking to strengthen security by the establishment of a demilitarised zone. To prove this it is sufficient to recall the speeches made during the session of our Committee by the representatives of two States much in favour of ideas concerning security and international solidarity. The Vice-Chairman of our Committee, M. Undén, has expressed great satisfaction, among other things, at the demilitarised zone established along the frontier separating Sweden from Norway. The representative of Canada, Dr. Riddell, has recalled the example of the naval disarmament on the Great Lakes, as well as the military disarmament along the land frontiers separating Canada from the United States for a distance of more than 2,000 miles. The representative of Canada added that the absence of military forces engenders confidence and causes every kind of fear and suspicion—the two enemies of security—to disappear.

It is therefore quite natural that States, more especially those who are in the category of secondary or smaller States, should show a real and sincere interest in the establishment of demilitarised zones, and should at the same time urge that, when determining these zones, the organic conditions which differ more or less according to the countries concerned should be duly taken into consideration.

General DE MARINIS (Italy). — I desire to add something to the very interesting observations just made by the delegate for Finland. I regret that I am unable to express entire agreement with his conclusions.

M. Politis has submitted his suggestion regarding the establishment of demilitarised zones with much caution. In this part of his report, he has given further proof of that comprehensive spirit which has already been noted by the representative of the Kingdom of the Serbs, Croats and Slovenes, M. Markovitch, in a tribute in which I join. M. Politis said that demilitarised zones could be in principle recommended, but he added, nevertheless, that, in view of the number of varying situations, there was no need to fix rigid rules. The greatest suppleness is necessary in this direction, and account must be taken of the necessary circumstances. Finally, the violation of demilitarised zones ought not to be regarded as an action on the same footing as recourse to war. The establishment of such zones is a question which should therefore be left to the judgment of the countries concerned, among which there may be some which do not desire to have demilitarised zones. This, indeed, is the case in my own country.

This said, I wish to examine for a moment the question in an entirely impartial manner and I wish to do so with reference to a report which, in view of the authority of its authors, should be considered as really final. I would not say anything which is displeasing to any of us, and in saying this I do so mainly because I do not want to lose sight myself of its interest. I think that, for the proper continuity of our work, we should not neglect the conclusions already arrived at by properly qualified organisations of the League. When Committees to which certain very definite tasks have been entrusted have, after long investigation and numerous meetings, unanimously adopted certain conclusions, I consider that it is perhaps useless to examine the same questions all over again.

This is precisely the case with reference, however, to demilitarised zones. I would recall that it has been discussed for a long time by organisations of the League. Five years ago, the Permanent Advisory Commission on Naval, Military and Air Questions examined a very interesting memorandum submitted by the then Lord Robert Cecil on the establishment of demilitarised zones as an additional guarantee of security. This Commission, which was composed of representatives of Belgium, Brazil, the British Empire, France, Italy, Japan,

Spain and Sweden, unanimously adopted a report which is so interesting that I think it would be useful if I submitted it to you. I shall therefore read the opinion adopted at the meeting of July 7th, 1923, by the Permanent Advisory Commission :

“ The Commission is unanimous in expressing its admiration for the untiring efforts of Lord Robert Cecil to discover means by which armed conflicts may as far as possible be avoided.

“ It is obliged, however, to express the equally unanimous opinion that the scheme which has been submitted does not, from a military standpoint, attain the object it has in view.

“ In any case, the Commission does not think that the scheme in question can ever be applied to States whose frontiers are constituted by natural obstacles, which these States would evidently not consent to abandon.

“ The above opinion of the Commission, which is unfavourable to the proposal even in the case of artificial frontiers, is based upon the following considerations :

“ 1. The author of the scheme considers that the establishment of these zones would render it more easy to decide who is the aggressor but, as has already been pointed out, the mere fact that a frontier has been violated is, in modern warfare, only a factor of secondary importance in deciding this question, and in many cases it has no bearing whatever on the issue.

“ 2. The creation of these zones, which implies the abandonment of certain national resources and certain portions of territory, within a definitely limited area, is not an equitable arrangement, for it would constitute a far more serious disadvantage to the smaller than to the greater States.

“ It would perhaps oblige the armies of a smaller State to abandon further portions of its territory without striking a blow and this area might be far larger than that of the demilitarised zone.

“ The proposal might, moreover, entail the gravest disadvantage for these smaller States by preventing them from basing their defence on the execution of an offensive movement before the aggressor has had time to bring the whole of his superior forces into action against them.

“ 3. With regard to the statement that the establishment of such zones might include provisions the effect of which would be to render it very difficult, if not impossible, to carry out concentrations of troops, it should be pointed out that in many cases the result would be of an entirely contrary nature, because a State which intended to make a sudden attack could concentrate its troops at its leisure at some point in rear of the zone, while the other State, which was loyally carrying out the convention, would be prevented from observing the operations.

“ Reference has been made in the scheme to the Swedish-Norwegian Treaty and to the neutral zones which exist between those two countries ; but it should be pointed out that this treaty was concluded in 1905—that is to say, eighteen years ago—and that meanwhile important developments have taken place in methods of warfare. Care must also be taken in examining these treaties, which are already of ancient date, to take into consideration all the circumstances which existed at the time it was drawn up and all the special situations of the two countries in question, conditions which cannot be applied to other States without modification.

“ The measures proposed would, in many cases, gravely increase the difficulties of the defence for a country which was the victim of a sudden and unexpected attack ; for, although the defender might secure a few hours' warning, he might be deprived of his right to make timely use of favourable defensive positions situated near his frontier.

“ 4. A demilitarised zone is really no more than a 'no man's land' which the two parties undertake to respect ; and in the last resort the non-violation of this zone depends upon the good faith of the two contiguous States. From a practical point of view, such a zone is of no value as a military barrier. At the most, it might avail to forewarn either party of the hostile intentions of the other party and to diminish the chances of a collision by keeping the two factors out of contact with each other.

“ 5. The width (50 kilometers) laid down for the zone does not provide any effective guarantee from a military point of view, on account of the rapidity of modern means of transport. Moreover, in fixing the breadth of this zone, the scheme ignores the air factor, which is of increasing importance in modern warfare.

“ 6. Regarding the destruction of railway lines—which it is proposed to carry out in the demilitarised zone—it should be pointed out that the railways of chief commercial importance are sometimes the lines which are of greatest strategical importance because they follow the great natural lines of communication.

“ 7. Finally, the creation of these neutral zones might involve the abandonment of all military measures for the defence of a territory which might be thickly populated ; and this would involve a risk of provoking disturbances of every kind. It would, moreover, appear necessary to consider how these populations would be governed and administered.”

I apologise to the Committee for having spoken at such length on a perhaps too technical question, but it appeared to me necessary to remind you of this conscientious work done by the Permanent Advisory Commission for Military, Naval and Air Questions, which I consider as conclusive.

The CHAIRMAN. — I would like to say that, during our discussions at Prague, we mentioned the possibility of establishing demilitarised zones with the greatest prudence and with every form of reservation. Nevertheless, we thought it necessary to indicate this point of view, because it may be that, despite everything, special cases may arise in which countries might possibly desire eventually to establish these zones. There are territories in which it may be necessary to make an attempt to establish them.

I think that we shall all agree that this is not an indispensable clause in a general treaty, but that an opportunity should be left to insert such a clause in the case of those countries which desire it.

M. PAUL-BONCOUR (France). — Although the Chairman has spoken in terms to which I have nothing to add, I desire nevertheless to reply shortly to General de Marinis.

General de Marinis has very justly referred to the necessity of safeguarding the continuity of our work. I entirely agree with him. This is an idea which I have often expressed myself, but the work as a whole must be considered.

I have great respect for the technical opinions of the Permanent Advisory Commission. You know how often during the work of disarmament I have, in the teeth of entirely unjustified reproaches, paid a tribute to the incomparable value and use of the work of the experts. It is none the less true that, in a matter like this, there is not merely a strictly military opinion—there is also a political opinion. Though the Permanent Advisory Commission might have considered it necessary, at a certain moment and from a strictly technical point of view, to give a somewhat pessimistic opinion regarding the utility of demilitarised zones—an opinion which has just been read to us and which Lord Robert Cecil, if I remember rightly, agreed with at the time—on the other hand, in the following year, in our capacity as politicians representing Governments, we adopted in the Protocol of 1924 a provision which, on the contrary, showed the pre-eminent interest of demilitarised zones when it came to defining the aggressor. Even if, from a technically military point of view, they are without interest—which is a debatable point—from a legal and moral point of view, from a political point of view, if I may say so for the object which we have at heart, which is the clear, distinct and indisputable definition of the aggressor, we thought almost unanimously in 1924 that demilitarised zones were of great interest. Obviously, they can only be established with the consent of contracting parties, but everything we do here is based on the idea of a contract, for it is a question not of obligations newly imposed but of the possibility for States to assume more definite obligations by means of special treaties.

Consequently, I think it would be unfortunate from the legal point of view if the Committee remained under the impression that the establishment of demilitarised zones is not so interesting as our Rapporteurs, whose opinion I share, have urged.

Dr. RIDDELL (Canada). — I think it would be most unfortunate if we did not sufficiently appreciate the value of demilitarised zones. You may pardon a further reference to my own country. This was the first step in the erection of our structure of security more than one hundred and ten years ago. We look upon it as almost the keystone of the satisfactory relations we have had with our neighbours during these years. Previous to that time, our relations had not always been satisfactory, so that we have reason to feel very keenly on this subject. We believe that the absence of armed forces along a frontier is in itself one of the finest lessons that can be set before a people to inspire confidence in their neighbours on the other side of that frontier. Nothing impresses visitors to North America, as they go to the United States from Canada, more than the fact that they cross the frontier without ever seeing a soldier.

It seems to me that here we have one of the most essential things, and one that should not be passed over. It may not be possible to embody it in a contract or in an agreement, but it seems to me that this Committee should record its approval of the idea, and that it should stress the fact that the two countries (namely, Sweden and Canada) which have had the most experience have come out strongly in favour of it.

I do not believe in any international control. I do not think that is necessary. In our own case, our International Joint Commission would be there to look into the matter if there were the slightest suspicion that one or the other of the two countries were fortifying its frontier, or intended to do so.

General DE MARINIS (Italy). — I thank M. Paul-Boncour, who has recognised the essential continuity of our work.

I would add that it is not my intention to prevent two countries establishing demilitarised zones if they so desire as between themselves. I merely wished to remind the Committee of the opinion expressed by the best-qualified technicians in this question. My opinion that it is not advisable to recommend the establishment of such zones, but that it is sufficient to mention them, is confirmed by the declarations of the Chairman, who was guided by the same prudence as the Rapporteurs, according to which the desirability of these zones is limited to special cases where certain countries might wish to establish them between themselves.

As to whether security is or is not a military question, I consider that it undoubtedly involves political and psychological factors. In substance, however, security is a strictly military question. If the soldiers of a country should tell their people that they do not consider that their security is assured, I believe that the political and psychological factors would be determined by the views of the soldiers.

24. Discussion of the Memorandum on Security Questions : Conclusions : Paragraph 95.

Lord CUSHENDUN (British Empire). — Among the conclusions, paragraph 95 is to my mind one of the most important, and paragraph 95 with paragraph 96, which we shall discuss presently, are the only two, I think, about which I have any serious misgivings.

First of all, I should say that paragraph 95 rests upon paragraph 75 of the memorandum, and I think that, in the whole of this extremely able memorandum, there is no part of it which is more masterly than the analysis contained in paragraph 75 of the situation which the Rapporteur sees might arise.

M. Politis, in sub-paragraph 6 of paragraph 75, says : “ Without expressly recommending their adoption, one of the following suggestions might serve as a basis ”. I gather from that cautious mode of expression that the Rapporteur himself realises that there are probably serious objections to the suggestions he offers, and that, I think, is the case. We ought to be very grateful to him for putting before us the possibility of the situation which he foresees might arise, and also for so ably and ingeniously pointing out to the Committee the methods by which that situation might be met. The question which we have to consider is whether it would be desirable and wise to adopt one or other of these suggestions, and, as I said, I think the language used by the Rapporteur, in which he says he does not expressly recommend them, shows that he is very much alive to the objections that may be urged.

I have had the honour to submit to the Committee certain observations drawn up by the British delegation which express in some detail our point of view with regard to this clause. I think it would be very much wiser not to avail ourselves of the suggestions that are here made ; I do not wish to trouble the Committee with any lengthy explanations ; I think the matter is summed up in these words in our Observations :

“ The effect of both of these alternatives is the same : Members of the League might be called upon to apply sanctions in the enforcement of a decision in which they do not concur and against which they might even have recorded a definite vote.”

I will not argue that point now, because any member of the Committee desiring to know our argument will find it more clearly and more tersely set out in our Observations than I could give it in a speech. I do not, of course, wish to suggest any hard-and-fast principle. I believe that there are a few precedents already in existence for, I was going to say, tampering with (but that would not be quite the right word) the principle of unanimity on the Council. I do not mean tampering with it, but taking steps to get round it, and, although I know there are precedents, I think the Committee will probably agree that these precedents should only be followed with very great caution and that it would not be wise to multiply them unnecessarily, unless some very great advantage can be gained by it. It seems to me that, even supposing that what is suggested is a wise thing to do, we are not the proper authority to do it.

I notice that M. Politis, in his conclusions, at the end of paragraph 95, says : “. . . so as to make good the legal deficiencies in paragraphs 7 and 8 of Article 15 of the Covenant ”. I cannot admit that there are any legal deficiencies in that clause of the Covenant. I think we are bound to assume that those who drafted the Covenant, who fully discussed the bearing of the clause which they were drafting, must have had present in their minds exactly the situation which M. Politis has brought to our attention. They must have been perfectly well aware that the combination of Articles 13 and 15 left one particular case unprovided for, and it would have been perfectly simple for the framers of the Covenant to frame it so as not to leave that gap, and I think we are bound to assume that if they, of full deliberation and intention, drafted the clause in the way they did and as it now appears in the Covenant, they did it for very good reasons, knowing that more harm than good might be done if they attempted to fill that gap. Therefore I submit, with great respect, that if any amendment is required, it ought not to be made by a device for getting round the provisions of the Covenant, but by frankly and straightforwardly amending the Covenant itself. It may be desirable (I express no opinion on that point) for this Committee to bring the matter to the attention of the Council and the Assembly, and suggest to them that the Covenant should be amended in this respect, but I think it is very undesirable, while the Covenant remains in its present form, that a Committee like this, or any other of the various organs of the League, should recommend the Members of the League to enter individually into special agreements which would be in violation of the spirit, if not the letter, of the Covenant itself.

I repeat, referring the Committee to the fuller observations which I have circulated, that I think we should do well to follow the caution of our Rapporteur, who does not expressly recommend these devices, and pass on, leaving that gap, even though it should be, from our point of view, possibly unsatisfactory, rather than attempt in a way that I think would be undesirable, by a roundabout method, to amend the Covenant itself.

M. POLITIS (Rapporteur). — It has often been said in public meetings that delegates come to them with their opinions already formed, and the discussions do not permit them to change those opinions. For once, however, I am going to show that this rule does not always apply. In this very delicate matter, on which I have reflected considerably for a certain number of years, and which we thoroughly discussed at Prague, where I desperately endeavoured to find a solution to a problem which had hitherto seemed insoluble, I am bound to recognise that the observations submitted by the British delegation have succeeded in convincing me that for the moment there is nothing to be done, and what the representative of the British Empire has just stated confirms me in that impression. I would venture, however, to indicate what precisely the problem is, as it is necessary that there should, at any rate, remain some evidence of the work we have done,

You all appreciate the importance of Article 15, paragraph 7. The paragraph means that, in any organisation of the pacific procedure as contemplated in the Covenant, there remains a gap. It is a considerable gap, and if you reflect on the circumstances which may entail the application of Article 15, paragraph 7, you will agree with me that the gap is not only considerable but extremely serious. It is serious because, in the most irritating questions which may arise between two countries, and which are brought before the Council, there will result, when the Council is not unanimous, a declining of responsibility. The Council will pronounce what is in effect a *non possumus*, which brings the parties in terms of procedure face to face. This would be a most critical situation when two countries were involved, and were disputing questions of such importance.

Article 15, paragraph 7, in a form which might be called a euphemism, says that "the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice". You are well aware that this, in other words, postulates the possibility of war.

In the agreements which we are now contemplating, where it is laid down as a principle that the first undertaking of the contracting parties is to prohibit resort to force in all cases, it seems that this gap in the Covenant is not of great importance, since the event which we fear will not occur. I am not, however, altogether sure of that, and for that reason my uneasiness remains. It is not good to leave questions in suspense, or that one should admit that it is impossible to settle them. If, however, no other means are found, it is necessary to make shift with a system which is incomplete.

To speak the truth, the more thoroughly this problem is examined, the more one is convinced that there is only one solution. This solution is that the parties which are truly animated with the pacific spirit, and which desire to assume the obligation never to resort to war, together with the parallel and necessary obligation always to submit their disputes to pacific procedures, should organise these pacific procedures so that they may always result in a final solution, and the only procedure possible in these circumstances is arbitration, and arbitration which will cover all possible disputes. If, however, the contracting States have not decided to go so far as arbitration, I am bound to recognise that the method which I have suggested in paragraph 75 of the memorandum cannot serve any very useful purpose.

I would speak very frankly on the subject. We are looking for means of ensuring security, well-defined objects in view, of which it is unnecessary to remind you. There are some of us who attach a special importance to the system which we are constructing, resulting, if necessary, in sanctions. I find in Article 16 a capital provision of the Covenant, and I was very uneasy at Prague when we perceived that, by endeavouring to dispense with the rule of unanimity, we were running the risk of rendering the application of Article 16 impossible, and we realised that it would be a strange result of our work if we diminished security on one side in order to increase it on the other.

For this reason, the first solution considered at Prague was discarded. It is mentioned in the memorandum in paragraph 75. We then sought for other means. I have indicated such means with a caution which Lord Cushendun has just recognised. I had doubts on the subject. These doubts have been strengthened by the observations of the representative of the British Empire, and I am now clearly and deeply convinced that, so long as there is not compulsory arbitration applicable to all cases, we can do nothing to fill the gap left by Article 15, paragraph 7.

For these reasons, which I have very frankly explained to you, I am bound to state that I entirely accept the proposal of the British delegation.

25. Discussion of the Memorandum on Security Questions : Conclusions : Paragraphs 96 and 97.

LORD CUSHENDUN (British Empire). — My experts advise me with regard to this paragraph that it would be extremely difficult to carry out. I have no opinion on it myself which would be of value, but that is the expert advice I have received. There is one thing we should bear in mind with regard to this clause. We are all most anxious that whatever model treaties or agreements we draw up and recommend should be accepted by as many States as possible. There may be a danger that we may put provisions into these treaties which, instead of encouraging people to adhere to them, may deter them from doing so. It may very well be—and I think it is probable—that delegates representing other States will receive from their expert advisers much the same advice as I have received, and it may be thought to be impracticable to impose on belligerents, because they will have become belligerents, an armistice as proposed in this paragraph. My observations on this paragraph, therefore, are the same as on the last, namely, that, while I fully see that the object in view is very desirable, I think that, on the whole, it would be wiser not to include it.

Paragraph 97 did not give rise to any observations.

26. Discussion of the Memorandum on Security Questions : Conclusions : Paragraphs 98 to 102.

THE CHAIRMAN. — Paragraph 98 deals with a question which has been dealt with in several memoranda, particularly in the German and British memoranda. It concerns the case of aggression on the part of a third party which does not form part of the group. I think that the various opinions on this question have been sufficiently expressed, and it seems to me that a further discussion of the matter would be useless.

Paragraphs 99, 100, 101 and 102 did not give rise to any observations.

27. Discussion of the Memorandum on Security Questions : Conclusions : Paragraph 103.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I do not wish to prolong the discussion, since I have already had occasion to state a reservation in regard to this paragraph. I would merely venture to express a doubt. I wonder whether the omission of the clause which provides for the maintenance of the territorial integrity of the contracting States, and which, as I reminded you the other day, is expressly dealt with in Article 10 of the Covenant, will not give rise among other States which would be parties to a regional agreement to further causes of distrust. I should be grateful if the Drafting Committee would take this misgiving into account, as the question of territorial integrity is the most delicate of all international problems. I understand that States which are not satisfied with their present frontiers will feel a certain hesitation in accepting this clause in good faith and without reserve, as Germany has done in the Locarno Treaty. While I fully understand their hesitation, I cannot, speaking on behalf of a country which considers that its frontiers have been fixed with justice and equity, and keeping the question within the limits of the principle of nationality, avoid having certain misgivings at the idea of not including in security agreements the clause which is embodied in the Locarno Treaty, and which guarantees the territorial integrity of the contracting States.

M. POLITIS (Rapporteur). — I do not wish to discuss this question thoroughly. You are well aware of all the delicate points to which it may give rise, but I would endeavour to remove the anxiety of M. Markovitch.

M. Markovitch takes up his stand on the Covenant, and I think that that is the basis on which we should always consider the matter. He has appealed to Article 10. If in a treaty established by us nothing is said in regard to the territorial *status quo*, in view of the fact that all our work is done under the auspices of the League of Nations and under the Covenant itself, it necessarily follows that Article 10 of the Covenant comes within the scope of our intentions.

It is well, however, to observe that M. Markovitch in his request goes a little further than Article 10. That article is as follows :

“ The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League.”

I would emphasise the phrase “ undertake to respect and preserve as against external aggression ”. There is here an implication that the aggression would have for its object a change in the territorial position. The article points to a kind of mutual assistance and it must not be abandoned.

It was never my intention to suggest any weakening of Article 10, but the territorial guarantee which we are now discussing adds something to Article 10, since a State which undertakes to guarantee the territorial status of another State does more than promise not to embark upon an aggression the object of which is a modification of that status. The State undertakes to guarantee the other party against any threats to which it may be subject in the future. This is a reinforcement of the undertakings embodied in Article 10, as is actually the case in the text of the treaty which has just been cited.

On the other hand, if nothing is said, the position remains as it is defined in the Covenant, and that would meet the point which has been raised, since you are asking only for the application of Article 10.

I mention the point because we are thinking of collective security treaties to be concluded between all the States concerned, and we are being asked to discard from these treaties any points which may be directed against third parties. The object at which we are aiming, as excellently defined by M. Paul-Boncour, is to enable States of a certain region which hitherto belonged to opposed groups to come together within a common group in order that there may be both for them and for the group as a whole the greater degree of security, which may serve as a point of departure for a further development of mutual confidence.

If such is our object—and I think that it should be—it is essential that we should not add to the difficulties which may arise in the conclusion of these treaties. Let us rest content with the Covenant. Article 10 gives us a sufficient guarantee and we should not ask for more.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I would thank M. Politis for the explanations which he has just given. I note his authentic interpretation, if I may use the word, of the question which we are at present studying.

Paragraph 87 gave me some anxiety and it was in order to fix exactly the scope of paragraph 103 that I raised the point. I quite understand that, in a given region, it may not be possible to reach a regional agreement including a territorial guarantee. As the Rapporteur has just said, such a guarantee would go beyond the Covenant. I associate myself with this interpretation.

28. Discussion of the Memorandum on Security Questions : Conclusions : Paragraph 104.

Lord CUSHENDUN (British Empire). — There is just one point I should like to bring forward with regard to this clause. Of course, I entirely agree that security pacts should be brought into harmony with the Covenant, but I am not sure, first of all, that I quite understand what is meant by saying that they should form part of a coherent and comprehensive scheme, and I feel pretty sure that this is not essential. It may be desirable, but it is surely not essential.

Any security pacts which are concluded in any part of the world must be *pro tanto* a security for peace. It may be that security pacts, for instance, would be entered into in South America ; it may be that security pacts would be entered into in Eastern Europe. I can see no particular reason why they should form part of a coherent and comprehensive scheme or, indeed, how they could possibly do so, and it appears to me to be unnecessarily limiting our recommendation of these contracts to say that it is essential. Even though such contracts should be insufficient and partial and very much less than we should like to have, it appears to me very desirable that we should approve of them. At the present moment we are all agreed as to the benefit of the Locarno Treaty, but it only covers a very small part of the world. None of us would like to see it abrogated ; none of us would like to say anything against it. It is very useful as far as it goes, and I think in the same way that security pacts, wherever entered into and by whomsoever, are all so much to the good, and that we should encourage them as far as we can.

M. PAUL-BONCOUR (France). — If we consider the French text, I do not think that the representative of the British Empire need have any misgiving on the subject.

I would remind my colleagues that this point explicitly concerns the terms of the objects of our resolution of 1927, in which we asked that means might be found to invite the Council to generalise and co-ordinate collective agreements. In my opinion, such co-ordination is absolutely necessary and it should be understood in two ways. First, there should be co-ordination with the Covenant, since, as M. Politis has emphasised, we are working under the auspices of the League of Nations. We must define the Covenant, leaving its provisions intact. Secondly, there must be a certain co-ordination between the various treaties. Lord Cushendun just now very rightly said that, if a regional pact or treaty of this kind is concluded in a region far distant from Europe, we should all be delighted, but our colleagues from other continents will excuse us if we think rather more closely of Europe. We have in present circumstances greater difficulties to contend with in our continent.

If we succeed in setting up, as we desire, a system of regional treaties of this character, co-ordination will be absolutely necessary, as it may happen that one and the same State may be pledged in various regional treaties, on the one hand, to a group of States of which it forms part, and, on the other hand, to another group of States of which it also forms part, since geographical regions cannot be absolutely and geometrically determined. The resolution of 1927 is still as valuable as it was. I consider, therefore, that it will be useful to keep this provision in regional treaties.

M. POLITIS (Rapporteur). — I would add only two words in order to say that M. Paul-Boncour has very carefully interpreted my opinion.

I do not think that there is any room for misunderstanding when one reads not perhaps the conclusion, which is only a summary of a very long passage of the memorandum, but paragraph 88. As M. Paul-Boncour has reminded you, we have undertaken, at the invitation of the last Assembly, a task the object of which is to avoid the least contradiction either between the agreements themselves, or with the Covenant of the League of Nations, or between two or several successive agreements. It is necessary that the same ends should be followed, perhaps by different means and with variations, but that there should never be any risk of a contradiction arising. For this reason, reference is here made to that principle. It might doubtless be understood without being expressed, but the idea is so essential that it has seemed to me necessary to indicate it. The recommendation is made that the parties, when they make an agreement, should be careful that its clauses are in no way in contradiction either with the Covenant of the League of Nations or with previous agreements concluded between States Members of the League. In order to give a more practical scope to this recommendation, I have indicated that it is possible for the parties, if they so desire, in order to be more sure that they are not making any mistake, to entrust the Council of the League of Nations before registering their agreement with the task of ensuring, by the light of the great experience of that body in matters of international organisation, that the agreement is altogether in conformity with the spirit of the general Covenant and that it is logically in keeping with agreements previously concluded with other States.

We approach a different class of ideas in paragraph 104 of the conclusions from those with which we have hitherto been dealing. We have studied the necessary clauses, either supplementary or complementary, of a security agreement. We are now examining what are the recommendations which we are going to issue in the form of resolutions.

The first of these recommendations is that the parties shall take for their guidance this necessary idea of co-ordination, and that they should entrust the Council, if they think it advisable to do so, with the task of exercising a certain supervision in this connection.

Lord CUSHENDUN (British Empire). — I should like to thank M. Politis for his very detailed explanations, which entirely remove all misgivings from my mind and which entirely meet my views.

29. Discussion of the Memorandum on Security Questions : Conclusions : Paragraphs 105, 106 and 107.

The CHAIRMAN. — Several delegates have expressed their views at some length on paragraph 106. I do not think it would serve any useful purpose to discuss the matter further— all the more so as proposals have already been made by the Drafting Committee which will be examined and submitted to you later on.

Paragraphs 105 and 107 did not give rise to any observations.

30. Programme of Work.

The CHAIRMAN. — A Committee will meet to-morrow afternoon in order to discuss the memorandum of M. Rutgers. There is not in this memorandum any special proposal for submission to the Drafting Committee; we are merely making certain observations regarding articles of the Covenant. If there are any reservations to be made on behalf of the delegations to these observations, or if the delegations desire to express contrary views, we will discuss them. Hitherto, the Committee has not received any note on this subject from the delegations. I therefore think that the discussion of the memorandum can be short. There remain for discussion the proposals of the German delegation. In these circumstances, we will to-morrow conclude the discussion of the reports and the memoranda.

The Drafting Committee will work Wednesday and Thursday, and will be able to present on Friday its proposals for consideration by the Committee, which will then be able to finish its work on Saturday with the adoption of its general report embodying all the proposals which are adopted. If the work of the Drafting Committee so permits, I will ask that the Bureau should be authorised to convene the Committee before Saturday.

M. ROLIN JAEQUEMYS (Belgium). — Is the question of financial assistance also to be examined to-morrow afternoon? This question may give rise to discussion.

The CHAIRMAN. — It will be discussed to-morrow.

Lord CUSHENDUN (British Empire). — Before separating, may I say—and I am sure every member of the Committee will agree with me—how pleased we are to see the Chairman back again after his indisposition. We hope very much that his health is completely restored and that he will be able to preside over our work until the end of the session.

The CHAIRMAN. — I am deeply touched by this expression of sympathy, which will be to me a further encouragement to devote myself completely to the work of the Committee.

M. POLITIS (Rapporteur). — I would like, now that we are finishing the discussion of my memorandum, to express to you my cordial thanks. You have been extremely kind; you have addressed to me an abundance of compliments, and I greatly appreciate the spirit of conciliation which has inspired this very difficult discussion. I venture to see a good augury for the future in the way in which our discussions have progressed. We have begun to show to the nations how mutual confidence may arise between men of goodwill.

The meeting rose at 7 p.m.

TENTH MEETING.

Held on Tuesday, February 28th, 1928, at 4 p.m.

Chairman : M. BENES (Czechoslovakia).

31. General Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant.

The CHAIRMAN. — It remains to examine the memorandum of M. Rutgers on Articles 10, 11 and 16 of the Covenant, on the communications of the League in times of crisis, and of financial assistance to States threatened with aggression. We will then take up the proposals of the German delegation.

The discussion on the articles of the Covenant will result, I believe, in the adoption of a resolution or recommendation after the various views of the members of the Committee have been heard. We have already received the suggestions of the French delegation.

As regards financial assistance, I would propose the appointment of a Committee composed of three members of the Financial Committee and three members of our own Committee.

As to the question of the communications of the League in times of crisis, we might draft a resolution embodying proposals or suggestions made in the memorandum of M. Rutgers.

During the first session of the Committee, it was proposed to review some of the articles of the Covenant, but it was subsequently decided to confine the enquiry to Articles 10, 11 and 16, examining, however, their possible co-ordination with other articles. We might proceed to the examination of this part of the memorandum by considering first the conclusions. Perhaps there are members of the Committee who wish to present general observations on the question as a whole.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I would venture to make some observations of a general character on the memorandum. At the last meeting, the Chairman said that the discussion of this part of the report might be very short, and he thought that all the members of the Committee would agree in unanimously accepting the conclusions of the Rapporteur. I agreed with that view so far as the arguments of a legal or dogmatic character were concerned. These arguments are explained at length in the memorandum of M. Rutgers. I much regret, however, that I am not of that opinion as regards the political aspect of the problem. The most important part of the three reports cannot be examined quite

so briefly, and it seems to me that they should not end in merely platonic conclusions which bear very little relation to the security at which we are aiming. This part of the report deals with essential articles of the Covenant and of the whole mechanism of the League of Nations, which is designed to safeguard peace. The problem before us consists in ascertaining up to what point the principles of the Covenant can guarantee security to the nations and maintain peace, by what precise rules an armed conflict can be prevented, and by what methods, in the unfortunate event of a conflict breaking out, the State which is attacked can receive the assistance due to it under the Covenant.

As a result of the examination of the memorandum of M. Politis, we almost unanimously approved the statement of the Rapporteur to the effect that the articles of the Covenant were indefinite and hazardous in their application. It was that consideration which led us to seek, in agreements of arbitration and non-aggression and mutual assistance, complementary elements of security or, in a word, security itself. Up to a certain point we were in agreement with the Introductory Note, which affirms that the Covenant of the League of Nations contains guarantees of security, but we are invited by a resolution of the Assembly to consider from the political point of view what the application of the articles of the Covenant can do for us, not so much in the light of a theoretical system constructed by lawyers, but as a matter of practical politics.

I have looked in the memorandum for some trace of the relationship which should exist between Articles 10, 11 and 16 of the Covenant and security. I have found nothing of consequence. I find a very thorough and well-documented study of the gaps of a legal character which exist in the Covenant. We find also in the memorandum of M. Rutgers very valuable applications of the various possibilities which may arise. The memorandum, however, throws very little light on the fundamental question of the value of the articles of the Covenant as a factor of the security which can be obtained in order to achieve a reduction of armaments.

I note there is a tendency which is somewhat exaggerated not to touch the articles of the Covenant and not to interpret them. They are regarded as something sacred which must not even be approached, and the Rapporteur himself indicates in several passages that it is not his intention either to interpret the articles of the Covenant or to remove or add anything whatever to the rights and duties of the States Members of the League of Nations.

I also think that we must remain within the limits of the Covenant, but it is impossible to avoid considering the political aspect of the question, although I am by no means unaware of the difficulties which will be encountered. For this reason, I venture to draw the attention of the Drafting Committee to this omission in the report by M. Rutgers. It is a gap which will place our Committee in a very difficult position when we come to indicate to the Preparatory Commission on Disarmament the value of the system established by the Covenant from the point of view of the security which the nations claim before proceeding to disarmament. We cannot, in my opinion, answer this fundamental question by presenting arguments of a purely legal character, such as we find in the report of M. Rutgers.

I would draw attention to another gap, and I raised this point at the first session of our Committee. I am referring to the last part of the resolution of the Assembly of 1927, which is as follows :

“ The Assembly considers that these measures should be sought
“ In an invitation from the Council to the several States to inform it of the measures which they would be prepared to take, irrespective of their obligations under the Covenant, to support the Council's decisions or recommendations in the event of a conflict breaking out in a given region, each State indicating that, in a particular case, either all its forces, or a certain part of its military, naval or air forces, could forthwith intervene in the conflict to support the Council's decisions or recommendations.”

This is the only really practical point which I find in the resolution of the Assembly under which we are studying the problem of security. This point, however, is scarcely mentioned in the memorandum of M. Rutgers. The Assembly invites the Council to ask the various States what measures they can undertake in order to guarantee peace in support of decisions or recommendations of the Council. It is clear that the Assembly is regarding the problem from a practical point of view. The Council, however, before putting such questions to the various States, should inform them precisely what it intends to do itself, and how it views the fulfilment of its task.

I am prompted to make the above observations by the sole desire to see our Committee achieve more practical results. On several occasions I have already insisted on the political and practical aspect of our task as a whole. I am afraid that our Committee may be lost in the study of arguments which are rather of a legal character, and, while paying a tribute to the scientific and objective way in which the memorandum of M. Rutgers has been framed, I cannot approve its conclusions unless they are completed by some estimate of the practical value of the working of the system established by Articles 10, 11 and 16 of the Covenant of the League of Nations. I would ask the Drafting Committee to take these observations into account as far as possible.

The CHAIRMAN. — Before continuing our discussion, I would like at once to submit a simple observation in reply to one of the remarks of M. Markovitch. He has said that, in this study of the articles of the Covenant, sight has been lost of the last resolution of the Assembly. I would draw his attention to the fact that M. Politis refers to the matter in his report in paragraph 81. In the programme which we drew up at the first session of the Committee, we thought it preferable to study this question in the report on security agreements.

M. VALDÉS-MENDEVILLE (Chile). — I would like to remind the Committee that, during the general discussion, I approved in principle the first conclusion of the memorandum of M. Rutgers, as I agreed with him that it was not desirable to establish a rigid and complete code of procedure for the League in times of crisis. I agree that his conclusions are not in any way intended to increase or to limit the rights and duties of the Members of the League.

In this connection, I would emphasise certain observations in the memorandum of M. Rutgers which, in my view, elucidate the conclusions to which I have just alluded. Paragraph 128 states :

“ Article 11 does not impose upon Members of the League any obligations which can be rigidly specified ; the Council's action under this article is political rather than judicial.”

As to Article 16, the resolution of 1921 is referred to in paragraph 161, and, as I pointed out during the general discussion, we believe that it will be extremely difficult to depart from this doctrine, which is in agreement with the commentary which M. Rutgers has appended to that resolution.

Further, in paragraph 171 I endorse the following observation :

“ It is not the Council which has the last word on the measures to be taken in execution of Article 16. It is for the Members, bearing constantly in mind their duty to enforce respect for the Covenant, to decide upon what measures they can take.”

Nevertheless, I recognise, as I have already said, that the efforts of the Committee, as in general those of the League of Nations, must have for their principal object the prevention of war, and that, therefore, preference should be given to the indications to be made in respect of Article 11 without prejudice to the prerogatives of the Council and the rights of States.

In any case, the close connection between the articles of the Covenant is once again emphasised by the memorandum of M. Rutgers. For this reason, it seems to me that the conclusion not to lay down definite rules for the application of Articles 11 and 16 is particularly judicious, as otherwise it would be necessary to study the question in the light of Articles 11 and 12, and also, I think, in the light of Articles 15 and 17 and 21 of the Covenant.

I agree with the Rapporteur that the moment has not come to undertake this study, and I agree with the indication given in paragraph 176 :

“ The variety of cases which might arise is such that it is impossible to settle in advance what measures will be possible and expedient.”

This leaves the Council free to act with the full knowledge of the facts when the moment for action arrives.

The CHAIRMAN. — The observations of M. Markovitch on the whole of the memorandum dealing with the practical scope of the articles of the Covenant are extremely important. The Rapporteurs, when they discussed this question at Prague, were confronted with several difficulties. They felt that they should not give any new interpretation of the Covenant, but that it was necessary rather to explore and examine the articles in order to ascertain all their possible consequences. In these circumstances, the problem was to undertake a legal analysis of the articles, and it was a fairly difficult task to emphasise all that might contribute to security in their application. I quite recognise that the contention of M. Markovitch that we should go still further is very important, and I believe that the note of the French delegation also draws attention to this point of view.

M. RUTGERS (Rapporteur). — I will for the moment confine myself to replying briefly to M. Markovitch. I imagine that, as regards the second criticism which he made, he has already received satisfaction from the reply of the Chairman, who has reminded us that I was not asked to deal with the point to which he has referred.

M. Markovitch contrasts the legal and the political value of the Covenant, and, according to him, the memorandum which I have submitted emphasises rather the first than the second aspect. It is a great disappointment for me to hear that my memorandum has produced this impression upon my colleague, for I endeavoured, on the contrary, to emphasise the political value of the Covenant, and I especially insisted on the great importance of Article 11 of the Covenant, which has no legal consequences, but which gives the Council not powers in the legal sense but a task which is in relationship with the political object of the League of Nations.

M. Markovitch has asked why the memorandum does not contain an appreciation of the degree of security which the Covenant actually gives and of the practical value of the articles of the Covenant. I think, however, that it is M. Markovitch himself who established a contrast between security which cannot be measured but which actually exists and security which can be measured and which he desires to obtain.

In examining the degree of security given by the Covenant, I might perhaps have added some paragraphs. I thought of inserting the observations of M. Scialoja on the value of Article 10, which was referred to by M. Sokal at the last Assembly :

“ The true value of Article 10 lies in the fact that its principles will in future become part of the conscience of nations. At that moment they will have more than a legal value, because the moral conscience of mankind is of greater value than law.”

I do not know whether such a quotation satisfies M. Markovitch. He may say that this is an evolution which remains somewhat hazardous, since the moral conscience of nations forms part of it, and since it is impossible to know in advance by what figure such an element can be represented on a balance-sheet.

I do not think that we can find a method of measuring with any precision the degree of security conferred by the Covenant. For, whatever importance it attached to that security, it must be recognised that its value resides in the confidence which we must have in the conscience of the Members of the League of Nations.

I said something similar concerning Article 16 in dealing with the question whether it was necessary to give a strict and rigid interpretation of the article. I said that, if ever the question of its application arose, the decision of the States would not depend on legal interpretation and legal deductions, but that the important question would be whether the principle of Article 16 was not a living reality. I think this question will always arise when an effort is made to estimate the practical value of the Covenant. M. Markovitch was right when he said that this degree of security is not measurable and that, in dealing with such a matter, it is impossible to give figures which can be placed upon a balance-sheet.

The political value of the Covenant is based on Article 11, which entrusts the Council with the duty of doing all that is possible to preserve peace and which contains the point of view of the League of Nations; while Articles 12 to 16 concern rather a form of procedure, relations entirely of a legal nature. Article 10 also contains provisions of a legal nature. Article 11 is the article in which the main political value of the Covenant resides and in which, in my view, is to be found, first and foremost, the security which the Covenant affords to-day. It is for this reason that I have tried to continue what M. de Brouckère has so well begun and to lay special emphasis on the importance of Article 11. I think that, in order to appreciate the amount of security which the Covenant affords to-day, we must always refer in the first instance to Article 11.

M. CANTILLO (Argentine). — I do not wish, by rising, to prolong this discussion, which has already been long and difficult. I am all the more reluctant to do so for I fully understand, as M. Paul-Boncour said yesterday, that what concerns the Committee is the affairs and views of Europe. I do not interpret this to mean that the Committee is indifferent, but rather that it wishes to pay a tribute to the state of international relations existing on our continent.

I have already said during the general discussion that, in my view, there is no necessity to add to the provisions of the articles of the Covenant which have been studied in the memorandum of M. Rutgers any strict rules of procedure and that, on the contrary, it could be advantageous to allow a certain elasticity with regard to these various articles and thus take account of what it was desired to accomplish by means of the Covenant, bearing in mind the freedom of action which Article 11 itself leaves to Members of the League.

Others, more especially my friend and colleague, M. Valdés, with whom I find myself in agreement on this point, have demonstrated the connection existing between the various articles of the Covenant. They have emphasised the usefulness of contemplating the various means by which the League of Nations may exercise its peaceful mission at any given moment. Any insistence on my part would therefore be useless.

Article 21, however, has been spoken of in connection with the articles of the Covenant now under discussion, though no direct mention of it occurs in the memorandum. You know the terms of Article 21. I would just remind you of them :

“Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe doctrine”

It is my duty to make objections, in the name of historical accuracy, to the wording of Article 21.

The Monroe doctrine mentioned in the article is a political declaration of the United States. The policy expressed or enshrined in this declaration in opposing, when it was made, the designs of the Holy Alliance, and in removing the threat of a European reconquest of America was, by a fortunate coincidence of principles, of very great service to us at the beginning of our existence. We fully recognise that in this sense the declaration has done and always will do great honour to the United States, whose political history contains so many fine pages with reference to freedom and justice. It would be untrue — it is, in fact, quite untrue — to give, as Article 21 gives, even by way of an example, the name of regional agreement to a unilateral political declaration which has never, as far as I am aware, been explicitly approved by other American States.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I do not wish to prolong the discussion, but I must warmly thank our Rapporteur for having furnished us with explanations which show that my observations were not entirely useless. In any case, I see that M. Rutgers himself thinks that the work which we must accomplish is of an essentially political kind.

Though I made certain observations, I had no intention of criticising the work of the Rapporteur. I paid a well-deserved tribute to the efforts he has made to submit to us a report which, since it presents the problem in its various aspects, may usefully serve as a basis of discussion. My observation concerns rather the fundamental conception of the whole work of the Committee on Arbitration and Security. I repeat that observation in connection with the articles of the Covenant, and I do so because I made the same remark during the general discussion on the Introduction. I repeat it even more in order to emphasise that the work which we must accomplish should not end merely by the adoption of legal formulas.

If I am ready to accept in principle the views of the various speakers who have laid emphasis on the amount of security actually in existence owing to the Covenant, I ask in return that, in our reply to the Preparatory Commission and in our report to the Council and the various Governments, we do not fail to express a definite and purely political opinion on the normal

working of certain systems contemplated by the Covenant. I would recall a point which has not been mentioned in the report of M. Rutgers but which was dealt with, as the Chairman has just reminded me, in the report of M. Politis.

I think that M. Politis has examined this point solely in connection with special agreements. The resolution of the Assembly, however, is based on a general principle and did not specially refer to regional agreements. The Assembly recommends the Council to ask States quite definitely what action they would take if a threat of war occurred in a given region, and what help they would be prepared to furnish in order to execute the decisions of the Council.

I have already said in September that this procedure will afford a means of dealing with the problem in the manner in which it ought to be dealt with, as a political and practical question. In this way, the nations will know clearly what action the international organisation of Geneva will take against any unjustified or unprovoked attack.

You must excuse me if I have taken up your time, but I am obliged to state exactly and faithfully the opinion of the delegation of the Serbs, Croats and Slovenes. I appeal once more to the Drafting Committee, and I ask it to complete the memorandum of M. Rutgers, I will not say by a definite expression of opinion, but in any case by an examination of the system as it exists by virtue of the articles of the Covenant.

M. PAUL-BONCOUR (France). — Though I asked to speak when the representative of the Argentine made the statement, which is of very great importance, to which we have listened, it was not because I wished to comment upon it at all. I would, however, like to dissipate a slight fear which I thought discernible at the beginning of his statement, based on certain observations which I made yesterday, which might leave it to be supposed that I have not the most resolute faith in the universality of the League. It is not merely a feeling of friendly courtesy which causes me to say this. I have a very profound sense of the character and necessities of the League. Only what we were discussing yesterday dealt essentially with regional matters, for we were occupied with regional treaties, and it is obvious that we were obliged, in our capacity as unhappy Europeans, to turn back upon ourselves and agree that the state of security was very different in South America from what it was in Europe, and that, obviously, regional treaties of which the object would be to give greater precision to the mutual guarantees of the Covenant were of greater interest as far as we were concerned.

That is the only meaning of the words which I used yesterday, and I hope that no possible misunderstanding can subsist in the mind of our colleague and, generally speaking, in the minds of the delegates of countries beyond the Atlantic who have come here to give us their valuable help.

M. CANTILLO (Argentine). — I warmly thank M. Paul-Boncour for what he has just said. I may say that I had already guessed that he was going to speak as he did, for I went beyond what he said in the preliminary remarks I made.

The CHAIRMAN. — I return to the statements of M. Markovitch, for they affect the memorandum of M. Rutgers taken as a whole. Our colleague asks us to discover not legal but practical formulæ to indicate in what manner the working of the articles of the Covenant can assure a certain degree of security. I think that is what is in the mind of M. Markovitch.

We are obviously faced with a difficulty which we must try to solve. How can we adopt a resolution based on the memorandum of M. Rutgers which shall indicate exactly to Governments what procedure is to be followed in any case of possible future conflict which may arise?

As far as Article 11 is concerned, I think it would be easy to achieve agreement. You are aware that the Committee of the Council has examined, with the assistance of the work of the Preparatory Commission on Disarmament, the manner in which it is possible to proceed under Article 11, and a report has been drawn up upon this. This report lays down a kind of itinerary which the Council may eventually be able to follow. The memorandum of M. Rutgers prolongs this itinerary to a certain degree and shows in what manner the machinery of the League may be used in the case of conflict. In our resolution we can show roughly what would be the position of the Council when faced with a dispute, while at the same time avoiding too much rigidity. On this point I think we can satisfy M. Markovitch, and we can ask the Drafting Committee to put forward the necessary formulæ.

As far as Article 16 is concerned, the problem is much more complicated. Last year, M. de Brouckère examined Article 16. Now M. Rutgers has examined it, and we have taken the question up once more at our meeting in Prague. Everyone who has examined it has found himself faced with a difficult situation. Article 11 has been applied on several occasions. Article 16 has never been applied. In seeking precedents and in enumerating them, we have been able to show the kind of procedure the Council could follow if it had to apply Article 11 again. Happily the Council has not yet had occasion to apply Article 16. It is therefore difficult to draw up an itinerary. It is far easier to base our discussions on what has happened than to do so basing them on what might happen eventually. This, however, is the position in which we find ourselves.

We all agree to recognise that a certain freedom of procedure must be left to the Council. Further, the note submitted to-day by the French delegation contains certain remarks regarding what action ought to be taken in the future in cases of dispute. It is stated:

“ To solve the problem of security, the three following types of solution are necessary simultaneously: organisation of the pacific procedure for settling international disputes; mutual assistance against the aggressor; reduction and limitation of armaments.”

This shows the necessity of indicating more clearly what would be the action of the Council were Article 16 to be applied. This is the position. The Drafting Committee must examine the question whether it is possible to find a formula not only to cover Article 11, which I think will not be difficult, but also Article 16.

M. RUTGERS (Rapporteur). — I thank M. Markovitch for the kind words which he has used regarding my memorandum.

I very willingly agree to the proposal of the Chairman, which should give satisfaction to M. Markovitch, as far as it is possible to do so. I think it will be difficult at this moment to decide what resolution or declaration the Drafting Committee might make on the subjects dealt with in the memorandum which we have now begun to discuss, but I think that in the conclusions of this memorandum material may be found to make it possible to draw up a declaration regarding the application of Article 16.

Lord CUSHENDUN (British Empire). — I regret extremely to find myself in disagreement with M. Markovitch, to whose speeches in this Committee I have listened with great admiration. At the same time, I regret the decision—if it is a decision—which the Chairman has just announced, namely, that the Drafting Committee should be commissioned to attempt to find a formula for dealing with the article of the Covenant under discussion.

What does the Committee expect to gain by that instruction to the Drafting Committee? I submit — and I think other speakers have come to the same conclusion — that what M. Markovitch really wants to get is something which we cannot have. Nothing we can do and no investigation which we or any other committee can undertake can measure what is immeasurable. Security is not a measurable thing. I think we should be setting out on a hopeless task if we or the Drafting Committee tried to lay down any comparison between the existing security under the Covenant and some measure of security that may be additionally gained by the agreement we can undertake. I do not think we shall get an inch nearer to our goal by such procedure.

On the other hand, I think there would be great disadvantage in overloading the work of the Drafting Committee. I remember I said here in December that I hoped the work to be undertaken by the Secretariat and the Rapporteurs would not have the result of burying us under an avalanche of documents. I think there is some danger that we may so overload the work of the Drafting Committee that the ultimate result will cease to have any comparative value. Surely it would be very much better to restrict its work within limits of a practical nature which we will all recognise as the basis for some ultimate actual decisions to be submitted in a report to the Preparatory Commission.

If it is not already too late, therefore, I earnestly express the desire that, even if we should thereby cause some disappointment to a very respected colleague, nevertheless, in the interests of our work and in the interests of the duty we have undertaken, we should not consent to overload that work in the way I have described, and that we should—as I think for our advantage—keep our work within limits which will conduce to a practical conclusion.

The CHAIRMAN. — I should like to offer a few explanations to Lord Cushendun on his observations.

In the first place, no decision has been taken up to the moment. I have made certain suggestions, but they have not yet been adopted. Consequently, the Committee is still perfectly free to take any decision it likes.

Further, there is perhaps a slight misunderstanding, and the points of view of M. Markovitch and Lord Cushendun are not as far apart as may be supposed at first sight. Obviously, it is extremely difficult to find a formula in this respect which should make it possible to measure security. In the suggestions, however, that we have made it is merely a question of indicating a little more precisely the possible future manner in which the Council could act in cases of conflict. There is no question either, as Lord Cushendun appears to have deduced from the observations of M. Markovitch, of making any addition, but merely of noting the precedents. It would in this manner be possible to place before the eyes of everyone in a concrete form the proof that a certain procedure has already been employed and that consequently it may in the future give a certain guarantee of security in the case of a dispute. This is comparatively easy to do with regard to Article 11, for something is already in existence.

I will not repeat my observations regarding Article 16. I agree with Lord Cushendun that the task is extremely difficult, but, in order to allay certain apprehensions and in an endeavour to conciliate the two points of view, I would like to explain the intentions of the Bureau. The Bureau has taken the view that the memorandum of M. Rutgers might afford the Committee an opportunity of adopting a resolution which should contain statements of fact but should not seek to deduce from the Covenant something which it does not contain. This resolution would emphasise merely what has been done already with regard to Article 11 by indicating that the procedure which has been followed, and which is the result of the work of last year and of the work of M. Rutgers, shows already that a certain system is in operation which is of a kind to give certain assurances to the various countries. As far as the second question is concerned, we have to discover whether we can give expression to a similar opinion with regard to Article 16 and explain the manner in which this article might eventually work. On this point we must take greater account of the future and ask the organisations of the Council and the League to continue the examination of this article in order to discover exactly in what manner it could be applied in the future.

In a word, it is a question of a mere resolution, short and clear, marking what has already been done and what ought still to be done with regard to Article 16.

It is now for the Committee to decide whether such a resolution ought to be drawn up by the Drafting Committee.

M. RUTGERS (Rapporteur). — In the twelve conclusions at the end of my memorandum, the last eight deal with the application of Article 16. I hope that some of them at least will receive the approval of the Committee. At the end of the discussion on the memorandum,

the Committee may agree on certain points, which could then be indicated in a document to be prepared by the Drafting Committee. It might be wise not to decide immediately what instructions we should give to the Drafting Committee, but to take this decision as soon as the discussion is ended.

The CHAIRMAN. — We must now pass under review the conclusions of the memorandum paragraph by paragraph. A certain number of these paragraphs have already been discussed during the general exchange of views. It is not necessary to renew that discussion. It will be enough to pass these paragraphs rapidly in review in order to reach those concerning Article 16 and to see whether, as M. Rutgers has suggested, we could be successful in adopting any recommendation.

32. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant : Conclusions : Paragraph 207.

The CHAIRMAN. — Are there any observations with regard to paragraph 207? It deals with a principle which has been adopted by everyone.

M. POLITIS (Greece). — The observations of the French delegation deal with this article.

The CHAIRMAN. — The observations of the French delegation deal obviously with all the conclusions, with special reference to two or three points.

In the first place, the French delegation desired that the standards defining aggression should be rather more definite.

M. RUTGERS (Rapporteur). — I should be lacking in courtesy towards the French delegation if I did not say something with regard to the written observations it has submitted on my first conclusion, and which appear to take the place of a speech.

I think that these observations do not run counter to the conclusion put forward. The French delegation ends the first of its remarks by stating that it approves the first paragraph of the first conclusion of the Rapporteur in the sense recorded in its memorandum.

If I have properly understood the French delegation's note, which was given to me at the beginning of the meeting and which I have only just glanced through rapidly, the meaning given by the French delegation to its approval of the first paragraph is as follows: In cases where the Council is called upon to take preventive action and to recommend to the parties in dispute the adoption of a certain number of conservatory measures, the Council ought to establish a certain degree of control with the object of verifying the execution of the recommendations which it had made. Further, the Committee should avoid enumerating too definitely, as far as the decisions of the Council are concerned, the conservatory measures to be taken in every case. This recommendation is in conformity with the spirit of the memorandum which I have submitted, for I also take the view that too definite an enumeration should be avoided.

With regard to the first condition, to which the French delegation has subordinated its approval of the first paragraph of the first conclusion, I am of opinion that it concerns solely cases in which the Council is to recommend the conservatory measures. This point might perhaps be discussed more quickly and more easily when we study the German memorandum.

33. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant : Conclusions : Paragraph 208:

The CHAIRMAN. — As I said at the beginning of the discussion, we took the view that this point might give rise to a resolution on the part of the Committee with regard to wireless telegraphic and air communications.

M. RUTGERS (Rapporteur). — Here again there is a suggestion of the French delegation upon which the Committee ought perhaps to take a decision. The French delegation suggests that it would probably be useful, either through its Bureau or by means of a special sub-committee, if the Committee followed closely the work of the Transit Section of the Secretariat in so far as the improvement of the communications of the League in times of crisis is concerned.

I fully agree with the French delegation that it is impossible to attach too great importance to the work carried on by the Transit Organisation. This work, however, is of an extremely technical kind. When, for example, it is a question of constructing a wireless station, all sorts of questions regarding the choice of the spot upon which it is to be erected, its cost, its ordinary and extraordinary budget, have to be examined. These questions are so technical that they might appear to be beyond the competence of the Committee. Further, the Council is kept up to date with its work, and I do not think that it would be opportune to establish a new committee to follow the work of the Transit Committee.

M. PAUL-BONCOUR (France). — I wish merely to inform the Rapporteur that we are in agreement with him. If he would reread the observation submitted by the French delegation on his second conclusion, he would note that it is stated "either through its Bureau . . .". It is only for cases in which the Bureau has not been able to deal with the matter itself that I contemplated the establishment of a sub-committee. For my part, however, I am opposed to overlapping organisations. It seems to me that the Bureau is the best-qualified body to perform the task.

This observation results from the general idea which we consider of great importance, and which is that the Committee on Arbitration and Security is a permanent organisation

with permanent interests. It is not necessary even for it to be in constant liaison with the Preparatory Commission, for it is in effect itself the Preparatory Commission. Every element of security which can be obtained by perfecting the mechanism of the League should be immediately brought to its knowledge.

Security does not exist apart from disarmament. I must insist on this, and I have reason to speak precisely, because this is connected with a general idea. Security does not come first and then disarmament. These are two tasks which must be pursued simultaneously. The interest of the organisation which the Assembly established last September, and which we represent, lies precisely in being the centre for all information concerning security.

At the meeting of the Council to which the Rapporteur has referred, the Council noted (and I am glad to think that I contributed to this result by the initiative which I took) how great might be the importance, in cases of dispute, of liaison between the organisations of the League. It is useful for us to be continually kept informed through the Bureau of the Committee of the progress made in this direction.

Lord CUSHENDUN (British Empire). — After what M. Paul-Boncour has just said, I am not sure that it is necessary for me to trouble the Committee; I entirely agree with what he has said. But I would like to know just where we are. I understand that there is a proposal that we should pass a resolution based upon paragraph 208. That paragraph says that it is vitally important that the technical studies and preparations for improving the communications of the League's organs should be actively pushed forward. I have no doubt that that is true, but what has that got to do with us? I understand from the Rapporteur that this work is being done by a technical committee. Have we any reason to suppose that it is neglecting its duty, and is there any necessity to stimulate it and call its attention to the fact that it is not doing what it is supposed to be doing?

I quite agree with M. Paul-Boncour that it is very necessary for us to keep in touch with all the technical work that is going on, but we shall not do that by passing a resolution; we shall do that by reading from time to time the reports of this technical committee and keeping ourselves informed by what it does.

M. SOKAL (Poland). — I think that the wording is not entirely clear. In paragraph 208 it is pointed out that it is of primary interest that the investigations and technical preparations made with the object of improving the communications of the organisations of the League should be actively pursued. What does the phrase "communications of these organisations" mean?

The CHAIRMAN. — What is meant is communications of the organisations of the League with the Members of the League.

You have heard the observations of Lord Cushendun, who is opposed to the idea of submitting a proposal or of adopting a resolution on this point. If the Committee agrees with this view, the Drafting Committee will have no need to work on this point.

M. RUTGERS (Netherlands). — I think that Lord Cushendun has defended the technical organisations of the League without it being necessary for him to have done so. I think really that no one could find in my conclusions any attempt at attacking these technical organisations. Are we not competent to say that this work is of primary interest in assuring the efficiency of the League's action? There are perhaps reasons for acting in this manner, for this kind of work concerns rather technical experts and not the general public interested in politics; technical work easily escapes attention. I am certain that the technical organisations of the League would in no way be offended by the declaration which we should make in the resolution to be found at the end of the memorandum.

The CHAIRMAN. — I think the best course we could take would be to submit this question to the Drafting Committee, which can decide the matter for itself.

This proposal was adopted.

34. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant : Conclusions : Paragraphs 209 and 210.

M. ERICH (Finland). — Since paragraph 210 deals with the application of Article II in general, I desire to make certain observations on the latter and to recommend them to the Drafting Committee.

During the general discussion, I emphasised the important point arising from the terms of Article II. According to that article, any war and consequently all phases of a war are of interest to the whole League. The Council ought therefore, if necessary, to intervene when a war is being settled, that is to say, during the conclusion of peace, in order that peace should not be concluded in conditions contrary to the provisions of the Covenant and capable of constituting at some future date perhaps a danger for the maintenance of peace between nations.

I ask the Drafting Committee to take this point of view into consideration. I should also be grateful if the Rapporteur would give his views on the point.

The CHAIRMAN. — The observation of the representative of Finland is very important. We have already examined this question, however, during the discussion concerning security treaties. The Committee has already expressed its views. We could add M. Erich's suggestion to what has already been said on the point, and the Drafting Committee should bear it in mind. The Rapporteur is in agreement with M. Erich.

35. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant : Conclusions : Paragraph 211.

M. PAUL-BONCOUR (France). — I do not wish to delay the discussion, and it is indeed with the object of avoiding delay that the French delegation has submitted a written note in order that the Drafting Committee may have its views before it. As far as the third, sixth, eighth and ninth conclusions of the Rapporteur are concerned, our object in submitting this note was not to open a discussion on Article 16. I explained my views on this point at the beginning. I think, not out of personal preference, but because it is a fact that there is every danger in trying to seek new legal interpretations of Article 16, it is much more prudent not to mention them.

Only in the conclusions of M. Rutgers, to which I have just referred, it appears to me that there is a tendency to diminish a little the importance of Article 16, and I thought that it would be proper, in view of the strong attitude adopted by the French delegation on this point, an attitude from which it has not moved, to express the hope, without wishing to intervene in this discussion, that this article should not be raised in any form. We think that Article 16, with the sanctions it provides, is the inevitable end of all effective arbitration procedure, because the arbitral award amounts to a judgment. Some form of coercion must exist if it is not voluntarily carried out.

We hope that in the text to be finally adopted the respective different positions which we have taken up with regard to Article 16 should not be prejudiced in one direction or another.

The CHAIRMAN. — I desire to add that our observations at Prague were presided over by the spirit referred to by M. Paul-Boncour. Our object in that delicate question was not to weaken the strength of Article 16 and equally not to add anything to it. I think that on this point every member of the Committee is in agreement. If I have properly understood him, the observations of M. Paul-Boncour refer to all the conclusions concerning Article 16.

M. PAUL-BONCOUR (France). — It covered, Mr. Chairman, the third, sixth, eighth and ninth conclusions of the Rapporteur.

M. RUTGERS (Rapporteur). — I desire to say, in the first place, that nothing could be further from my intention than an endeavour to weaken the strength of Article 16. As has already been pointed out during the "discovery", as it has been called, of Article 11, the light shed on this article should not have the effect of putting Article 16 in the shade.

Apart from the observations which M. Paul-Boncour has made on the point, the French delegation's note contains certain remarks concerning the fifth conclusion, to which I desire to make a short reply. I have read and reread these observations. I think I can conclude that the French delegation is not opposed to an immediate, rigid and strict definition of the expressions "aggression" and "recourse to war". The French delegation says, and these are its exact words :

"The Council would indeed, according to the Rapporteur, be obliged to determine the Power to which the sanctions of Article 16 would have to be applied, on the basis of the greater or less goodwill shown by that Power in accepting its previous decisions during the progress of the dispute followed by the Council in pursuance of Article 11 of the Covenant."

The note continues by stating that this standard is not always correct.

I do not think that, in the view of the Rapporteur, the Council would be led to determine the aggressor according to this single standard alone. In the memorandum, on the contrary, it is clearly stated that in determining the aggressor no one single standard should be adopted to the exclusion of all others, and that there could be no question of putting on one side any particular fact — for example, good faith on the part of the parties in question.

In the observations of the French delegation, I thought that they were rather in favour of having a single standard and of setting aside a large number of facts, including the readiness of the parties to accept the recommendations of the Council. My memorandum tends in the opposite direction.

Dr. RIDDELL (Canada). — I do not wish to repeat what I stated at a previous meeting with regard to the aggressor. My Government is in complete accord with paragraph 211, with which we are dealing, and thinks that no hard-and-fast rule can be laid down with regard to the aggressor. In fact, we believe that the Council cannot decide the aggressor; the resolutions of 1921 make that clear, and it is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed. While we agree with the representative of France and have no desire to weaken Article 16, on the other hand, we believe that certain other articles are more important. We consider that Article 11, rather than Article 16, is the keystone of the arch, and in any remarks that I have made here I have emphasised the importance of conciliation, arbitration and the prevention of disputes rather than sanctions.

36. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant : Conclusions : Paragraphs 212, 213 and 214.

M. SOKAL (Poland). — As it is difficult to begin the examination of paragraph 212 without mentioning also paragraphs 213 and 214, I beg leave to examine all three together. My friend and colleague, Dr. Riddell, said just now that we have no intention of weakening Article 16 in the least degree. I wish to say the same thing. Unless we can give a more precise meaning to this article, we do not wish that our conclusions should give the impression that we were weakening any article of the Covenant.

Dr. Riddell has said that, in his view, Article 11 is more important than Article 16. I will not discuss this point, for, in my view, all the articles of the Covenant are of great importance. I think it very difficult to point out which is the most important. Let us therefore beware of formulæ which might appear to weaken Article 16.

I think I am right in deducing from the statement just made by the Chairman that we are perhaps more at our ease when dealing with the development of Article 11, and that the difficulties are greater when we come to Article 16. Both these articles, however, are important and we do not in the least desire to weaken the latter. On this point I entirely agree with the Chairman, whose opinion is probably shared by the Rapporteur.

In these circumstances, I think that if M. Rutgers sees no objection, we might delete paragraph 214, which states that it is desirable to put an end to the uncertainty resulting from the fact that several amendments to Article 16 have not yet obtained the necessary number of ratifications, either by their ratification in the near future or by the definite abandoning of these amendments. In view of the fact that some of these amendments have never been ratified, their legal value is nil. I think, therefore, there is no need to return to them.

M. RUTGERS (Rapporteur). — The object of paragraph 214 was to strengthen Article 16. There is no strength in uncertainty. At the present moment the text of Article 16 is, so to speak, at the mercy of two or three States, for it will be modified if the amendments are ratified by two or three other States. Consequently, it cannot be maintained that these amendments do not exist. I think, therefore, that it would be preferable to put an end to the existing uncertainty with regard to the text of Article 16.

If the Committee does not attach great importance to this question and thinks that it would be preferable to allow the existing situation to remain and not to touch it, I do not object. The fact that I have shown two opposite methods of putting an end to this uncertainty shows that I in no way desire to express for the time being a preference either for the amendments or for the text before us. If members are opposed to this conclusion, I do not press for its adoption.

General DE MARINIS (Italy). — I do not wish the Committee to go away under the impression that I have not followed this discussion with the greatest interest. The Italian Government also attaches the greatest importance to Article 16 of the Covenant. I have refrained from speaking up to the moment because the point of view of the Italian delegation with regard to these articles is well known. I will summarise this point of view by adhering completely to the text submitted by M. Rutgers.

I will also summarise the very definite views of the Italian delegation concerning aggression. It thinks that, in paragraph 211, the Rapporteur has gone as far as possible towards defining aggression. I entirely share the views of the representative of Canada, for I think that nothing can really be added to the text of paragraph 211 as drawn up by M. Rutgers if it is desired to remain within the accepted limits as far as the definition to be given to aggression is concerned.

I ask the Drafting Committee to take account of this statement.

37. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant : Conclusions ; Paragraphs 215, 216 and 217.

M. RUTGERS (Rapporteur). — I desire to reply to the French delegation with reference to the eighth and ninth conclusions. I wish to do so because they affect the importance of the resolutions of 1921. M. Paul-Boncour reminded us a short time ago of the report of M. de Brouckère, of which the conclusions have served as a basis for the work of the Committee and the Council. I am reproached for still attaching importance to the resolutions of 1921. In the report of M. de Brouckère, however, which I have read more than once, I find that even non-ratified amendments, like the proposals of 1921 themselves, still constitute suggestions in which we should show great interest. Neither the amendments nor the proposals, however, impose any fresh obligations on a Member, any more than they can have the effect of deducing new obligations from those which they have contracted. It remains for me to show how the work of 1921 can to a great extent continue to serve as a guide when we try to find how the economic sanctions should be applied. M. de Brouckère therefore attached great importance to the resolution of 1921.

As far as I am concerned, I have expressed myself with great prudence on this point, and I pointed out that the resolutions of 1921, in so far as they are contrary to the text of Article 16, cannot be binding on Members, but they have not lost their value if they are not contrary to the text of this article. I have not tried to define this point, because it is a very delicate one.

As far as the main point of the celebrated resolutions of 1921 is concerned — “it is for the Members of the League to determine whether the Covenant has been broken” — here, too, I find in the report of M. de Brouckère which the French delegation has quoted the following reply to the question, “Whose duty shall it be to decide whether the sanction should be applied?”

To this question the Covenant allows of only one reply. It has been admirably summarised in the four lines of the resolution of 1921, and it is just those four lines which I have quoted. For my part, I thought that this was a view already shared by everyone, and that M. de Brouckère was voicing it when he said there is only one reply possible: the right of Members to decide whether or not the Covenant has been broken is derived from the Covenant itself.

In those circumstances, I must ask the French delegation to absolve me from the sin of having attached too great an importance to the resolutions of 1921, when I ought to have learnt from what M. de Brouckère had said that they were not of such importance.

M. PAUL-BONCOUR (France). — It is not in my power to refuse or to give absolution to our colleague, M. Rutgers. We are not endowed with spiritual powers, but I never thought that he needed absolution and I never wished to reproach him in any way.

We are all definitely agreed on the impossibility of regarding the amendments of 1921 as a final interpretation of Article 16. In support of this impossibility, let me put forward a very simple list of facts. After 1921 came the year 1924, when, during the course of a discussion in which a very different point of view was taken, a text was drawn up which certainly had at least as much value as the amendments proposed and which itself has not been ratified. This marks the respective positions which we take up with regard to the substance of Article 16. Our Rapporteur has been induced to reply so definitely from motives of great courtesy—and I thank him for doing so—to the observations made, but these observations were not made in order to open an inopportune discussion, but merely to show a continuity of views which also exists among those who take the opposite view.

Paragraphs 216 and 217 did not give rise to any observations.

**38. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant: Conclusions:
Paragraph 218: Appointment of a Joint Committee.**

M. ROLIN JAEQUEMYS (Belgium). — Permit me to present a few observations on financial assistance.

The final paragraph of the conclusions of the memorandum of M. Rutgers suggests that the examination of the financial assistance to be granted to a State victim of an aggression should be continued both from the technical and political point of view. Moreover, as the Rapporteur reminds us in paragraph 193 of his memorandum, our Committee has been formally authorised to consult the Financial Committee whenever it thinks it necessary and to ask that Committee to continue, if necessary, its technical study of the question.

I consider that this question of financial assistance is of the highest importance, but, before taking the enquiry further from the political point of view, it is necessary to complete the technical examination of the subject. For this purpose our Committee can usefully ask the Financial Committee to continue its examination, in order to furnish the Preparatory Commission on Disarmament with all the necessary details as to the possible organisation of financial assistance and the undertakings to be accepted in this connection by the Powers which have adhered to the Covenant.

May I venture to remind you how the Financial Committee appears to view the machinery of the guarantee. According to the programme which it suggests, each State will undertake to deposit with a body to be instituted by the League of Nations provisional guarantee bonds, which would not bear interest, for an amount to be determined by each of the contracting parties. When a State which was attacked and which was a party to the Convention asked for the financial assistance provided, the Council of the League of Nations, on the opinion of the Financial Committee, would decide the extent and the method of the loan. The signatory States would then engage to guarantee the interest and sinking fund and they would then deposit, in exchange for their provisional bonds, specific guarantee bonds to the amount required, but not exceeding for each of them the amount of the guarantee which they had promised.

I do not think that the Belgian Government has any objections to formulate in regard to the machinery of this scheme. The scheme is modelled, it appears, on that of the guarantee which was given for the loan for the financial reconstruction of Austria, in which Belgium participated.

It remains, therefore, to fix a limit to the obligations of the guarantor States, and from this point of view the Committee has suggested that the total guarantee should be provisionally fixed at £50,000,000. The amount would be a point for discussion, as well as the question of the distribution of the guarantee among the guarantors. The Financial Committee has proposed that this distribution should be proportionate to the participation of the contracting parties in the expenses of the League of Nations.

I think I may say that this limitation, which applies only to the amount of the loan, is in any case inadequate. As a general rule, the guarantee would only come into force in favour of poor countries or countries which only enjoy a small credit. The conditions of the loan would be all the heavier as the borrowing country possessed less credit on its own account. The scheme leaves to the borrowing country full discretion to fix the conditions of the loan, namely, the rate of interest, the price of issue, the premium on repayment and the period of redemption. The guarantors have, in fact, no means of appreciating in advance the extent of the obligations which they are assuming or of examining whether these obligations are proportionate to their reserves, but, from the point of view of the conditions of the loan, the guarantee bonds constitute virtually blank cheques.

I feel bound to make in this connection the most explicit reservations. I think that the scheme of the Financial Committee should be completed on this specific point. It should provide certain limits for the conditions of the loan or reserve to the guarantors the power to intervene in the negotiation of the loan.

In order to strengthen the scheme for financial assistance, the plan further provides for the allocation of a supplementary guarantee which would have the effect of further guaranteeing the amount originally fixed. I would quote the following passage :

“ The question as to which signatories shall participate in the super-guarantee is a matter for negotiation amongst the financially powerful States themselves, but the Committee suggests that at least the countries permanently represented on the Council of the League should be included.”

This special point would only have to be examined if the principles and machinery of the simple guarantee were accepted. I think, however, that it would be necessary, in dealing with this last point, to show all the more prudence, as the acceptance of the supplementary guarantee involves the obligation to facilitate the public issue in the country of a block of the loans to be issued in conformity with the agreement.

I would therefore ask you whether you do not think it desirable to request the Financial Committee to furnish our Committee as soon as possible with explanations which seem necessary in dealing with questions which are fairly important in my view and to which I have felt it desirable to draw your attention in connection with this matter of financial assistance.

Lord CUSHENDUN (British Empire). — When we were engaged in the general discussion, I intimated that the British Government were in favour of the scheme put before us by the Finnish Government for financial assistance, but, of course, at that moment I was dealing only with the general principle. I hope very much that the study recommended will be pursued, because it is a way of affording security which my Government regard as important. There are, of course, two, I will not say conditions, but they almost amount to conditions, which, of course, it would be necessary to observe. The first is that there should be by agreement an equitable distribution of the financial obligation as between those entering into the guarantee ; and the second is that it would naturally accompany a satisfactory scheme of disarmament, which is the purpose of our security work altogether. Of course, the details of the scheme, before it can be finally accepted, will have to be very carefully scrutinised. It is a proposal which really depends upon its details. It has been to some extent already examined by my Government, or I could not have been authorised to give it my support, but I think the procedure by which the details of the scheme are to be discussed and decided upon requires very careful consideration. I understood you, Mr. Chairman, to intimate just now that there was a proposal for a Mixed Committee, to consist of three members of this Committee and three members of the Financial Committee. I do not for the moment want to commit myself absolutely as to whether that is entirely satisfactory or not, but for the moment I am quite prepared to accept it, subject to further consideration. I do not want to commit myself at this moment to the proposition that the scheme, when it has passed through that Mixed Committee, must necessarily be received in the form in which it issues from that Committee. I am sure it will be understood—and I think probably the representatives of other States will feel the same—that, when the Mixed Committee and we ourselves have arrived at an ultimate text with regard to the scheme, it must then be submitted to each of the several Governments in order that we may have their final acceptance.

If that procedure, which is the procedure I would recommend, and which I understand you to accept, is adopted, I would again affirm the approval of my Government of this scheme of financial assistance.

The CHAIRMAN. — I would merely add that I think we all agree to adopt the procedure indicated by Lord Cushendun, that is to say, after having received the first report of the Committee, we shall forward the scheme to the Governments and we shall not be bound to accept the scheme as it stands.

The Financial Committee, on the other hand, has already progressed with its technical studies and has reached a point where it wishes itself to draw attention to the political factor. For that reason we have proposed the formation of a Mixed Committee, in which we shall supply the political element. If you agree, we might adopt the suggestion.

M. ROLIN JAEQUEMYS (Belgium). — I have only one word to say. I would like to ask you more especially, Mr. Chairman, whether you agree that the constitution at this moment of a Mixed Committee to deal with this question of financial assistance is really necessary. I believe there are certain parts of the work of the Financial Committee which are not yet entirely concluded, and I would particularly draw the attention of the Committee on Arbitration and Security to this point. If the Committee agrees with me, we might take advantage of the resolution of the Assembly of September 26th, 1927, in order to consult the Financial Committee and draw its attention to questions which I thought it my duty to raise. It might perhaps consequently complete its work very shortly. It is a purely technical question and I think that the members of the Committee on Arbitration and Security have not very much to do with the discussions which may take place on the subject.

The CHAIRMAN. — The question stands as follows: The suggestion of M. Rolin Jaquemys would evidently be right if the Financial Committee had not adequately progressed with its technical work. The Financial Committee, however, has informed the Secretariat and Bureau that it probably will not be able to continue to examine the subject unaided and has expressed the desire for collaboration. It has sent a report in which I think that mention is made of that desire.

We thought, during our discussions at Prague, that the best thing to do would be to form a new Committee as I have proposed.

M. ROLIN JAEQUEMYS (Belgium). — I will not insist, but I understand the question as follows: so far as the problem concerns purely technical matters, it is for the Financial Committee to complete its task. When the question becomes political, there should then be a collaboration between our Committee and the Financial Committee. If, however, the Financial Committee itself asks for our assistance, it would evidently be scarcely becoming on our part to refuse.

The CHAIRMAN. — If the Committee agrees, I think that we may take into account the views of M. Rolin Jaequemys. The Financial Committee will be able to continue its work from the technical point of view so far as it will not need the assistance of our Committee. As soon, however, as the Financial Committee finds our assistance to be necessary, we shall be able to take steps to give it.

M. UNDÉN (Sweden). — If the Committee on Arbitration and Security decides to send representatives to sit on the Mixed Committee, I will propose the following members:

M. VEVERKA, delegate of Czechoslovakia; M. VALDES-MENDEVILLE, delegate of Chile; and M. RUTGERS, the Rapporteur.

I would also propose that the Committee should ask M. ERICH, delegate of Finland, to collaborate with the Mixed Committee.

The CHAIRMAN. — The Financial Committee, on its side, will delegate some of its members to form part of the Mixed Committee.

The proposal was adopted.

M. RUTGERS (Rapporteur). — I would like to thank my colleagues for the honour they have done me in appointing me Rapporteur and for the kind words which have been addressed to me.

39. Discussion of the Memorandum on Articles 10, 11 and 16 of the Covenant: Procedure.

M. POLITIS (Greece). — You told us, Mr. Chairman, at the beginning of this meeting that at the end we should examine the question whether the Drafting Committee would have to frame certain draft resolutions on the points which we have just discussed. I do not wish merely to raise the question and I feel bound to express my views. I would therefore urge that, in my opinion, the Drafting Committee already has sufficient work to do and that it should not be asked in addition to frame resolutions.

Another reason induces me to think that it is not necessary actually to draft such texts. That reason was given just now by M. Paul-Boncour. Our Committee is permanent and the work of each session is sufficient unto itself. We shall have done enough work this session if we have achieved something for arbitration and security. Let us keep the rest of the programme for another session.

The CHAIRMAN. — It is for the Committee to take a decision on this point. M. Sugimura has informed me that the Secretariat has already prepared some texts which are at the disposal of the Drafting Committee. I agree, however, with M. Politis in thinking that the Drafting Committee has already sufficient work to do.

Lord CUSHENDUN (British Empire). — I entirely agree with M. Politis.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I do not quite understand what is meant by the word "resolutions". All the proposals and suggestions which have come up during our discussions have been sent to the Drafting Committee for examination. It seems to me natural to deal with the third memorandum as we dealt with the others. The Committee is bound to take into consideration all the views which have been expressed and it is for the Committee to decide which point of view should be adopted.

The CHAIRMAN. — If I understand M. Markovitch correctly, the Drafting Committee should be left to state whether, in view of the observations which have been made, it is possible to draft concrete proposals.

M. POLITIS (Greece). — I do not oppose the suggestion, but I would observe that this is a new procedure. The Committee, in dealing with the other two memoranda, instructed the Drafting Committee to prepare certain texts. The Drafting Committee is now to be asked to consider whether it is advisable to draft texts arising out of the third memorandum. This means that the Committee on Arbitration and Security declines to take a decision and refers the matter to the Drafting Committee. In my view, it is for us to say whether there is anything to be done and, personally, I think that for the moment there is nothing to be done.

M. VON SIMSON (Germany). — The proposal of M. Markovitch seems to me extremely practical. All the views expressed in this Committee should be examined by the Drafting Committee, and I do not understand why it should be necessary to say now that it is impossible to frame resolutions. I would ask that the question should remain open.

M. RUTGERS (Rapporteur). — I think, in the report we shall have to address sooner or later to the Preparatory Commission, it will be necessary to say something concerning the articles of the Covenant, since that subject comes under our instructions. I do not yet know what our reply may be, but I agree with M. Politis that the Drafting Committee is already

extremely busy. In these circumstances, might we not postpone the question to the next session? I presume that we shall have a second reading of the draft conventions and that these will not be finally determined this week. At the second reading, the Drafting Committee or some other committee which may be appointed for the purpose can prepare a text in view of the report which we are to address to the Preparatory Commission.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I think there is a misunderstanding. The procedure which I propose is that which has been applied to the problems of arbitration and security. I have put forward suggestions and I do not imagine the Drafting Committee will not even examine them. Our Committee has not discussed them. The only reasonable procedure, in my opinion, is for the Drafting Committee, taking into account all that has been said during our discussions, to frame either a report or draft resolution or concrete proposals and submit the texts to us.

Dr. RIDDELL (Canada). — I agree with M. Politis. The Drafting Committee is overworked and it is preferable to leave the question open until our next session.

The CHAIRMAN. — It appears to be the general view that the question should remain open. It is understood, however, that the Drafting Committee will do its utmost to frame a concrete proposal on the subject.

The Committee agreed.

The meeting rose at 7.40 p.m.

ELEVENTH MEETING

Held on Wednesday, February 29th, 1928, at 6 p.m.

Chairman: M. UNDÉN (Sweden).

40. Discussion of the Suggestions of the German Delegation (Annex 7, Appendix).

M. VON SIMSON (Germany). — I think I may be brief since, during the general discussion, I have already on two occasions spoken of the suggestions of my Government. For the moment, I will merely submit a few general ideas.

I would say, in reference to the discussion which took place yesterday afternoon, that I entirely share the views of the speakers who said that it was not desirable to group, so to speak, the various articles of the Covenant of the League of Nations according to their importance. We must not weaken the importance of any article of the Covenant in reference to any other article by laying emphasis on any one of them.

On the other hand, the steps which we propose, and which concern the convention, seem to me, particularly in present circumstances, of a quite special importance and utility. As I have said on several occasions, we think that security may be increased by strengthening mutual confidence, and particularly by strengthening such confidence by the measures mentioned in our suggestions, which can be rapidly applied. The German delegation does not claim that the steps which it proposes are to be regarded as a panacea for all ills, or as the only way of increasing security. With these considerations in mind, I have never at any moment refused to collaborate in the work on regional agreements, although, as I have stated several times, I have some doubts as to the value of such a system.

I will not go into our proposals in detail, since they are before you.

I think we may consider it as a particularly clear indication of the desire of a State to settle all its political disputes in a pacific manner if that State is prepared to take the course suggested in our proposals, and particularly in proposals II and III. Such an attitude on the part of a Government is calculated very quickly to restore mutual confidence. I would draw your special attention to proposal III, which provides a pacific solution even in cases where hostilities of some sort or other have already begun without the possibilities of a pacific arrangement having, in the opinion of the Council, been exhausted.

In order to avoid any misunderstanding, I would remind you that our suggestions are not submitted for insertion in bilateral or regional treaties. They have a wider basis. We are thinking of a protocol which would be open to signature by everyone. We do not, however, think it is necessary to wait for a large number of States to adhere to that protocol for it to be brought into force. Naturally, we very strongly desire to see as large a number of States as possible adhere to the protocol without, however, considering it necessary to subordinate its coming into force to a large number of adhesions.

I prefer for the moment not to indicate the procedure to be followed, as I desire first of all to hear the views of my colleagues. I am ready to reply to any questions which anyone may desire to ask. I hope it will be sufficient for me to express our deep conviction that this matter is not an unimportant question of detail, but that it has to do with fundamental ideas which must be very carefully considered. As M. Paul-Boncour emphasises in his first reply to my suggestions, these ideas have their origin in the very important work of the Committee of the Council. We are endeavouring to give effect to these ideas and to put them into practice, completing them, however, with the suggestion that decisions shall be compulsory for States which adhere to the protocol. Doubtless, as we proceed with the matter, difficulties will arise, but these difficulties are more or less technical and are not insurmountable.

Lord CUSHENDUN (British Empire). — I confess, after examining these proposals, that I have a good deal of doubt whether they really, if we were to adopt them, would have the effect of adding to the security of nations and giving a better guarantee of peace.

I observe that the German delegation do not put their case too high: they only suggest that this Committee might examine the following possibilities. Naturally, I have no objection whatever to offer to our examining them as fully as possible, and I think they would require a very full examination. In the last clause of the written proposal, and also in the speech to which we have just listened, the German delegation offer these proposals as the basis of a general treaty for as wide acceptance as possible. In connection with other proposals, I have already expressed the great doubt that I entertain as to the desirability of general treaties regardless of the particular circumstances and conditions of individual States. I myself very much prefer regional treaties, bilateral treaties, in which the particular circumstances of each State can be carefully considered, and the exact obligations undertaken by each State that signs the treaty are known beforehand. There appears to be a very grave doubt whether a general treaty — of which we have some experience and some models — can very well be entered into by a great many States without a much clearer view than they can have beforehand as to the exact obligations which they are undertaking, and certainly, if it should appear to this Committee desirable to enter into a close examination of these proposals, I could only give in any form consent to that procedure if it were understood that whatever conclusion we might arrive at would be submitted to the several Governments, and, I would suggest, also afterwards to the Permanent Advisory Commission to work out the details. In any more general form than that, it would not be possible for me to signify my assent, because these proposals were not before us when we left our several countries, and at this moment I am not fully instructed by my Government in regard to them. I can only accept them, therefore, as I say, subject to a reference to the separate Governments and also, as I would suggest, to the Permanent Advisory Commission.

If I may offer a few observations on the proposals themselves, I would respectfully submit to the Committee that Clause I is far too vague in its language for it to be possible to include it in a code of international legislation. Take the sentence:

“For the purpose of preventing any aggravation or extension of the dispute and impeding any measures to be taken by the parties which might exercise an unfavourable reaction on the execution of the settlement to be proposed by the Council.”

I will undertake that, with very little ingenuity, it is possible to invent a large number of different interpretations of those words. Surely it will be generally agreed that what we desire above all things to avoid in making definite contracts between one country and another is ambiguity, because ambiguity is the mother of misunderstanding. I feel certain that, if we were to accept any such proposal in the words in which it at present stands, we should be opening the road to a very great deal of misunderstanding.

Then I pass to Clause II. I think the objections to Clause II may be even more serious. I suppose what we all have in view in all these negotiations is the hope of providing some means of protecting a victim State against an aggressor State. That is what we are all aiming at. It appears to me that Clause II of the German proposal might very well have exactly the opposite effect. It is quite possible that the operation of that clause, if it were accepted, would be for the advantage of the aggressor and for the disadvantage of the aggressor's victim. It is very similar to a proposal which came under discussion at the time of the Geneva Protocol. I do not think there is any essential difference in principle between this clause and some proposals which were in the Protocol, and when that instrument was under discussion, my Government, represented at that time, I think, by Sir Austen Chamberlain, offered an argument, which I think was very convincing at the time and which has lost none of its force since, to show that these proposals might be for the advantage of the aggressor.

Let me in a very few words indicate what I mean. To begin with, it would be extremely difficult for anybody to say what is the “military *status quo* normally existing in time of peace”. Personally, I have no military knowledge whatever, but I do not think one requires any definite military knowledge to know that a most important factor at the outbreak of any war must be the positions occupied by the troops on one side and the other as between belligerents, whether two or more. If you take the hypothesis of some State intending to become an aggressor, or, and intending to invade the rights of another State and to act the part of an aggressor, is it not quite simple for that State, allowing sufficient time to enable other people to become accustomed to the disposition of its troops, to dispose its troops in such a way along its frontier as to give it the advantage, and for that to become the normal military *status quo* existing in time of peace, whereas the normal military situation of the other State, which is designed to be the victim, may be to have its troops very much farther from the frontier and in positions very much less favourable for defence than are the aggressor's positions for aggression? Where is the justice and where is the good sense, if our object is to prevent aggression, in accepting a stipulation under which the aggressor is confirmed in his favourable positions while the victim of aggression is prevented from making any disposition or move whatever in order to meet an attack which is obviously coming?

That might be elaborated very much more fully, and any delegate who has personal knowledge of military affairs could elaborate it with much more ability than I can pretend to do. I want merely to indicate that I think we should have to consider most carefully a clause of that sort in the light of the best military advice obtainable before we accept it for the purpose of giving security to the victim of aggression or making peace more safe.

The next clause, Clause III, deals with a difficulty which we have already had under discussion at an earlier period of our investigation. I indicated yesterday that the military

advice I had at my disposal goes to show that at the moment of the outbreak of hostilities it is impracticable to seek to impose an armistice on the belligerents. We have to remember that the hypothesis underlying these proposals, which we must always bear in mind, is that one or the other of the supposed belligerents is an aggressor. We assume for the purposes of argument an aggressor and a victim. Is it likely that the aggressor State, having made up its mind to incur all the odium and all the danger of acting in a way which will inevitably bring down upon it the disapproval of the League of Nations, and the danger of incurring all the penalties of an aggressor under the Covenant—is it likely that any State, having made up its mind to do all that, will at the last moment withdraw its troops, which may have gone over a frontier, or stay its hand at the moment of aggression when it perhaps has an advantage over somebody else which it may never have at a later stage? I repeat, is it likely that any State will, in those circumstances, consent to have an armistice imposed upon it by some third authority? Surely the experience of history shows that an armistice can only be effected when it is entered into by the desire of both parties to the dispute. I believe that it is an impracticable thing from a military point of view, and also from a psychological point of view, for any authority outside to take upon itself or pretend to impose an armistice upon belligerent States. It may be very well for the Council, in certain circumstances, to use its good offices to propose to those who are about to become belligerents at the outset of hostilities that an armistice should be entered into freely and of goodwill on both sides in order that time may be given for a pacific arrangement of the dispute; but that appears to me to be a very different proposition from that which is contained in Clause III of the German proposals, because, although it is quite true that the clause is an undertaking in advance by States that they will themselves observe that stipulation, I must say I am very sceptical of its being of much value at a moment when any particular State has made up its mind to take the tremendous risks of becoming a belligerent.

Clause IV, I think, is also rather open to objection. We were discussing yesterday the question of a unanimous vote on the Council, or whether a majority might suffice in the matter—that is, as regards the various suggested obligations. I do not want to repeat what I said yesterday, except in quite general terms, that the unanimity of the Council was very deliberately adopted by the framers of the Covenant. It is regarded by many States, possibly by all, as itself a very great security under many conceivable circumstances, and I think, as I said yesterday, that every time we or any other organ of the League undertake to invade that principle or to diminish that principle of unanimity on the Council, although it may serve the particular purpose we have in view at the moment, it will in the long run both weaken the League of Nations itself and undermine the confidence which many States, and probably all of us, feel in it at the present time.

I do not want, at the present stage of our discussion at all events, to appear in irreconcilable opposition at all to the German proposals. It may be, when they have undergone further consideration and when the details have been more carefully thought out, that a form of them might be arrived at which we could all accept as beneficial for the purpose in view, but as they are presented to us at this moment they appear to me to be open to very grave objections which I should certainly have to have removed from my mind before I could accept them.

I finish, as I began, by saying that, in any case, I could only accept them subject to their reference to my Government, and to their examination and approval by that Government.

M. PAUL-BONCOUR (France). — Our colleague, General de Marinis, invited us the other day to ensure that there should be continuity in our work. I venture to endorse this suggestion. We must recognise that the German delegation in its proposal gives us an excellent example.

The Committee of the Council, as I reminded you at the beginning of our work, when the German delegation announced the general lines of its proposal, went rather far in the direction of what may be called conservatory measures, in a report which was successively adopted by the Assembly and by the Council. M. von Simson the other day drew what was, in my view, a very striking analogy between such measures and what in private law is similarly described, in other words, measures which are taken under the procedure of injunction, or otherwise.

Though, however, the German delegation bases its suggestion on the work of the Committee of the Council, as continuity prescribes, it carries this work further in its very interesting proposal for a protocol open to the signature of States under which they would undertake to submit to the procedure already fixed by the report of the Committee of the Council.

You will understand from what I have said how much I appreciate the German proposal, and that I support it in its general lines. When that proposal takes the form of a definite scheme, it will clearly be necessary to discuss its terms very carefully. I assume that the form given to its proposal by the German delegation is to be regarded as a body of suggestions which it would like the Committee on Arbitration and Security to consider. When we come to discuss texts, I should perhaps feel it necessary to make some observations, not on any particular one of the suggestions, which I gladly accept, but on some of the forms taken by those suggestions. If we keep in view the necessity of preserving continuity in our work, I must confess—and here I rather agree with the observations of Lord Cushendun—that the text of the report of the Committee of the Council, which is at the same time more concrete and less general, and which, in other words, is based rather on concrete examples, is perhaps preferable, since, in dealing with measures of this kind, the importance of which we thoroughly appreciate, we have to take into account the extreme diversity of conditions which cannot be classified in advance. Those conditions will depend on the circumstances of the dispute and on the convictions of the States which are about to enter into dispute. The report of the

Committee of the Council was not confined to general formulæ, and still less were the formulæ imperative. The report of the Committee of the Council was based on lists and these lists, in my view, were not to be regarded as limitative.

I think that when we come to deal with a text it will be necessary to have regard to the elasticity and diversity which the Committee of the Council endeavoured to secure.

Therefore, though I generally approve of the general proposal, it does not seem to me to be of any use to go into the articles in detail. I would merely add to what I have just said an entirely general observation, and I would venture to draw the special attention of the Committee, and in particular of the German delegation, to this point.

The report of the Committee of the Council, after giving three very precise and, in my opinion, felicitous concrete examples of conservatory measures which might be taken, deduced from these examples what appears to be a necessary consequence, and I would remind you that the report has been accepted by the Assembly and by the Council. The consequence to which I allude was that the Council of the League of Nations, in the event of a dispute or danger of war, can only prescribe and procure respect for decisions which can be supervised.

You will understand that if we look at the matter from the point of view of the suggestion of the German delegation, though we are not yet dealing with the hypothesis of war, we are very nearly dealing with that hypothesis, since the idea of conservatory measures presupposes that the States have taken or are about to take steps for mobilisation or other military measures. One article of the suggestions of the German delegation goes even further in the sequence of events, since it deals with the armistice, and therefore assumes that acts of war have already occurred.

In these circumstances, you will easily understand that the States in question, troubled by the events which are occurring or which they foresee, or which they fear, will only accept decisions so grave and so necessary as those which we are proposing that the Council should take if they have the feeling that these measures will also be respected by the States with which they have fallen into dispute.

It would be a very grave psychological error if, while the possible lengthy procedures of conciliation and arbitration by which the Council of the League of Nations in dealing with the dispute is endeavouring to avoid war are progressing, we tried to prevent one of the parties from ensuring its superiority for the occasion when it may decide to disregard the decisions of the Council by hastening its preparations, and if we did not at the same time take account of the fact that the parties will respect these measures to the extent in which they are ensured that the opposite parties will also respect them.

Therefore, I would ask that in the text to be established, as in the text of the report of the Committee of the Council, provision should be made for the necessary corresponding measure of control by the League of Nations over the execution of the conservatory measures which it prescribes.

Subject to this reservation, I entirely accept the suggestions of the German delegation.

M. VON SIMSON (Germany). — I would like to reply at once, briefly, to Lord Cushendun and M. Paul-Boncour, in the hope of shortening this discussion. I think I am able to furnish them with certain explanations.

Lord Cushendun has very courteously but very severely criticised our proposals. I will not take up your time by going into all the details. I feel bound, however, to point out at once that we are merely presenting suggestions and not proposals, and that we have for this reason made use of general formulæ which are necessarily somewhat vague. We agree that it is essential to define them and give them a concrete form. We are well aware that this will be necessary, and it is for that reason that we have submitted our ideas as suggestions and not as proposals.

I would emphasise, from the general point of view, that the criticism of Lord Cushendun applies equally to the recommendations of the Committee of the Council and to the Locarno Treaties. Our first suggestion is taken from the Locarno Treaties and has been accepted for general arbitration treaties in our previous discussions. I do not agree with Lord Cushendun that there is in this point any ambiguity which might be dangerous. I admit that the proposal will have to be further defined. At present it merely aims at granting the Council power to prescribe measures, and it will be for the Council to avoid ambiguity and to say what must necessarily be done. We must have sufficient confidence in the Council to entrust it with that task.

Lord Cushendun, moreover, in dealing with Clause II, said that it would be very difficult to recognise the normal military *status quo*. I am not a military expert, and therefore I cannot formulate any certain opinion on that subject. Nevertheless, I hope that in the future, when disarmament has been carried out, the normal *status quo* of the different countries will be sufficiently easy to recognise. I do not think that the possibility described by the delegate of the British Empire will arise. I refer, of course, to the possibility that under Clause II the position of the aggressor may be improved. I am afraid that I do not altogether understand the point of view of Lord Cushendun in this matter. We have in this paragraph recognised that the recommendations of the Council should aim at maintaining or restoring the ordinary normal *status quo*. In the examples quoted by Lord Cushendun, the normal military *status quo* has already been modified before the decisions of the Council are taken.

I would again repeat that it would be necessary to give concrete form to our suggestions, but it is certainly not our intention to improve the position of the aggressor. We decidedly wish that the normal military *status quo* should be maintained or restored.

To simplify the discussion, I will confine myself to these general remarks. Our suggestions embody fundamental ideas of great importance. They were not discussed in a preliminary way at Prague, and I think that it will be necessary to refer them to the various Governments.

The Drafting Committee might perhaps agree on a resolution taking into account the general welcome accorded to these suggestions. The Governments, before our next session, will be in a position to submit their observations.

I listened with great pleasure to the speech of M. Paul-Boncour, and I am happy to note that, generally speaking, he supports our observations.

Permit me, however, to make only one remark. M. Paul-Boncour said that, if the Council ordered measures, it should be in the position, as a necessary sequence, to ascertain whether those measures have or have not been carried into effect. I quite agree with that contention, and if we did not explicitly mention the matter it is because our suggestions are only general ideas and are not presented in detail. We consider, however, that verification by the Council is a natural consequence of the idea underlying our suggestions.

M. SOKAL (Poland). — During the general discussion I have already pointed out that I consider the proposals of the German Government to be of great interest, but I also suggested, after glancing through them, that they appeared to lack one indispensable addition, namely, a control.

After an examination of these suggestions I am in a position to state that the Polish delegation approves the spirit in which they have been put forward, for it is the same as that contained in Article II of the Covenant. What is aimed at is, indeed, prevention, and it is prevention for which provision is made in that article.

As far as the suggestions themselves are concerned, I do not propose to analyse them in detail for the moment. The representative of the British Empire has just shown how cautious we should be in proceeding with this analysis. M. Paul-Boncour also has emphasised that it is indispensable to have the essential element in such a proposal. The Committee of the Council discussed these questions at great length when it discussed the following interpretation of Article II: that the Council should only be given suggestions within such limits as shall permit it to control the possibility of executing any measure decreed by the Council.

I entirely agree with this point of view, and I think that, after having listened to the very complete analysis of the German proposals made by Lord Cushendun, we can summarise to-day's discussion by deciding that these suggestions, completed by the observations made, shall be submitted to Governments with a view to a detailed examination.

The CHAIRMAN. — I think it would be possible to agree on the procedure to be followed. On the one hand, there is no necessity to proceed immediately to a final examination of these suggestions, but, on the other hand, they certainly deserve a detailed study. I would propose, therefore, that the Drafting Committee should be instructed to draw up a resolution in this sense, which should also be based on the opinion expressed by Lord Cushendun to the effect that these suggestions should be submitted to the respective Governments before any future discussion of them.

M. SATO (Japan). — The Chairman proposes that we should submit these suggestions to the examination of the Drafting Committee, together with the various observations which have been made to-day. The matter, however, is of primary importance and cannot be lightly passed over. The statements of Lord Cushendun and M. Paul-Boncour show how complicated and important is the question. If we decide to send these proposals to the Drafting Committee, I cannot clearly foresee the result. We are approaching the end of our session and I do not think it is possible even for the Drafting Committee to make a detailed examination of these suggestions. Personally, I would have preferred to have had an opportunity of discussing the German proposals after having very closely examined them. For this reason I propose, if the Committee sees no objection, that the question should be submitted to a sub-committee, whose membership shall be determined by the Chairman. This committee could meet at some future date, more or less distant. It would examine the German proposal with the full attention that it deserves. When this examination is concluded, I would propose that the result should be submitted to the various Governments for their views.

The CHAIRMAN. — I would point out that a misunderstanding has certainly occurred. I never thought that the Drafting Committee should be instructed to draw up a final text dealing with the substance of the question, but that it should merely adopt a resolution concerning the procedure to be followed in the future. It may well happen that it may be necessary to establish later some kind of committee to continue the examination of this question, but it would perhaps be an advantage to have the views of the various Governments before us before continuing the discussion.

Herein lies the difference between the suggestion of M. Sato and the proposal which I have made. I proposed that we should first obtain the views of Governments in accordance with the suggestions of Lord Cushendun. M. Sato proposes that the German proposals should be examined before Governments are consulted.

M. SATO (Japan). — You must excuse me if I rise once more. Obviously, there is a difference in the procedure proposed and the Chairman has made that quite clear.

I personally attach much importance to the German proposal, but it can only be regarded as definite after having been very closely examined. There are perhaps certain articles which will be found unnecessary as the result of the various observations made during our discussion, or, on the contrary, it may be found necessary to make additions to the text of these proposals. I think—perhaps I am wrong—that it is only then that we should submit a final proposal to Governments for their views. If we follow the opposite course, after

having received the observations of Governments, which will be difficult to obtain and occupy a great deal of time, the text will be changed in order to make it final and it will then have to be submitted all over again. I think that, in the first place, we should explain all the points and then submit the text thus achieved to the Governments for their observations. This seems to me to be much the wiser course to pursue.

The CHAIRMAN. — I submit the question to the members of the Committee. I do not desire to impose any particular form of procedure. I interpreted the attitude adopted by the German delegation itself to mean that, in my view, the German Government desired perhaps also to make its observations on the suggestions at a future date. I did not intend to propose that the Committee should take any responsibility at this moment for the substance of these suggestions. These suggestions, however, are submitted in the form of a proposal coming from the German delegation, which it is required to submit to the various Governments.

M. VON SIMSON (Germany). — I wish merely to say, Mr. Chairman, that I fully agree with what you have so justly pointed out.

M. SATO (Japan). — If that is the view of the Committee, I shall naturally make no objection to the proposal that the German suggestions should be submitted to Governments. To be precise, I ask whether in that case various observations made in the Committee will be annexed to the German proposals. If the answer is in the affirmative, I shall reserve my right to make my observations at some future date.

Lord CUSHENDUN (British Empire). — With regard to what has fallen from M. Sato, I do not wish to take any very strong opinion or line with regard to the procedure so long as it is thoroughly realised that, whenever these proposals are submitted to the various Governments, they must be in the final form. There will be no use whatever in sending to the various Governments a series of resolutions or clauses which are merely in the form of suggestions; they must be in the actual form to which assent is to be given or withheld, and so long as that is clearly understood I do not mind how that result is reached. I should have thought myself that there was a good deal to be said for M. Sato's proposal, because, as I understand it, he suggests that, before these proposals go to the Governments, a sub-committee should endeavour at all events to put them into definite final form, as they could appear in an agreement, whether bilateral or general. The German proposals are for a general treaty. They will impose very distinct obligations on all the States that accept them; therefore it will be very necessary that every State, when considering what the proposals are, should have them in the most precise and definite form which we can give to them.

M. RUTGERS (Netherlands). — If I am right, when we drew up the programme of work of our Committee, account was taken of the fact that Governments would have an opportunity of submitting their observations not on final proposals but on the programme. Governments have not been specially invited to do so, but, by the decision of the Committee and by the adjournment of its work, they have been given an opportunity of expressing their views. If we now follow the same procedure, we shall only be postponing the study of the German proposals to our next session. During the intervening period, the Governments will be able to submit any observations they think it useful to make with regard to our programme of work.

Lord CUSHENDUN (British Empire). — In that case, I do not quite understand the proposal. I presume that, following the precedent of the observations which were invited from the Governments last December, they are now to be invited to send in any observations with regard to the German proposals. It is no use asking them to send observations so long as those proposals are not in the final form. As I have already said, the only observation the Governments would or could make would be to say: "We may accept them in principle; we must reserve our decision until we see them in a final and effective form". Therefore it appears to me that to invite the Governments to send in observations while they remain in an indefinite form would be wasteful of time and work.

The CHAIRMAN. — After the observations made, I would like to submit to you the following suggestions. I think everyone agrees in thinking that it is impossible to proceed immediately with a final examination of the German suggestions and that the examination ought to be adjourned to a future session. I think, further, that there is no objection to giving an opportunity to those Governments which desire to do so of presenting any observations on the suggestions made by the German delegation.

If the Committee decides to draw up a text of a treaty or to continue its work, it may still be possible for us to submit the question to Governments in the form of a final text. For the moment, however, I think that we could confine ourselves to determining the procedure to be adopted and decide to postpone the examination of the question to another session, while leaving Governments free to express their views at some future date on the proposals made.

M. SATO (Japan). — I willingly accept your proposal and, whatever the decision of the Committee, I will forward the German suggestions to my Government and ask it to give its views.

The proposal of the Chairman was adopted.

41. Drafting of the Committee's Report.

The CHAIRMAN. — The next item on the agenda is the drafting of the Committee's report.

The Bureau has the honour to submit the following suggestions.

The report of the Committee on Arbitration and Security will contain a statement regarding its work from the moment of its establishment until the end of its second session. To this statement will be annexed :

1. The positive results achieved during the present session.
2. The minutes of the plenary meetings, together with the notes of the delegations.
3. The memoranda of the Rapporteurs and the observations of Governments.

The Committee will communicate this report to the Preparatory Commission for examination and will ask it to submit it to the Council in June in order to ensure its transmission to Governments for their consideration so that the results obtained by the Committee may be definitely examined by the Assembly in September.

I propose, therefore, to instruct the Drafting Committee to draw up a draft report to this effect.

M. RUTGERS (Netherlands). — I did not think that our work was going to proceed so quickly. At this moment we are engaged in drafting conventions which no one has yet had an opportunity of seeing. If I have properly understood the Chairman, it is proposed to draw up a final version of these drafts as far as our Committee is concerned and then submit them to the Preparatory Commission, with a request that they should be forwarded to the Council. I wonder whether it would not be better to have a second reading of these treaties, which we hope to complete this week. M. Sato has asked for a detailed examination to be conducted in several stages of the German proposal. I wonder whether it would not be more advantageous not to finish your work this week and not to make a final report to the Preparatory Commission on this question.

I have no objections to the proposal to submit a progress report to the Preparatory Commission, but I do not think we should add a request that the draft convention should be immediately submitted to the Council and the Assembly.

The CHAIRMAN. — There is no urgency to decide what our report should contain. I propose to leave the question open.

The Committee rose at 8 p.m.

TWELFTH MEETING

Held on Monday, March 5th, 1928, at 5 p.m.

Chairman : M. BENES (Czechoslovakia).

42. Observations of the Chairman concerning the Work of the Committee.

The CHAIRMAN. — After several days' interval, we are now taking up our work anew, and we shall devote our time to the examination of the proposals drawn up by the Drafting Committee.

After fresh examination of the whole question, the Drafting Committee established a Sub-Committee, known as the Committee of Three, which it instructed to draw up the text of the proposals and draft treaties resulting from the decisions taken during the general discussion.

The Committee of Three has drawn up various resolutions and various concrete drafts of arbitration, conciliation and security treaties. These were then examined by the Drafting Committee, which, after adopting them, has submitted them for your approval.

The work entrusted to the Drafting Committee has been considerable. You instructed it to prepare a declaration concerning the Introduction to the Prague memoranda, a draft resolution concerning the offer by the Council of its good offices, another concerning financial assistance and the work of the Mixed Committee, another regarding communication with the League of Nations in times of crisis, another dealing with the German suggestions, another concerning Article 36 of the Statute of the Permanent Court of International Justice, and another concerning the memorandum of M. Rutgers on Articles 10, 11 and 16 of the Covenant. Finally, it was to draw up three texts of a Treaty of Arbitration and Conciliation and three texts of a Treaty on Security. To these must be added the text of a general report to serve as an introduction to all the proposals which we shall adopt.

The Committee of Three has done considerable work. A certain number of resolutions and draft treaties, after having been adopted by the Drafting Committee, are on the agenda of our meeting this afternoon. These texts, which are not yet all finished, can be completed by to-morrow morning for submission to us to-morrow afternoon. We shall then be able, I hope, to end our session to-morrow night.

The following is a list of proposals which we are to examine this afternoon :

1. Draft resolutions concerning the offer by the Council of its good offices.
2. Draft resolution concerning Article 36 of the Statute of the Permanent Court of International Justice.
3. Draft resolution concerning communication with the League in times of crisis.
4. Draft resolution concerning the German suggestions.
5. Draft General Convention (Convention B) on Judicial Settlement, Arbitration and Conciliation.

43. Draft Resolutions concerning the Offer by the Council of its Good Offices : (1) Arbitration (Annex 7, III (d)) ; (2) Arbitration and Security (Annex 7, IV (d)).

The CHAIRMAN. — Two draft resolutions concerning the offer by the Council of its good offices are before us, one dealing with arbitration and the other with arbitration and security.

The draft resolutions were adopted without observation.

44. Draft Resolution concerning the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice (Annex 7, III (e)).

Lord CUSHENDUN (British Empire). — I think the Committee will kindly have patience with me if I make one or two observations on this matter, because I think the Committee will perhaps realise that the position which my Government takes up requires a certain amount of explanation in order that there may be no misunderstanding.

The text which the Drafting Committee puts forward is based upon paragraph 41 of M. Holsti's memorandum. He there refers to the action of the Assembly at its last ordinary session. He says :

“ The Assembly recognised the desirability of examining how it would be possible to encourage acceptance of the Optional Clause of the Protocol of Signature of the Statute of the Permanent Court of International Justice.”

Then he goes on :

“ The discussions on this point did not, however, lead to any practical proposal. It is difficult to see what could be done by the organs of the League in this matter beyond recognising, as they already do recognise, that the development of the Court's jurisdiction under the Optional Clause as between States which feel able to accept this clause constitutes an important application of the principle of arbitration.”

It was in consequence of that paragraph in the memorandum that this Committee asked the Drafting Committee to prepare a document to give effect to it. I would like to express my thanks to the Drafting Committee—I am sure we all thank them—for the admirable work which they have done. I happen to know they have had a very onerous and laborious task. I think we may conclude that this document which they have produced is the very best draft that could be produced upon this subject. I think it worth while drawing attention to this fact, for I think it is a fact. The Committee will remember that, from the beginning of our discussions, I have always ventured to take up the position that what we wanted were practical proposals. M. Holsti said that the discussions of the Assembly led to no practical proposal. I think it is significant that this excellent examination by the Drafting Committee has also made no practical proposal. By accepting this draft—as, of course, we shall do—we are not making any practical proposal. What we are doing is to reiterate in strong terms the opinion that has been expressed before that as many States as possible should sign this clause if they find it in their power to do so, for they will to that extent be contributing towards the security of the world.

The reason why I think it is just possible that an explanation by me is necessary is because (as the Committee is well aware) I have said and other members of my Government have previously said that, owing to the particular conditions of our country, it is not possible for the British Government to accept the Optional Clause. That being so, I can well understand that some members of the Committee might think, unless they look below the surface, that there is some inconsistency in myself, for example, as a representative of the British Government and as responsible for this draft of the Drafting Committee (because my Government was represented upon it), in our urging other people to do what we frankly say it is not possible for us to do ourselves. I have on previous occasions explained—and I should like just to repeat it, in order to make sure, now that we are parting with this matter, of not being misunderstood—that I sincerely wish that the circumstances of my country were such as to enable us to sign this clause. I realise the value of the clause ; I realise, as this draft puts it, that the more States that can sign it the better. I think that on a former occasion I pointed out that the more simple the interests of an individual State may be, the more easy it is for them to forecast matters of complication which may arise at any time to disturb their policy ; the more simple their interests, the easier it is for them to accept a clause of this description ; and the main reason why it is impossible for Great Britain to commit itself to a clause of this kind is because our interests are so complex, so scattered, and are so dependent upon not one Government but a number of equal Governments, all Governments of His Majesty the King of Great Britain, that it is much more difficult for us to form any clear view as to the possibilities of the future than it is for States with simpler interests.

In the document which was prepared by the British Government and submitted to the Bureau before our present session, this matter was discussed ; and in order to avoid wearying the Committee with a restatement, I would venture respectfully to refer the Committee again to that portion of the document which deals with this particular Optional Clause of the Permanent Court. While we feel that it is impossible for us, in present circumstances, to sign the clause, we do want other people, who have not got the same difficulties, to sign it, and to encourage those who are in a similar position to sign it. I venture to submit to the Committee that, although our inability to sign it at first sight appears to be inconsistent with our urging, as we do here, other people to sign it, yet there is no real inconsistency if you look below the surface and see our reason for our action in both cases.

My chief object in rising on this occasion, when we are going to accept this draft, is merely to repeat our position, so that it may be quite clearly seen that we have not in any way abandoned the position that we took up or modified it at all in any way when we have made ourselves responsible for this draft of the Drafting Committee and are, moreover, willing that it should be accepted by this Committee and used as an encouragement and an incentive to as many States as possible accepting this contribution to the maintenance of peace.

The draft resolution regarding the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice was adopted.

45. Draft Resolution concerning the German Suggestions (Annex 7, VI, and Appendix).

The CHAIRMAN. — The Drafting Committee, after drafting the text of the draft resolution, proposed, on the suggestion of some delegations, that the Committee should choose M. Rolin Jaequemyns, representative of Belgium, to fulfil the duties of Rapporteur.

The draft resolution was adopted.

M. ROLIN JAEQUEMYS was appointed Rapporteur.

46. Draft Resolution concerning Communication with the League of Nations in Times of Crisis (Annex 7, V (b)).

The draft resolution was adopted.

47. Draft General Convention on Judicial Settlement, Arbitration and Conciliation (Convention B) (Annex 7, III (b)).

The CHAIRMAN. — We now pass to the question of the draft model General Convention on Judicial Settlement, Arbitration and Conciliation.

As you are aware, the Drafting Committee was instructed to draw up three drafts, a draft General Convention on Arbitration to cover all disputes of a juridical and political nature, a draft Convention on Arbitration providing for the use of arbitration in disputes of a juridical nature only and providing for conciliation in respect of other classes of disputes (Convention B) and a draft Convention on Conciliation. At the moment we are dealing with Convention B, but we shall find once more in the draft Conventions on Security and Arbitration which we are going to discuss to-morrow a large number of questions raised in this document. I will call on members to make any general observations they desire and then we will discuss the document page by page without reading it.

M. UNDEÉN (Sweden). — The draft collective treaty of arbitration and conciliation which we are now discussing is in its main essentials in conformity with the draft general treaty submitted by the Swedish Government and with the principles forming the basis of the bilateral Treaties of Locarno.

I should like to express my thanks to the Drafting Committee, which took the view that the Swedish draft could serve as a basis for a collective treaty, and I am pleased to note that the work of the Drafting Committee has successfully improved it.

During the general discussion, I had the honour to put forward certain observations regarding the connection between the Council on the one hand and arbitration tribunals and conciliation commissions on the other. This problem has been discussed at great length by the Drafting Committee and in certain respects there were divergences of view. The stipulation found in Article 31 of the draft now submitted to us by the Drafting Committee which corresponds to similar provisions in the model treaties which we shall examine to-morrow does not pretend to solve this problem. The provision in question is not intended to complete or change or interpret the Covenant. It is merely there in order to recall the fact that, according to the provisions of the Covenant, the Council can, in cases of exceptional gravity, intervene at any moment in international disputes with a view to the maintenance of peace and that it can take the necessary measures to this effect. The Council's resolution dated March 13th, 1924, to which I drew your attention during the general discussion, and which interprets the Covenant in so far as the connection between the Council on the one hand and conciliation commissions and arbitration tribunals on the other is concerned, would remain quite unaffected even if the present draft collective treaty of arbitration and conciliation were adopted and enforced.

We are to examine two other draft collective treaties, one of which provides for compulsory arbitration for all international disputes of whatever nature, and the other confined to laying down the procedure of conciliation.

I should like to say immediately that, in my view, the present model treaty best corresponds to the present international situation. The conclusion of such a treaty between a large number of States is not, I think, a Utopian project at the present time and cannot be considered as too rash or premature. The conclusion of a treaty of this nature would constitute a great step towards the object which we are pursuing. I hope, therefore, that the next Assembly, when choosing between the various model treaties submitted, will share my view and will recommend the model collective treaty now before us.

M. SATO (Japan). — When examining the programme of our work submitted to us by the Bureau, I found no mention of the drafting of special treaties of arbitration except a vague mention at the end of the programme and referring to the possible establishment of such model bilateral treaties.

During the seventh meeting of our Committee, however, held on Friday, February 24th, Lord Cushendun, representative of the British Empire, during the examination of the problem of model treaties of arbitration, pointed out that a large number of delegations considered general treaties to be at the moment useless and inopportune, and that this opinion was also to be inferred from the three memoranda submitted to us.

I also expressed the same view, as well as other members, and asked expressly that the Drafting Committee should be instructed to draw up a model bilateral agreement, though I stated that I had no objections to the proposal that the Drafting Committee should also draw up a model general treaty. Subject to these conditions and with these reservations, I assented to the preparation of a general arbitration treaty.

The Chairman himself said that he was deferring to the wish expressed by Lord Cushendun for the elaboration by the Drafting Committee of one or several special model treaties on arbitration and conciliation.

If we now examine the result of the work of the Drafting Committee, it seems that no model bilateral treaty has been framed. In order that no misunderstanding may remain in regard to the meaning of this absence of a model bilateral treaty, I would like to see inserted explicitly in the report of our Committee a reference explaining that we did not think it necessary to draft a model treaty of that kind simply because, as the Chairman has just said, the model would only differ slightly from a general treaty, but that it was not our intention merely to recommend a general treaty to the exclusion of special treaties.

In that sense, I shall be able to associate myself with the proposal that the various Governments should be recommended to examine the resolutions of our Committee on arbitration.

The CHAIRMAN. — M. Sato is certainly right, and we must meet his wishes. I think we may do more than he has asked us to do. The Drafting Committee, when this question was examined, decided that it would be well to explain in the report for what reasons a particular course had been adopted. The report would mention points which would have to be examined during our next session, and one of the questions for examination is precisely that to which the Japanese representative has drawn our attention. In this connection, we intended to point out that clearly there would only be very small differences, as M. Sato has said, between a general treaty and a bilateral treaty, but that we thought it necessary to draft a bilateral treaty, leaving this work over, however, for our next session. The reasons for such a postponement are lack of time and the desire to distribute the work and the publication of the documents.

The request of M. Sato is accordingly justified. We shall defer to his wishes not only in the report but on the question of substance. A model bilateral treaty will be drafted.

M. SATO (Japan). — I very cordially thank you, Mr. Chairman, for the explanations which you have just given, and which entirely meet my wishes.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I would venture to make two general observations. The first relates to the Convention which we are now discussing, and the second deals with the relationship of that Convention to security—in other words, to the essential task of our Committee.

As regards the draft Convention itself, I will at once fully associate myself with the congratulations addressed to the Drafting Committee by the Swedish delegate on the remarkable work that has been done. The Drafting Committee was placed in a very delicate situation. It had to create new machinery, while remaining within the limits of the Covenant, which might give the nations a greater feeling of security and introduce greater confidence in international relations. After studying the draft Convention submitted to us, I must confess that I regard it as a work of great importance. All is provided to meet the essential object of all the delegations, which is to achieve a normal and pacific settlement of international disputes. The Covenant already lays emphasis on the pacific settlement of disputes, but the system now offered increases the guarantees of security.

This system postulates the obligation for all States which are parties to the Convention to submit to arbitration or judicial settlement disputes of a legal character. For disputes of a legal and a political character a procedure of conciliation is provided by means of permanent or special commissions.

If the attempt at conciliation does not succeed, disputes of a legal character are submitted either to arbitration or to the Permanent Court at The Hague, and disputes of a political character are submitted to the Council under Article 15 of the Covenant.

I entirely approve the principle of the General Convention, because I consider that by this means we remain within the limits of the Covenant. The Drafting Committee, however, has very rightly deferred to the wishes of certain delegations and retained the possibility of framing bilateral treaties. On behalf of the Serb-Croat-Slovene delegation, I accept the draft Convention submitted to us.

I come now to my second observation. I think that an arbitration Convention should result in the creation of an atmosphere of mutual confidence more favourable to peace than that which at present exists. I express the hope that this Convention will be embodied in the practical policy of States, and that the Assembly of the League of Nations in September next will warmly recommend its adoption.

In expressing this desire, I would emphasise that the application of this Convention represents a small step forward towards those guarantees of peace which people are expecting from the League of Nations. It must, however, be noted that the integral application of this Convention leaves the present gap in Article 15 of the Covenant, and leaves intact the

question of the practical application of arbitral awards. I also recall the fact that all the scruples expressed in the memorandum of the British Government on arbitration, and the conclusions of that memorandum advising the nations to proceed gradually by stages, allowing time to do its work, retain their full value even after the adoption of the proposed Convention.

I express the hope, in conclusion, that the nations will make at least this step in advance—in other words, that they will adhere to the Convention submitted to us, and I accept that Convention on behalf of my Government.

Lord CUSHENDUN (British Empire). — Mr. Chairman,—I should like to associate myself with what was said just now by the Japanese delegate, and I agree that the answer which you were good enough to give is satisfactory so far as concerns the points raised by M. Sato. But there is another point in the same connection which I should like to mention: I have a note of the discussion which took place on February 24th, to which M. Sato referred, and I remember that the opinion which he expressed, if not hostile to, at all events had less regard for, general treaties than for treaties of a more limited character. It was shared, as he has told us, by a good many delegates. I think I remember that the Italian delegate was one, and I certainly felt very strongly on that point. I remember that it was then understood that, while we were all quite ready to produce a draft general treaty which might be of use for those who required it, our doing so would not mean that the Committee expressed any preference for a general treaty over a bilateral or regional pact, and I would like that understanding to be emphasised and to appear in the final report of our Committee. The Committee expressed no preference, as I say, for a general treaty. I myself, like M. Sato, expressed a preference the other way, and I should like to repeat why I prefer a treaty of a more limited character. It is not that I or the Government that I represent have any objection in principle to a general treaty; on the contrary, I believe a general treaty in certain circumstances might be of the utmost value, but what we feel is that we have already got—we have all got—the best possible general treaty which can be produced in present circumstances in the Covenant of the League of Nations, and you, sir, emphasised that in the valuable Introduction which you contributed to the reports. Now, I think it is very desirable that the Committee, approaching the end of its labours, should again emphasise what we began with—that, after all, the Covenant of the League of Nations is a general treaty which gives a very large measure of security. It is because we feel that no other general treaty of the same character, attempting to cover the same ground and possibly to fill in what may be found to be gaps, or imagined to be gaps, in the Covenant, can do so that we do not believe that sort of treaty will materially contribute to the security which we want as a foundation for disarmament.

I am frankly sceptical as to the additional security that would be given by a general treaty of this sort. Of course, I acknowledge that I may be quite wrong in that opinion. There are certain of our colleagues here who hold strongly the other view, that a general treaty has some special value in contributing to security. The Committee may smile when I once more mention the words “practical proposals”; I am afraid I am always expressing my preference for practical proposals, but I should like in this connection to make a practical proposal which would serve as a very good test, as between these two views, whether a general treaty gives security or not. My proposal would be this.

I like speaking quite frankly in this Committee. All our endeavours to produce security are directed to one thing and one thing alone—to enable us at a later date to proceed with disarmament, and therefore the value of anything that we can do may be tested by its effect in regard to disarmament. Now, I would like to give an invitation (or let me call it a friendly challenge) to those of our colleagues who feel strongly that a general treaty would give a great deal of security to tell us precisely, supposing that we all signed the draft treaty tomorrow, what disarmament that would produce in their own countries. I would like to go beyond general expressions; I would like each of you to give absolute figures indicating what your country would be prepared to do in the way of disarmament if we all signed this draft treaty. I think my friend M. Markovitch might be the leader. He has just made a powerful speech in favour of general treaties; he has told us that he thinks they will contribute largely to the security of the world. Well, I want to know what the great country which he represents here would be prepared to do in regard to men, guns, or whatever it may be, giving actual figures, in practical disarmament if we all signed this draft treaty.

I throw that out as a friendly challenge, and I will say beforehand that, if M. Markovitch, heading this movement, can get a large number of States to show with guarantees that the signature of this treaty will produce a large measure of disarmament, then I and the British Government are open to conversion. We keep an open mind on the subject, and I will come forward at the proper time with my tribute to M. Markovitch and will show that he has really been the one of all of us who has given a real contribution to the work of securing the peace of the world.

M. RUTGERS (Netherlands). — I do not think that this is the moment to go into the articles of the Convention in detail. We shall have an opportunity of doing so at a second reading, and we shall have time to examine it again.

I would nevertheless observe that, with M. Undén, I prefer a treaty of the kind submitted to us. It is not that I wish to say anything in depreciation of bilateral treaties. I am well aware that the history and records not only of the British Empire but of many States provide us with model bilateral treaties which have marked a very considerable progress along the path of arbitration. Nevertheless, I will venture to repeat, because I feel obliged to do so, an argument which has been already put forward more than once.

I attach a great importance to collective treaties, and I have asked permission to speak owing to the intervention of Lord Cushendun, who has asked for figures. Lord Cushendun has made a practical proposal. He has said that he has a preference for bilateral treaties, and he has asked us to show by figures what collective agreements have done for disarmament. I do not know whether the reply which I am about to make will satisfy Lord Cushendun, but I will give him the following figures: if a collective treaty is signed by two Powers only, it will do as much for disarmament as a bilateral treaty. If it is signed by five Powers it will be equivalent to ten bilateral treaties. If it is signed by twenty Powers, it will do for disarmament as much as one hundred and ninety bilateral treaties. If, according to the hypothesis of Lord Cushendun, this collective Convention is signed by forty-four Powers, it will do as much for disarmament as nine hundred and forty-six bilateral treaties.

I think I have gone as far as possible to meet the request of Lord Cushendun, and it seems to me that my figures are very much to the point.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — I thank the delegate of the British Empire for having considered my arguments, but I think that in this case he is under a misunderstanding, since, in the opinion of the Serb-Croat-Slovene delegation, it is not the question of a general treaty or a special treaty which is the most important.

I have spoken on behalf of general treaties because such treaties are more in conformity with the Covenant and in harmony with the principles of the League of Nations—in other words, the principles of co-operation between all nations for the maintenance of peace.

I entirely agree with the British delegation as regards the practical effect of arbitration. I consider that it is essential for a particular country to arrange for arbitration with another particular country, and especially with a country with which it will most likely find itself in dispute. If, however, a particular country concludes some twenty arbitration treaties and leaves out the country which is most closely associated with it, I do not think that it can regard itself as being in a state of security as a consequence of the treaties which it has signed.

As to the effect of arbitration on the question of security, I ventured in my previous speech to quote the memorandum of the British Government, because I feel any statement of the British Government must receive the most careful attention of our Committee. The memorandum contains arguments which are serious and well considered. Moreover, its considerations are of a practical character, a fact which for me is essential, and a fact to which Lord Cushendun himself referred.

While, therefore, I thank the British delegate for his observation, I feel bound to say that I do not think that it should be addressed to me.

M. UNDÉN (Sweden). — As a supporter of general treaties, I would also venture to reply to Lord Cushendun, not by quoting the exact figures for which he asked but by a general observation.

I do not think it is possible exactly to measure the influence of a general arbitration treaty on security. I do not think that Lord Cushendun can indicate the exact influence on security of a bilateral arbitration treaty, which he recommends us to adopt. I think it would be rather difficult to indicate by precise figures the influence which the Locarno Treaties may have had on reduction of armaments of the contracting countries. I should, however, be happy to realise that I am mistaken, and I would venture very respectfully to ask Lord Cushendun to inform us, if it is possible to do so, to what precise extent the Locarno Treaties, of which he is a very decided supporter, may have reduced or might reduce the armaments of the contracting countries.

In my opinion, any attempt to strengthen the League of Nations by developing the system of arbitration is of considerable general importance for the maintenance of peace, even though it may not be exactly measured.

The CHAIRMAN. — I think we can close this very interesting discussion and pass to more definite questions, that is to say, the discussion of the articles.

In conclusion, I would point out that we can satisfy Lord Cushendun by expressing no preference in the report for any particular form of treaty. We have been asked to draw up models of bilateral treaties and general treaties. We have fulfilled our task and we have begun by drawing up a model general treaty. The Drafting Committee was not asked to express its preferences. Any preference in this respect must be unanimously expressed. In view of the fact that there are divergences of view, no preference can be expressed either one way or the other.

As far as the second question is concerned, we are not yet ready to deal with it in a concrete manner. We can only prepare the ground. When we have to discuss, from a political point of view in an international conference, questions of figures, we shall be able to take into account treaties of arbitration and security, the general position and the relations existing between the various countries. It would be premature to open such a discussion now.

M. POLITIS (Greece). — I desire to say a few words to confirm what you have just said and to reassure all our colleagues by stating clearly that neither the Drafting Committee nor its Sub-Committee lost sight of the desire of the Committee to receive several types of arbitration treaties, both special and collective. The reason why the Drafting Sub-Committee began by dealing with collective treaties was because it thought that that task was the more difficult and that it was necessary to use the short time at our disposal in tackling the hardest work. Once a draft collective convention has been drawn up, nothing is easier than to draw up special treaties based on the general draft. When you have examined the three draft Conventions, A, B and C, you will be convinced that, in order to transform them into special treaties, it is only necessary to change the word "collective" into the word "special" and

to put two persons where several are mentioned and to change their protocols. This is a very easy task. We regret—and I express this regret on my own behalf and on behalf of my colleagues on the Committee—that we have not had the necessary time to do this work which I can describe as easy, and we regret that we have not been able to submit to you a model special treaty simultaneously with the model collective conventions. You must excuse us, but I hope that you will take account of the enormous burden of work given to the Drafting Committee and not blame it too severely for having been unable entirely to finish its task.

To-morrow you will have an opportunity of examining a draft resolution already drawn up dealing with the presentation and recommendation of the various model Conventions now drafted. You will note in this draft resolution that we have not forgotten special treaties. We have even gone further than you could desire, because we have met the possibility of a country which did not desire by its signature to contract an obligation towards all countries contracting parties to a collective convention, accepting the provisions of this collective convention in respect of one or more named countries by means of a very simple procedure indicated in the draft resolution.

M. CHUAN CHAO (China). — On behalf of the Chinese Government, I wish to congratulate the members of the Drafting Committee for the efficient manner in which they have carried out the work we have entrusted to them. As I did not take part in the preliminary debate of this Committee, perhaps you will allow me to extend the congratulations I have just given to the Drafting Committee also to our most able Chairman, M. Benes, to the Vice-Chairman, M. Undén, and to the three Rapporteurs, for the services they have rendered to us.

I did not take part in the preliminary discussion because all the views which the Chinese Government desired to see laid before this Committee had then been expressed in one way or another by the different speakers. I therefore abstained in order not to prolong the discussion unnecessarily. But at this moment, when we are entering into the second stage of our discussion and when we have to face concrete proposals, I would like to ask for your indulgence in permitting me to propose a change in the second paragraph of the Preamble in the text of the Model Convention B (Annex 7, III, (b)). The text as drafted reads as follows :

“ Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals ”

The words to which I wish to call your attention and to see deleted are “ established by treaty or ”. In other words, the principle of respect for rights established by treaty is so generally accepted that it does not appear necessary for us to repeat it in this model Convention. Moreover, it has been expressly provided for in the Covenant of the League of Nations, which says, in the Preamble, “ and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another ”. The point has been very fully covered there, and I really could not see any necessity for us to repeat it here in a different form.

There is yet another reason why an inclusion in the text of this model Convention of the words in question would be objectionable, that is, those words may come into conflict with Article 19 of the Covenant. In the said article, it has been clearly provided that :

“ The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world. ”

Suppose we, in insisting on retaining in the text of the model Convention the words “ respect for rights established by treaty is obligatory upon international tribunals ”, should happen to force any international tribunal to respect an inapplicable treaty or to maintain conditions whose continuance might endanger the peace of the world, I am very much afraid that we should not be fulfilling our duties as delegates to the Committee on Arbitration and Security, whose sole aim is to maintain the peace of the world by settling all international disputes through peaceful means.

In view of these considerations, I hope sincerely that my colleagues on this Committee will agree with me in not insisting on retaining in the text the words “ established by treaty or ” and in having them deleted. Being all warm partisans of the principle of the maintenance of world peace by settling all international disputes through judicial settlement, arbitration and conciliation, we certainly will not insist on the inclusion in the text of the model Convention the provision in question, which may eventually compromise the very aims of such Convention and preclude many countries from availing themselves of the service which this model Convention may be able to give.

The CHAIRMAN. — The observations of the representative of China are important. I fear, however, that we shall be unable to give him satisfaction, for the following reason.

This principle has been adopted in practice in all the draft treaties of arbitration and conciliation which we have drawn up. For reasons which I think it useless to repeat, the preambles of treaties of this kind contain a certain number of general principles which are necessary and which indicate the broad general spirit of the treaty. These general principles are similar to those expressed in the Preamble to the Covenant. They recall that it is necessary, once a convention exists, to apply it, for if it is not applied there is no reason for its existence.

As far as the reason put forward by the Chinese representative is concerned and its connection with Article 19 of the Covenant, I think there is a misunderstanding. There is no question of guaranteeing the existence of treaties for good and all. Treaties can be amended. At the moment, a particular treaty is applied. To-morrow another treaty may be applied, but the principle of treaties is always applied. Consequently, the reasons given by M. Chuan Chao do not seem to me to be well founded.

On the contrary, the reason which I have just given seems sufficient to maintain the text as at present drafted. All the more also as we have taken the Locarno Agreements, which contain the same principle, as our example when drawing up our model treaties. I think, therefore, that it would be somewhat difficult to change our point of view and suppress so essential a principle.

The representative of China may perhaps feel satisfied if his observations are inserted in the Minutes. The Minutes of our session will be annexed to our proposals, which means that his point of view will be on public record. It will be difficult, however, for us to go further, more especially as this question was discussed at great length in the Drafting Committee.

M. CHUAN CHAO (China). — I thank the Chairman for the explanations he has been kind enough to give.

M. VALDÉS-MENDEVILLE (Chile). — I do not wish to prolong the discussion, but I wish to associate myself with the observations made by the Chairman. The point of view which he has expressed is precisely that which I upheld the first time I spoke during the general discussion. The sentence in question is of great importance and I emphasised that myself.

The draft Convention as a whole was adopted without amendment, page by page.

The Committee rose at 7.25 p.m.

THIRTEENTH MEETING.

Held on Tuesday, March 6th, 1928, at 6 p.m.

Chairman: M. BENES (Czechoslovakia).

48. Procedure.

The CHAIRMAN. — Our programme consists to-day in the discussion and adoption of three model Conventions:

1. A General Convention for the Pacific Settlement of all International Disputes (Convention A).
2. A General Convention on Conciliation (Convention C).
3. A General Security Treaty.

We have also to examine a draft resolution submitting the model Conventions on Arbitration and Conciliation.

The first two models are practically the same as Convention B, which we adopted yesterday. We shall therefore be able to discuss them fairly quickly.

I suggest we proceed in the following manner.

I will indicate the passages which have already been adopted, so that we shall not have to return to them. The general observations made yesterday apply to a very great extent to these two Conventions. In these circumstances, I think it useless to reopen the general discussion.

49. Draft General Convention for the Peaceful Settlement of all International Disputes (Convention A) (Annex 7, III (b)).

The CHAIRMAN. — The Preamble has already been adopted.

There is a slight difference in the second part of Article 1. In Convention B, it is merely a question of the settlement of juridical disputes by arbitration, while the Convention now before the Committee deals with the peaceful settlement of all disputes, both juridical and political. Article 1 has therefore been amended. Article 9 is a new article. Article 25 is new, because account has had to be taken of the differences between Convention A and Convention B. This article is only an adaptation. The following articles deal with the special procedure. It has been necessary to put them in this form because the Convention deals with the submission of all disputes to judicial settlement. Article 34 has been amended to a certain extent in order to adapt it to Convention A.

The draft Convention was adopted without observation.

50. Draft General Convention on Conciliation (Convention C) (Annex 7, III (b)).

The CHAIRMAN. — We have now to examine the draft General Convention on Conciliation. In the two previous Conventions we have adopted a text covering the procedure on conciliation. Since we were instructed, however, to draw up a special model Convention on Conciliation, we have prepared a draft which contains certain chapters which are identical with those in other Conventions concerning conciliation. The wording of the remaining articles is such that they cover the procedure on conciliation only.

The first part of the Preamble applies to conciliation only. It is a new text. The second part is the same as that which we have already adopted in the case of the two other Conventions. The first three articles also concern conciliation alone and, though somewhat alike, differ in

certain respects from those in the other Conventions. Articles 4 to 19 are the same as those in the previous Conventions. Articles 20 and 21 have a certain likeness to those in the other Conventions, but they deal only with conciliation. Article 20 corresponds to Article 27 in Convention B and Article 21 to Article 22 in Convention B. Articles 22 and the following are the same as those in the previous Conventions.

The draft Convention was adopted without observation.

51. Resolution submitting and recommending the Model General Conventions on Conciliation, Arbitration and Judicial Settlement (Annex 7, III (c)).

The CHAIRMAN. — The Drafting Committee has deemed it necessary to draft a resolution to serve as an introduction to the three Conventions, A, B and C, which we have just adopted.

M. RUTGERS (Netherlands). — I do not wish to take up the Committee's time with details. We shall have an opportunity of doing so when the second reading takes place. I desire to make an observation of a general kind.

In reading this resolution, I note that these model General Conventions are recommended to all States, Members or not of the League of Nations, for examination. I would have preferred, however, that these drafts should be brought to the attention of the general Assembly with a view to their adoption.

I can, however, agree to this resolution, for I have discovered certain traces of my own views included in it. The end mentions General Conventions in two places. If these Conventions are examined, it is to be noted that, as far as Convention A is concerned, the date of the Convention will be the day of its adoption by the Assembly. In another passage mention is made of a date fixed at one year after the adoption of the Convention by the Assembly.

It appears, therefore, that, although the Committee confines itself to asking the Assembly to recommend these draft Conventions to the examination of States whether Members or not of the League, these Conventions will in actual fact have to be adopted by the Assembly itself in order to become General Conventions in the real sense of the word, concluded under the auspices of the League.

For these reasons, I can support the proposal submitted to us, although it contains expressions which I should prefer not to have been used.

M. UNDÉN (Sweden). — I would prefer a resolution only stipulating that the various model treaties which we have drafted should be presented to the Assembly and leaving the Assembly itself to decide what measures ought to be taken in the future, and also to state which model treaty it prefers. Nevertheless, I do not desire to make any proposal.

The CHAIRMAN. — I would add that we can adopt the resolution as it stands. It is quite understood, however, that the Assembly is sovereign in the matter, and that it can adopt the text or change it. Its Third Committee will deal with the matter. Any amendments or objections can certainly be made when the resolution is discussed by the Assembly.

The resolution was adopted.

52. Draft Collective Security Treaty (Treaty D) (Annex 7, IV (b)).

The CHAIRMAN. — By voting these three model Conventions and the resolution, as well as the resolution covering the Optional Clause of the Statute of the Permanent Court of International Justice, the Committee has finished all its work in regard to arbitration and conciliation.

We pass, therefore, to the discussion of the questions concerning security. The Treaty before us concerns the important question of security. We are now discussing something new, and we will proceed in the same manner as yesterday, when we discussed the first Convention on Arbitration and Conciliation (Convention B).

Nevertheless, in the Treaty of Security which we are now to discuss, there are articles concerning the peaceful settlement of disputes, the questions of arbitration and of conciliation. These articles are very similar to, or even identical with, those which we have adopted in the Convention on Arbitration and Conciliation, which means that the discussion of these articles will not be necessary. We will only discuss those articles which concern security.

Articles 5 to 35 deal with the peaceful settlement of disputes, and have already been adopted in the Convention on Arbitration and Conciliation. It will therefore be unnecessary for us to examine them again.

Article 36 deals with the duration of the Treaty. Certain observations were added to this article. They refer to the three systems which can be adopted in regard to the length of the Treaty.

The draft Treaty was adopted without observation.

53. Title of Draft Treaty D.

Dr. RIDDELL (Canada). — I do not know whether I am in order in raising this question now, or whether it should come up during the discussion of the resolution relating to draft Treaty D. The question I wish to raise may not seem of very great importance; it deals with the title of this Treaty. This is called a "Treaty of Security". We have passed a resolution with regard to Treaties of Conciliation, Arbitration and Judicial Settlement. In the opinion of the Canadian Government, these are as much treaties of security as is a treaty of mutual assistance, and I therefore suggest that the Treaty we have just been considering should be called a "Treaty of Mutual Assistance" or a "Treaty of Non-Aggression". As I see it, these four types of treaty all go to make up security, and it is unfair and gives a wrong picture of our deliberations here to say that we put arbitration, conciliation and judicial settlement

on one side and apply to the treaty that embodies sanctions the word "security". In the opinion of the Canadian delegation and the Canadian Government, all these things are factors in security, and I think we should either give them all the title of "Treaties of Security" or give them all separate names and follow, in the fourth case, the same procedure as in the others, and call this Treaty a "Treaty of Non-Aggression and Mutual Assistance".

Lord CUSHENDUN (British Empire). — I should like in a very few words to express my complete agreement with what has been said by the Canadian delegate. I think the word "security" is of general application, and applies equally to a Treaty of Arbitration, of Conciliation, or of Mutual Assistance. I think, in the interests of clarity, it would be well to keep that word of general application, and have a more particular designation for each of these separate Treaties. I entirely agree, therefore, with what my friend from Canada has said.

The CHAIRMAN. — The observations of the representatives of Canada and the British Empire are perfectly correct. We can perhaps call the Treaty which we have just examined a "Treaty of Mutual Assistance", or else return to the title which we have already used in certain documents and say a "Treaty of Non-Aggression and Mutual Assistance". But I think it would be sufficient to say "Treaty of Mutual Assistance".

M. VON SIMSON (Germany). — I desire to draw attention to a difficulty which will certainly arise. We have prepared three models, of which the first is now under discussion. I would point out that we have a model Treaty of Security, in which there is no mention of mutual assistance. If, therefore, we change the title of "Security Treaties" and replace it by the title "Treaties of Mutual Assistance", we shall have a treaty of mutual assistance without mutual assistance. For this reason, I think it is better to use "Treaties of Non-Aggression".

The CHAIRMAN. — I think we can find a compromise. We have drafted a model Treaty providing for mutual assistance, and another which does not provide for it. The collective Treaty which we have adopted to-day comprises mutual assistance, peaceful settlement and non-aggression. To-morrow we are to examine a Treaty of Non-Aggression combined with the Peaceful Settlement of Disputes. In the draft which we have adopted to-day, we have emphasised the idea of mutual assistance. In the draft to be submitted to us to-morrow, the idea on non-aggression is emphasised. Could we not call the Treaty we are now adopting a "Treaty of Mutual Assistance" and the Treaty to be adopted to-morrow "Treaty of Non-Aggression"?

*This proposal was adopted.*¹

54. Resolution concerning the Submission and Recommendation of the Models of Treaties of Security (Annex 7, IV (c)).

The CHAIRMAN. — This resolution is similar to the one which we have just adopted regarding arbitration and conciliation.

Dr. RIDDELL (Canada). — In view of the decision we have just taken, it will be necessary to alter the phrase: "Having noted with satisfaction the model Security Treaties" to read: "Having noted with satisfaction the model Treaties of Non-Aggression and Mutual Assistance".

*The draft resolution was adopted with this amendment.*¹

Lord CUSHENDUN (British Empire). — I should like to make a suggestion, though I do not wish to press it in the least if anybody objects. I think it is desirable that we should make our report as little voluminous as possible, and that we should have as little matter in it as we can. We have passed three or four resolutions in very similar terms covering the various forms of draft Treaty which we are forwarding to the Assembly; would it not be possible without any great labour for the Drafting Committee to put all these resolutions into one, so that we should have one resolution covering the various kinds of Treaties to submit to the Assembly? It appears to me that otherwise we shall have three or four, perhaps more, of these resolutions differing only in some very small particular, and that they might very well be combined in one.

The CHAIRMAN. — This suggestion is of a practical kind, but, as Chairman of the Drafting Committee, I know the manner in which these texts were drawn up. These draft resolutions gave rise to the main difficulty. It would be more difficult to combine these texts into one than to separate them, and this would give us much more work than Lord Cushendun supposes.

In these circumstances, we should use the work already done and submit them in such a manner as to make them as easily understandable as possible.

There are the three main categories of proposals concerning arbitration, conciliation and treaties of mutual assistance and non-aggression. Then come special questions dealing with the articles of the Covenant or financial assistance. If we group these questions in a methodical and clear manner, they will be understood by everyone.

I think it is more practicable to be content with what we have now achieved. In any case, we can postpone this work to our next session.

Lord CUSHENDUN (British Empire). — The last thing I desire is to throw any further work on the Drafting Committee, to whom I think we ought to be very grateful for the great work they have done, and if it would involve any additional work, I should certainly be very sorry to press my suggestion.

The Committee rose at 7.20 p.m.

¹ Note by the Secretariat. — Account was taken of this decision in the present document.

FOURTEENTH MEETING

Held on Wednesday, March 7th, 1928, at 2.30 p.m.

Chairman : M. BENES (Czechoslovakia).

55. Resolution concerning the Introduction to the Three Memoranda on Arbitration, Security and the Articles of the Covenant (Annex 7, II).

The CHAIRMAN. — The first question on our agenda concerns the Introduction to the Prague memoranda. The original draft resolution was put forward by the British delegation. It has been several times amended and its final form was adopted by the Drafting Committee and is now before you.

This resolution was adopted without observation.

56. Introduction to the General Conventions on Arbitration and Conciliation (Annex 7, III (a)).

The CHAIRMAN. — This Introduction states the principle followed by the Committee of Three and the Drafting Committee in drawing up Conventions A, B and C. It states the various questions which arose, the difficulties which had to be overcome and the rules which were followed in drawing up the final draft of these three Conventions.

The Introductory Note was adopted without observation.

57. Draft Collective Treaty of Non-Aggression (Draft E) (Annex 7, IV (b)).

The CHAIRMAN. — Yesterday we adopted Convention D dealing with mutual assistance, the pacific settlement of disputes and non-aggression. To-day we are to examine the draft Collective Treaty of Non-Aggression and for the Peaceful Settlement of Disputes. In its essential principles the text of this Treaty is more or less the same as that which we adopted yesterday. The articles concerning mutual assistance are obviously not included in it and account has been taken in drafting Treaty E of the fact that anything dealing with mutual assistance had to be eliminated.

I would draw your attention to Article 35 concerning the duration of the Treaty and the date of its coming into force. The observations made yesterday regarding the draft Collective Treaty of Mutual Assistance also apply to Treaty E.

Article 36 contains the clause concerning adhesion to the Treaty. There was no similar clause inserted in Treaty D, which we adopted yesterday. In a treaty of mutual assistance it is indispensable for the signatories to possess absolute mutual confidence and such a treaty cannot be open to the signature of States. This does not apply in the case of a treaty of non-aggression and for the peaceful settlement of disputes. Such a convention, by its very nature, must be open to the adhesion of States.

The Committee of Three and the Drafting Committee have therefore thought it necessary to insert a special clause in Treaty E.

Lord CUSHENDUN (British Empire). — For reasons which I can very well understand, owing to the high pressure with which the work has been done, I have not up to the present received the English translation of this document, and therefore I hope that it will not be thought unreasonable if I make this reservation—that my assent to it must be conditional on the satisfactory English text being produced later.

Draft Treaty E was adopted without observation.

58. Draft Bilateral Treaty of Non-Aggression Treaty F (Annex 7, IV (b)).

The CHAIRMAN. — This Treaty is a bilateral Treaty of Non-Aggression, identical with the Collective Treaty which we have just adopted after account has been taken of the necessary modifications or deletions required by the character of a bilateral treaty. For example, Article 29 of Treaty E, which covers the case of disputes between more than two parties, has been deleted. The clause regarding adhesion has also been deleted because Treaty F is a model bilateral Treaty and adhesion to it is consequently not possible.

These are the only differences in text, which is otherwise the same. I think that, in these circumstances, it is not necessary to proceed to the adoption of this Treaty page by page or chapter by chapter. I submit it to you in its entirety.

The draft Treaty was adopted without observation.

59. Introduction to the Model Collective Treaties of Mutual Assistance and of Collective and Bilateral Treaties of Non-Aggression (Annex 7, IV (a)).

The CHAIRMAN. — I desire to draw your attention to this note, which is of a certain importance. It contains the same principles as the note concerning the Treaties of Arbitration and Conciliation. The reasons which guided the efforts of the Drafting Committee are stated in it. An account has been given of the principles and ideas expressed either in the plenary

meeting of the Committee or at the meetings of the Drafting Committee. The reasons why certain questions have been inserted and others omitted are explained.

The spirit in which the Preamble and various articles have been drawn up is explained, together with the manner in which the Committee regarded the question of preventive and provisional measures; the re-establishment of peace after an act of aggression; the establishment of demilitarised zones; the question of the adhesion of third States; the question of aggression on the part of third States; the duration of treaties of mutual assistance; the connection between these treaties and disarmament; and, finally, the difference between the various Treaties of Mutual Assistance and of Non-Aggression.

The Introduction was adopted without observation.

60. Resolution concerning M. Rutgers' Memorandum on Articles 10, 11 and 16 of the Covenant (Annex 7, V (a)).

This resolution was adopted without observation.

61. Draft Resolution regarding Financial Assistance (Annex 7, V (c)).

The resolution was adopted without observation.

62. Draft Resolution concerning the Future Work of the Committee (Annex 7, VII).

Lord CUSHENDUN (British Empire). — I do not know whether it is essential that the Chairman should be instructed to convene the third session not later than the end of June 1928. I should be inclined to suggest that we should insert at the end of that clause the words " unless requested in writing, by two-thirds of the members of the Committee, to convene it at a later date ". That would give more elasticity. I can imagine it may be found, as we approach the end of June, that it may be more convenient to meet at a later date, and I think it would be convenient, at any rate, to give discretion to the Chairman to postpone the meeting, if requested by a number of members to do so.

In addition to that, I understand that this report, at some stage, will have to be submitted to the Governments and I think, therefore, it will be desirable that we should know at what date the report will be ready in order that there may be sufficient time for the Governments to consider it before it comes back to this Committee.

The CHAIRMAN. — I will reply in the first place to the second question. The documents examined by us will be collected in a single text and the report will be ready at the beginning of next week. The Committee will then send these documents to all its members and then to Governments.

It is understood that the work which we have accomplished should not be considered final. We shall have a second reading. Consequently, Governments will be able to discuss these documents not only when the Assembly meets but when they are read a second time.

I see no objection to adopting the proposal of Lord Cushendun concerning the sentence to be added to the first paragraph. Whether it is possible to fix the third session of the Committee at a more or less distant date depends on the work which may be done by Governments.

M. POLITIS (Greece). — I have no objection to the view just expressed. I desire merely to draw attention to the fact that, in any case, it is necessary that the second reading should take place soon enough for the Council to be able in its turn to take the necessary steps in order that the work of this Committee may result in the final preparation of the work for the next Assembly.

In view of the fact that the Council is accustomed, unless I am wrong, to draw up the Assembly's agenda in June, it would be necessary, if a third session takes place in June or later, to make the necessary arrangements with the Council to protect ourselves from the danger of discovering that our work will not be discussed by the Assembly. I draw the attention of the Bureau to this point.

The CHAIRMAN. — It is obvious that we must prepare our work in such a manner as to make it possible for the next Assembly to take it into consideration. The date of the next Assembly is in this respect final, and must guide us, for if we are not ready for that Assembly there will be a year's delay.

I think, however, that, even if the second reading takes place after the Council session in June, we shall still be able to submit our work to the Assembly. According to the Rules of Procedure, supplementary questions can be placed on the agenda a month only before the date of the Assembly.

Lord CUSHENDUN (British Empire). — I have not the slightest desire to create any difficulties. I am not myself very familiar with the procedure of the various organs of the League, but from what M. Politis has said it seems probable that my suggestion, if it were acted upon, might cause additional difficulties, and in these circumstances I would ask leave to withdraw my proposal.

The CHAIRMAN. — The last sentence of this resolution reads as follows :

" The Committee on Arbitration and Security further expresses the hope that the results of its second and third sessions will be communicated . . . "

I propose to omit the reference to the third session.

I must also submit another amendment concerning Point 5, which reads :

“ To continue the study of Articles 10, 11 and 16 of the Covenant.”

I propose that this should be replaced by :

“ Point 5. To continue the study of the articles of the Covenant in accordance with the resolution of the Assembly of 1927.”

The resolution of the Assembly refers to Articles 10, 11 and 16, but does not exclude the future examination of other articles.

These amendments were agreed to and the resolution thus amended was adopted.

63. Account of the Committee's Work from its Creation up to the end of its Second Session (Annex 7, I).

The CHAIRMAN. — It is now for us to examine the account of the Committee's work from its creation up to the end of its second session.

Certain amendments must be made, in view of the amendments in the resolution we have just adopted.

The account of the Committee's work was adopted.

64. Close of the Session.

The CHAIRMAN. — We have now reached the end of our work. As the Drafting Committee thought it useful for a verbal statement to be made at the end of our discussion by one of the Committee of Three who has taken part in the work of the Drafting Committee, it asked M. Politis to make this statement on the procedure followed in connection with our work.

If any member of the Committee desires to give expression to his point of view, to give any verbal explanations or to give his views on the various draft Treaties or on the work of the Committee as a whole, this exchange of views can take place now.

M. POLITIS (Greece). — Mr. Chairman and Gentlemen,—For lack of time, the Drafting Committee has not been able to prepare, in accordance with the practice of the League, a written report on the details and spirit of its work. It has confined itself, as you are aware, to drafting two explanatory notes, which you have already approved, and it has done me the honour to instruct me to complete this by a very short verbal statement.

The short duration of our session has also not made it possible for the Drafting Committee to accomplish everything which you included in the programme of its work. I can say, however, that the essential task is ended. Six model Treaties have been drafted and completed by a series of draft resolutions. You adopted these texts the day before yesterday, yesterday and to-day, when you read them for the first time. It is understood that they are to be read a second time. This, indeed, is essential for more than one reason—first, because in a second reading the wording can be verified and completed, for in places it bears the mark of haste. It is also necessary to read them again in order to ensure that indispensable concordance between the two texts which we have drawn up. A second reading is also necessary to enable the Committee to decide whether, in the two categories of agreements which we have drawn up, any preference should be shown for one or other category. This is a point which has already been referred to, and it was understood, at the request of a certain number of our colleagues, that the model Treaties now drafted should be considered of equal value whether they belonged to one or other category.

Finally, a second reading will be necessary in order to ascertain the final form of these model Treaties which we shall propose that the Assembly shall adopt. We shall have to decide whether they will be models offered to the free choice of States, or whether they will be Conventions made in the name of the League and immediately open for the signature of those States which desire to adopt them, by means of a protocol attached as an annex. I have now explained the various reasons why a second reading is necessary. I think also that it will be of great use.

It is now my duty to comment in detail on the texts which you have adopted and read for the first time. The two explanatory notes which you have approved refer to what is essential in their contents. My task is to confine myself to emphasising their general structure. As far as peaceful procedure is concerned, we have drawn up three model General Conventions, A, B and C.

Model A applies arbitration to all disputes without distinction, and proposes to submit disputes of a legal kind to the judgment of the Permanent Court of International Justice, and disputes of a non-legal kind to the judgment of an arbitral tribunal.

Model B confines arbitration to disputes of a legal kind, and submits other disputes to a procedure of conciliation and eventually to the Council for examination, in conformity with Article 15 of the Covenant.

Model C contains attempts to codify the rules generally accepted by all special treaties now in force, and displays the single practical advantage of making it possible for States to adopt by mere signature and adherence a procedure of conciliation in respect of a large number of countries, instead of concluding a special convention with each of them.

We have tried to make these three Conventions on Arbitration, Judicial Settlement and Conciliation as supple as possible in order that they should be as widely adopted as possible. With this object, we have had to give a somewhat large place to a system of reservations. This system, and I think it is right for me to say this, has been accepted without enthusiasm by many of us. We have resigned ourselves to accepting an evil which may be considered

necessary in the present state of international relations, but we have tried our best to circumscribe and discipline this evil.

We have tried to circumscribe it by indicating certain well-defined and limited categories in which reservations may be allowed ; and we have tried to discipline it by introducing the following rule, which is of great practical importance, and according to which the scope of the reservations must always be submitted to the control of the Permanent Court of International Justice.

The importance of this rule is that in future, in all treaties concluded on the basis of the models which we have drawn up, the application of the reservations will no longer depend on the discretion of States. They will be submitted to the final appreciation of the highest form of international jurisdiction.

We have also desired to define another form of elasticity which we have thought necessary in order to facilitate the acceptance of a general conventional arbitration. Though reservations can limit the scope of the engagements assumed, there remains still another obstacle, which seriously interferes with the progress of arbitration. This obstacle is that countries ready to undertake engagements in regard to certain other countries are not equally disposed to accept obligations in regard to everyone. We have therefore tried to discover whether there is a means of assuring a certain degree of elasticity in this Convention in regard to the choice of States towards which each country may desire to assume obligations.

We have not been able to find a means which could become a provision of the Convention without running the risk of arousing susceptibilities which might be contrary to the good understanding which was our precise object in view when we tried to cause the procedure of arbitration and conciliation to become more widespread. Though, however, we have been unable to find a direct means, we did discover an indirect means, which is furnished by the general principle of the freedom of the Convention. There is nothing to prevent two countries from undertaking to behave mutually as though they were signatories to a general convention—that is to say, there is nothing to prevent them from accepting in their mutual relations the regulations included in such a convention. I call this means indirect because by it it is possible to spread the effect of the convention among States which can remain free to choose with whom to assume obligations, while at the same time they are not compelled to assume them towards everyone.

This indirect means is described in the draft resolution in which we ask that the model Treaties drawn up should be recommended to States. The same procedure applies to Article 36 of the Statute of the Permanent Court of International Justice. A resolution has been proposed which emphasises the extreme elasticity of Article 36, and which points out that States can, in consequence, adhere to the Optional Clause of Article 36 and at the same time make any reservations which they think fit. By means of this same indirect procedure which I spoke of just now, States can, instead of assuming obligations towards everyone in virtue of Article 36, accept all or part of those obligations towards States which they themselves can choose.

So much for arbitration and conciliation.

As far as security is concerned, we have also drawn up three model Conventions, two collective Conventions—one of Mutual Assistance and the other of Non-Aggression—and a special Treaty of Non-Aggression. The most complete of these three models is undoubtedly the first. It puts into definite rules the three principles underlying the Locarno Agreement, which are the principle of non-aggression—that is to say, the prevention in all cases of recourse to force ; the principle that all disputes must be submitted to some form of peaceful procedure ; and the principle that the contracting States undertake to give each other mutual assistance.

The drafts E and F, also of this category, are based on the same principles except in regard to the last principle. States adopting these two Conventions would accept the principle of non-aggression and the principle of peaceful procedure, but would reject the rule of mutual assistance.

I desire, gentlemen, to show you very rapidly, basing my remarks on the general structure of Convention D, what are the advantages in that Convention and its disadvantages as compared with the Rhineland Treaty of Locarno.

Compared with the Rhineland Treaty of Locarno, our model Collective Treaty for Mutual Assistance shows four principal differences.

First, it does not contain a clause embodying the territorial guarantee. The reason is that we thought that, if we had inserted such a clause, the conclusion of similar treaties might in certain circumstances have been rendered more difficult. We have omitted this clause, and we have done so the more easily as it was recognised during the discussion that this Treaty, based as it is on the Covenant of the League of Nations, leaves Article 10 intact, as well as all the other articles of the Covenant. Article 10, which already gives a territorial guarantee to the Members of the League of Nations, is thus reinforced and confirmed by the engagement which the contracting parties will assume not to resort in any case to force.

The second difference is that our model Collective Treaty for Mutual Assistance does not contain any third State guarantee. It does not contain such a clause because it will not always be possible to ensure the guarantee of the third State coming to uphold the undertakings entered into by the contracting parties. This guarantee of the third State, moreover, is not indispensable in the Treaties of which we are thinking, because the reciprocity of obligations between several members and several States already affords a first guarantee, and the fact which increases the value of this guarantee and constitutes in a way a second guarantee is that, since our Treaties are models framed and recommended by the League of Nations, and since they will be concluded under the auspices of the League of Nations, it can be maintained that the undertakings embodied in them bear, so to speak, a moral endorsement of the League of Nations.

Thirdly, our model Treaty, unlike the Rhineland Locarno Treaty, does not provide for the case of flagrant aggression. It does not provide for this case because, in the situations likely to arise, which will not be very similar to those which were contemplated in the Locarno Treaty, such a clause might have more inconveniences than advantages. I am well aware, however, that, if a regional security treaty were concluded without this clause of mutual assistance coming automatically into operation in the case of flagrant aggression, there might be a disadvantage owing to the fact that there would be a diminution of the security which the Agreement would bring about as between the parties. The remedy for this disadvantage, however, is, in my opinion, the improvement of the system of communications of the League of Nations with the external world, and it is with a view to such an improvement that we have proposed, and that you have accepted at a first reading, a draft resolution the object of which is to render more rapid in cases of urgency and crisis communications between the organs of the League of Nations and the various Governments.

The fourth difference relates to the demilitarised zones. In our model Treaty it is not proposed as a general rule that there should be demilitarised zones between the contracting parties, because that is not always possible and is sometimes impossible. It is therefore advisable to leave the contracting parties full discretion, so that they may establish or not establish a demilitarised zone according to circumstances.

There is a last point which has not been dealt with in the model Treaty and which, according to the solution which it will receive in practice, may constitute a further difference between the model and the Rhineland Locarno Treaty. I am referring to the duration of the Treaty. We have not fixed any period, and we have left blank the article which should have dealt with this matter. We hesitated between several possible systems. The three principal solutions are as follows:

The Locarno solution: this supposes an indefinite duration of the agreement, with the possibility of its denunciation by a decision of the Council taken by a majority of two-thirds. Another solution consists in providing for a duration of ten to twenty years, with a tacit renewal for a similar period if the Treaty is not denounced at least one year before the conclusion of each period. There is a third or mixed solution which stands midway between the two previous solutions. There might be a first period of a fairly short duration—for example, five years—following which the Treaty, if it were not denounced one year before the expiration of that period, would continue indefinitely up to the moment when it was rendered null by a decision of the Council.

The choice between these three systems is extremely difficult. We have not had the necessary time for the thorough study which should be made in order to consider the arguments in favour of each solution. We have confined ourselves to indicating the three systems, and, subject to further advice, it is for the parties themselves to make their choice.

Apart from these differences, the model Collective Treaty for Mutual Assistance is exactly in the spirit of Locarno, and I would like, in addition to the three essential principles which I have just indicated, to emphasise three other points which show the close connection of our work with the Locarno Agreement.

As in the Rhineland Treaty, provisional measures are contemplated in our model D by means of a rule which may be developed according to the suggestions which have been submitted by the German delegation.

The next point which is important is that the model Treaty which we have just framed only covers the case of mutual aggression by the contracting parties. It does not provide for the aggression of a third party. It seemed to us that it was more in conformity with the spirit of the League of Nations only to recommend a model Treaty of this kind. That course seems to be more expedient, since the insertion of a clause providing against the aggression of a third party would become quite useless if, as may be hoped, the neighbouring States, in spite of their diversities of origin, agreed to participate in a general security agreement. It is with a view to facilitating this possibility and of succeeding in this object that we framed a draft resolution referring to the good offices of the Council with a view to the conclusion of such agreements. The part of the Council in such a matter would be extremely delicate, but I do not hesitate to say that it will be quite indispensable, since for the conclusion of such treaties it will often in practice be necessary to arrange for a whole lot of the preparatory political work to be done in advance, and for a closer moral association between the States concerned to be brought about.

There is, finally, a third point in which the connection between our work and the Locarno Agreement is obvious, since in both cases we have to note a serious gap. There is a gap in Article 15, paragraph 7, of the Covenant. You are all aware of that gap. It becomes clear in the case in which the Council, being unable to make a unanimous recommendation to the parties, leaves each of them free to act as it thinks best for the defence of its interests.

In the security agreements—in the Locarno Agreements as in our own—resort to war is doubtless prohibited, so that it may be said that the gap is by that means filled. It is not less true that, when there is a very serious dispute which remains without solution, there may arise a grave danger if the dispute continues to remain thus unsettled over a long period of time. The engagement never to resort to war becomes somewhat precarious. For this reason, we have endeavoured to find a means by which it may be possible to remedy this disadvantage. As I have already had occasion to say very frankly, however, we have not found any such means. We thought that, by endeavouring to strengthen the procedures under Article 15 of the Covenant, we ran the risk of weakening the guarantees given by Article 16 and of losing on one side by making the improvement which we sought more than would have been gained on the other side.

We are convinced—and this is the clear conclusion reached by our discussions—that there is, and always will be, only one real way of filling the gap in Article 15, paragraph 7, namely, by applying compulsory arbitration in all cases, in order that for all disputes there may be a final decision.

So long as this is not the case, so long as States are not disposed to submit their disputes to compulsory arbitration without any distinction or exception, they must needs rest content with the somewhat incomplete system of the Covenant of the League of Nations.

Meanwhile, all that can be hoped is that the extreme cases, in which the best possible organisation of security will always be subject to the risk of breaking down, will become continually more rare in proportion as the bonds of agreements between States are multiplied and in proportion as the credit of the League of Nations increases, in proportion as its pacific procedures are improved and develop among nations the sentiment of co-operation and good understanding.

I am personally convinced that, by the work we have done, we have achieved a considerable step forward in this direction. If the model Treaties which we have framed are successively approved by the Preparatory Commission, by the Council, and finally by the Assembly, they will have sufficient moral authority to give a new stimulus to the progress of arbitration and security. It is unprecedented that texts solemnly prepared and recommended by a great international Assembly should not enjoy an extensive and rapid propagation.

This hope is encouraged by the spirit which has inspired our work. I must frankly confess—and I do so with a lively satisfaction—that many of the points which hitherto seemed insoluble have been discussed in this Committee with the objective calm which is essential in the examination of difficult problems. Very profound differences of opinion have come to the surface. The most various tendencies have appeared on this side or that. Finally, however, as the result of courteous but frank discussion, these differences and various tendencies have gradually been attenuated, in order to give way finally to unanimous agreement.

As I have already had the honour to say at one of our previous meetings, it is possible to see a good augury for the future in the manner in which our work has been carried on. I may venture to hope, from what has happened in this Committee, that the world will realise that, between men of goodwill inspired by the same ideal, it is possible for a good understanding to be achieved and to bring about fruitful results.

I earnestly hope that our procedure may be for the nations an example and encouragement.

The CHAIRMAN. — I do not wish at the end of your work to detain you with a long closing speech. I will confine myself to presenting a few observations.

In opening the first meeting of this session, I informed you of feelings which had been expressed in various quarters concerning your future work. I referred to certain doubts, certain misgivings and certain hopes. Personally, I did not conceal from you that I was hopeful that we should achieve good results. I went even further and said that I was certain of it. I believe I am expressing your own feelings in declaring that the results we have achieved hitherto are extremely satisfactory. We have not yet concluded our task and we shall have to take up on a second reading our resolutions and model Treaties. For the moment, however, I believe that the success of our work is assured.

I would venture to indicate briefly the political importance of our second session. We have adopted a certain number of resolutions, accompanied by texts of model Treaties on Arbitration, Conciliation, Mutual Assistance and Non-Aggression. These decisions will indicate the path to be followed by the Members of the League of Nations in endeavouring to achieve the final consolidation of Europe and in securing pacification and a durable peace. Here we have a kind of general policy of the League of Nations which we have endeavoured to outline. That policy is based on one or two essential principles :

1. It is essential that we should undertake not to make war.
2. It is essential to complete this undertaking with another undertaking to settle all disputes by pacific means.
3. This arrangement can be still further completed by an undertaking of mutual assistance embodied in a treaty which we have called a Treaty of Mutual Assistance and Non-Aggression.
4. We leave to the States which cannot immediately adopt these principles as a whole the option of voluntarily and progressively bringing their policy in accord with these principles by following the evolution which is taking place in the general position and in their special situation.
5. We are asking the Council of the League of Nations in practice to follow this path and to help States to achieve this object, while respecting the wishes and desires of the various Members of the League.

While, however, we absolutely respect the freedom of everyone concerned, it must not be forgotten that the path we have traced is recommended as a possible and the most practical means of achieving our object, and that in all cases States should be governed by the spirit underlying this policy. This policy is bound up with the future work which will be done for the Conference on the Reduction and Limitation of Armaments, and we believe that it will enable that work to be more easily conducted to a successful conclusion.

We have been asked to abandon theoretical considerations and come to practical solutions. I do not yet say that we have succeeded. I do say that we have made a sincere effort and that we are by way of succeeding. In every case, the means by which the security in Europe and

other parts of the world may be increased, and by which the progressive pacification of the public mind and of the nations and of the Governments can be to a certain extent assured, is now indicated as a possible and practical means.

I do not forget that there have been other means and methods by which we have sought to achieve our object, such as the examination of the articles of the Covenant, the question of financial assistance to be afforded to States, the question of communications in time of crisis. All these measures can help us to find new foundations and new supports for the construction of the peace of the world.

One result has been achieved. We have left behind us general and theoretical considerations and we have indicated practical methods.

When all this has been accepted at a second reading, and when the Assembly in September has endorsed our work, the essential task of the League will be concluded. It will then be for the Governments to carry further the work which we have done.

If at that moment a more general political movement becomes evident in Europe, it will be possible to appreciate justly the great scope of the work which we have just undertaken. If this movement leads to practical results and to the conclusion of treaties, it may be said that a new step has been taken towards establishing a more durable peace in Europe. We shall thus have served the cause of peace, and the high and noble ideal of the League of Nations will thereby have been strengthened.

Before closing this meeting, I would thank all those who have helped me in my task of presiding over the Committee, beginning with our Rapporteurs, M. Holsti, M. Politis and M. Rutgers. I would thank the members of the Drafting Committee, the members of the Committee of Three, M. Politis, Sir Cecil Hurst and M. Rolin Jaequemyns, who have dealt with the many tasks entrusted to them by the Drafting Committee and who have done so considerable an amount of work. I would thank the members of the Secretariat, particularly M. Sugimura and his colleagues, for the valuable help which they have given me in directing the work of your Committee. I would also thank all the technical staff, to whom we have been obliged to appeal for a special effort and who have worked night and day.

I would, however, address my very cordial thanks to all you gentlemen who, by your courteous discussions, your cordiality, the sincerity and mutual goodwill which you have shown in exchanging your ideas, by the genuine devotion which you have so largely shown to the work which we had to accomplish, have rendered possible the results which we have achieved. As I have had the honour to say—and I think I may repeat it—we have all worked devotedly for the League of Nations and been faithful to the spirit of the League. I venture to express the hope, on behalf of you all, that the third session may happily complete the present work and also enable us to make of the partial success gained to-day a complete success to-morrow.

Lord CUSHENDUN (British Empire). — Before you finally declare this discussion at an end, Mr. Chairman, there is just one short observation which I feel sure my colleagues on the Committee will have sufficient patience to enable me to make. We have listened to your interesting summary of the work we have done and you concluded with acknowledgments to various organs and individuals who have assisted in our work; but I noticed there was one very serious omission in these thanks which you expressed, and it is in order to make good your omission that I ask leave to say a word.

Your modesty, sir, prevented you from bringing before us the invaluable work which you yourself have contributed to the labours of this Committee. Now, I am well aware there are a great many members of the Committee whom I see around me who have a much better right and much better qualifications than I have to supply this omission. There is only one claim which I can make, and which I feel certain my colleagues will all concede, and that is that I am the tallest man on the Committee. As the tallest man on the Committee, I ask leave to express our warm thanks to you, M. Benes, for the way you have presided over our labours. If those labours prove to have any ultimate value—as I believe they will—I am sure all of us will recognise that our success is very largely due to the businesslike efficiency which you have shown in the Chair and the grasp of the subject which has enabled you to give us your guidance.

To the very great regret of all of us, during the work of the Committee you have not always enjoyed very good health. We hope the conclusion of our work will enable you to take a period of complete rest which will restore you entirely to health and strength, so that when you next come here, or when you next perform your invaluable duties in your own country, you will be able to do so with all your accustomed vigour and efficiency.

The CHAIRMAN. — I am deeply touched by the words which have fallen from Lord Cushendun on behalf of you all, and I thank you very cordially. I would ask your indulgence for the fact that, as your Chairman, I have laid some small insistence from time to time on the necessity for hastening your work. That, however, was necessary, and I made those representations from a sense of the importance of our work and the necessity of achieving success. It has been a great honour for me to preside over this Committee, and I hope that our future proceedings will be conducted in the same way and in the same spirit.

The meeting rose at 5.5 p.m.

The second session was closed.

Annexes to the Minutes of the Second Session of the Committee on Arbitration and Security.

ANNEX 1.

C.A.S.10.

INTRODUCTION AND THREE MEMORANDA ON ARBITRATION, SECURITY, AND THE ARTICLES OF THE COVENANT.

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PRAGUE, February 3rd, 1928.

1. Introduction to the Three Memoranda on Arbitration, Security and the Articles of the Covenant

Submitted by the Chairman of the Committee in agreement with the Rapporteurs.

1. In accordance with the programme drawn up by the Committee on Arbitration and Security at the end of its first session¹, the Rapporteurs on the three questions to be studied — namely, M. Holsti for the question of Arbitration Agreements, M. Politis for the question of Security Agreements, and M. Rutgers for the question of the Articles of the Covenant — first prepared individual memoranda with the aid of the documents which the Secretariat had placed at their disposal.

2. The Rapporteurs then held a meeting at Prague, from January 26th to February 1st, 1928, to co-ordinate their work with the assistance of the Chairman of the Committee on Arbitration and Security.

The texts drawn up by the Rapporteurs were revised with the object of shaping them into "an organic whole", as required by the Committee on Arbitration and Security. At the same time, the Chairman and the Rapporteurs endeavoured to avail themselves, as far as possible, of the suggestions given in the Notes sent in by the Governments of Belgium, Germany, Great Britain, Norway and Sweden². The Rapporteurs desire to thank these Governments for the valuable ideas which they put forward. They also gave consideration to the suggestions offered by representatives of other Governments during the previous discussions on arbitration and security.

3. The memoranda in their present form are none the less the individual work of the Rapporteurs, who assume full responsibility for them, not as delegates of their Governments, but in their personal capacity and they emphasise the fact that they only desire to offer suggestions. Nevertheless, after examining these memoranda at their meeting at Prague, the Chairman and the Rapporteurs were unanimous in submitting them to the Committee on Arbitration and Security as a comprehensive study, containing suggestions which might form a useful basis for discussion at the second session of the Committee.

4. The Chairman and the Rapporteurs desire to add that, in the course of their studies, they were led to certain conclusions which they think it might be useful to submit as a kind of introduction to the three memoranda.

5. In the first place, both the report on the application of Article 11, which was approved by the Council and by the Assembly of 1927, and the memorandum on the Articles of the Covenant which is now submitted to the Committee, bring out the fact that the Covenant creates a measure of security which needs to be appreciated at its full value. The Articles of the Covenant are capable of being applied in such a way that, in the majority of cases, they can prevent war. The Council has shown during the last few years that it has power to arrest a conflict. The responsible representatives of the States Members of the Council are equipped by the terms of the Covenant with extensive powers for the preservation of international peace. Their common will for peace can be exercised effectively within the framework of the Covenant — all the more effectively because that instrument does not provide any rigid code of procedure for the settlement of international crises.

It is, indeed, beyond question that, in addition to the means which the Council has already had under consideration when dealing with disputes submitted to it, or in the course of the studies of its own procedure which it has made or promoted, there are other measures within its reach for preserving international peace which circumstances might suggest. The memoranda now submitted to the Committee on Arbitration and Security, like those which preceded them, illustrate the present impossibility, we might almost say the inexpediency, of attempting to draw up a complete list of such measures in advance; nevertheless, in the light of the experience gained even in a comparatively short period, it appears evident that international disputes are becoming more and more engaged in a network of preventive measures, and that there is a constant evolution towards improvements in the methods employed by the Council within the ambit of the Covenant; and that, in consequence, a situation has arisen which is fundamentally different from that which existed before the League of Nations was instituted, so that a resort to war, without the responsibility for such a step being manifest to the whole world, becomes more and more difficult to imagine.

6. It may truly be said that, before the existence of the League of Nations, the national points of view were practically the only ones of which public opinion had any cognisance in times of international crisis. The effect of the Council's debates being held in public will be, not only that the opponent's point of view is likely to become better known in the other country, but also — more important still — that the official recommendations given by the Council to the parties will furnish the public in all countries with the means of forming a judgment; this factor could only help to turn governing circles in the different countries concerned towards a pacific settlement.

¹ The programme and the resolution of the Assembly are annexed.

² The texts of the observations presented by these five Governments are also annexed.

It is difficult to believe that the Government of any of these countries would refuse to give full publicity to the official recommendations of the Council. Indeed, such a refusal would be taken, not only by foreigners but by the people of the country itself, as very significant evidence of the real intentions of the Government. It would be a matter of vital importance to any Government to avoid incurring such discredit.

7. Moreover, in proportion as the authority of the Council increases in the eyes of public opinion, the effectiveness of its action is correspondingly increased, and in this connection it should be observed that, by attending its sessions at Geneva in person during the last few years, the Foreign Ministers of several countries have greatly enhanced the authority of the Council and the efficacy of its action.

8. It is true that paragraph 7 of Article 15 of the Covenant allows for the possibility of the Council failing to reach a report which is unanimously agreed to by the Members, other than the representatives of the parties to the dispute. But it seems probable, in view of the terms of the Covenant, that, before acknowledging their failure to agree, the Council would seek to avail itself of the safeguards which the Covenant places so abundantly at its disposal. It is not impossible, for instance, that the Council would have already suggested the submission of the dispute to arbitration, or that it would have asked the parties to the dispute to accept such measures as in its view were best fitted to prevent a resort to violence. Before abandoning the attempt to produce a unanimous report, thus creating a *de facto* situation which would authorise the Members of the League, by the terms of the paragraph of the Covenant referred to, to "take such action as they shall consider necessary for the maintenance of right and justice", the Council would have made so many efforts to obtain a settlement that the Members of the League would be in large measure enlightened as to the real incidence of the responsibility in case of a failure of its efforts.

9. Accordingly, although paragraph 7 of Article 15 contains a gap from a legal point of view, nevertheless, from a political standpoint, there is a latent influence for peace in this freedom of action which it thus threatens to restore to the Members of the League in circumstances on which the public opinion of the whole world would be in a position to pass judgment. The Council would certainly be able to take advantage of the situation thus created to make further efforts on behalf of peace.

10. If, in addition, one considers the engagements undertaken by the States in virtue of Article 16 and which form the subject of one of the studies presented to the Committee, one is forced to the conclusion that the Covenant provides the Members of the League of Nations with a measure of security which it is their duty to develop still further by co-operating resolutely and loyally for the establishment of international peace.

11. This duty has, indeed, been observed during the last few years by a great number of States which have concluded special or collective treaties of arbitration and security. This method of special or collective treaties appears at the present moment to be the only practical means which can be recommended to States in search of more effective guarantees of security.

12. Those nations which consider that the general measure of security afforded by the Covenant is inadequate for their needs, and which, more particularly in view of their geographical situation, feel themselves more liable than others to be drawn into a war in case of a failure of all the machinery designed to prevent armed conflicts, must at the present moment regard the conclusion of security pacts with other States in the same geographical area as the only practical or possible form of supplementary guarantee. Even if the other Members of the League of Nations cannot give their effective guarantee to such treaties they can at least accord them their moral support and do everything in their power to facilitate their conclusion, provided always that such treaties are conceived in the spirit of the Covenant of the League and are co-ordinated within its provisions.

13. In the memoranda which now follow, the Rapporteurs have endeavoured to avail themselves of the lessons of experience, at the same time taking into account the possibilities of the present moment. They realise that the Committee expects from them neither precise opinions nor a complete set of solutions, but solely indications and suggestions which may serve to direct and help its future work. They have been careful to avoid the use of general and too rigid formulæ. They have sought material for a solution of these problems exclusively within the framework of the Covenant of the League of Nations and in harmony with its spirit, without proposing any alteration of the text; finally, they recognise that, in order to attain the object in view, the work which is contemplated will need to be undertaken with an earnest desire to increase confidence between peoples and to render the organs of the League of Nations better able to discharge their duties and obligations.

14. The Rapporteurs have thought it desirable to recapitulate the results of their studies in the form of certain suggestions which will be found at the end of each memorandum under the title "Conclusions".

15. In submitting all these practical measures which they feel may help to increase the guarantees of security arising from the Covenant, the Rapporteurs believe that they have carried out the work with which they were entrusted.

In submitting their memoranda, they therefore consider that their duties are ended.

16. The Rapporteurs desire to take this opportunity of thanking the Committee on Arbitration and Security for the trust which it has reposed in them, and the Secretariat for the valuable assistance which it has furnished them in discharging their mission.

2. Memorandum on Arbitration and Conciliation

Submitted by M. HOLSTI, Rapporteur.

I. PRESENT POSITION WITH REGARD TO ARBITRATION AND CONCILIATION.

17. This enquiry, undertaken in conformity with the decision reached by the Committee on Arbitration and Security on December 2nd, 1927, concerns the measures which would make it possible for the League of Nations to promote, generalise and co-ordinate special or collective agreements on arbitration or conciliation. The term "arbitration", of course, includes the decision of disputes by the Permanent Court of International Justice, described in the Covenant as "judicial settlement".

18. The Assembly resolution of September 26th, 1927, in virtue of which the above question is being considered by the Committee on Arbitration and Security, recommended the progressive extension of arbitration by means of special or collective agreements, including agreements between States Members and non-Members of the League of Nations, as a means of extending to all countries the mutual confidence essential to the complete success of the Conference on the Limitation and Reduction of Armaments, and this resolution defines the special task of the Committee on Arbitration and Security, which is to consider the measures capable of giving all States the guarantees of arbitration and security necessary to enable them to fix the level of their armaments at the lowest possible figures, in an international agreement for the reduction and limitation of armaments. The purpose of the enquiry to be undertaken is therefore not scientific or theoretical, but practical; its aim is to initiate measures which will constitute a positive contribution towards the creation of a feeling of greater security between the various States and towards facilitating thereby the ultimate solution of the disarmament problem.

19. Arbitration has, from the outset, formed an essential element in the system established by the Covenant, which lays down the principle that Members of the League are to refer to arbitration or judicial settlement those disputes which they recognise to be suitable for such treatment. The system also defines certain categories of disputes as among those which are generally suitable for such treatment; it emphasises the obligation of States parties to an arbitration procedure to carry out in full good faith any award or decision that may be rendered, and empowers the Council to propose what steps should be taken to give effect to such an award or decision in the event of failure to carry it out. Furthermore, by providing for the creation of the Permanent Court of International Justice, Article 14 of the Covenant enabled immense progress to be made in arbitral procedure, as it led to the setting-up of a permanent judicial tribunal which offers the highest guarantees of competence and acceptability to the various States.

20. The procedure of conciliation is not mentioned in the Covenant, but it has been fully recognised as being not merely consistent with the Covenant, but as a desirable reinforcement of the methods of pacific settlement of disputes expressly provided for in the Covenant. In 1922, the Assembly recommended to the Members of the League the conclusion of conciliation treaties, and drew up a model set of articles which might be taken as a basis for the conclusion of such treaties.

21. In accordance with the Assembly resolution of September 25th, 1926, dealing with arbitration, security and the pacific settlement of international disputes, the Council was invited to offer its assistance, if necessary, for the conclusion of agreements of this kind. Up to the present, the Council has not had occasion to help nor has any State applied to it for assistance. It would be desirable to consider whether this procedure could not be made more effective and its application facilitated.

22. Simultaneously with the measures which have been taken within the framework of the League, there has, since the world war, been a very remarkable increase in the number of treaties for the pacific settlement of disputes which have been concluded between pairs or small groups of States, and the development has been equally remarkable as regards both the methods of procedure and the number of the questions considered suitable for treatment by arbitration or conciliation.

23. The total number of agreements of this kind (arbitration treaties, conciliation treaties, and arbitration and conciliation treaties) which has been registered with the Secretariat of the League is eighty-five¹; these include only a small number of renewals of pre-existing treaties. The number of States which are parties to the optional clause of the Protocol of Signature of the Statute of the Permanent Court of International Justice is at present fourteen. To obtain an accurate idea of the development which methods of pacific settlement have attained, it is, however, necessary to remember that there are in existence a number of arbitration treaties dating from before the world war, which, owing to their date, are not registered with the Secretariat. Moreover, several treaties have been signed but have not yet been ratified.

¹ This figure indicates the number of treaties registered on February 1st, 1928. For details, see the 2nd edition of "Systematic Survey of Arbitration and Security Treaties" (Document C. 653. M. 216. 1927. V).

24. It should, of course, be pointed out that statistics concerning the number of arbitration treaties in existence are not an accurate measure of the extent to which possible international difficulties containing elements of danger have been brought within the scope of pacific settlement, because the value of an arbitration treaty, from the point of view of general security, necessarily depends upon the importance of the States bound by it and the extent to which the relations between them are liable to endanger the peace of the world.

25. Again, it is perhaps also of interest to note that the absence of special arrangements for the pacific settlement of disputes between particular States is not of importance from the point of view of security if those States are so situated that a dispute between them is hardly capable of producing grave consequences. The smaller States are perhaps always so situated with regard to distant countries. It follows that the degree of security obtained by the development of arbitration and conciliation agreements is not measurable by mere comparison of the number of existing treaties with the number of treaties which would be necessary to cover the relations between all the States of the world.

26. The main development in the provisions of treaties for the pacific settlement of disputes is a greater readiness to accept arbitration or conciliation — if not for all possible disputes at least for all those of a juridical nature — and the tendency to abandon traditional reservations or to restrict their scope. At the same time, methods of procedure have been improved ; the procedure of conciliation in particular is, in its present development, largely a post-war creation.

II. CONCERNING THE DEVELOPMENT OF ARBITRATION.

27. There can be little doubt that the progress of arbitration and conciliation has been in no small measure due, not merely to the influence of the Covenant and the positive measures which the organs of the League have been able to take, but also to the active discussion of these subjects which has been pursued within the organs of the League, particularly in the Assembly, even where no positive proposals have been adopted. Probably the mere continuance of such discussions will still exert an influence in the same direction, especially in so far as it makes the experience of particular States more readily available to other States and results in the formation of a general consensus of opinion concerning the desirability of particular methods of procedure. As regards more positive steps which could be taken through the organs of the League, there are three possible suggestions :

- (a) A recommendation directing the attention of Governments to one or more types of treaty suitable for adoption between two States or limited groups of States ;
- (b) The possible extension of these treaties to other States with the consent of the Contracting Parties ;
- (c) The third suggestion is a more ambitious programme, including the negotiation of a general treaty which would be open to signature by all Members of the League or generally by all States.

28. This third suggestion is, in fact, a direct attempt to attain the object indicated in the Assembly resolution ; it would be a striking expression of the League's desire to see methods of peaceful settlement adopted throughout the world. In seeking this solution it will be prudent to take into account the main difficulties which are, under present conditions, felt to stand in the way of a system which aims at the final settlement of all disputes by some pre-established form of procedure.

29. The first difficulty appears to lie in the generally recognised impossibility of treating all disputes as if they stood on the same legal basis. A distinction must be made between the disputes of a juridical nature defined in the Treaties of Locarno as those "with regard to which the parties are in conflict as to their respective rights", and disputes of a non-judicial nature, which may be roughly defined as those due to a divergence of view between the political interests and aspirations of the parties.

30. Recognition of this distinction leads to the conclusion that proposals for the obligatory settlement of all disputes whatsoever by arbitration do in fact involve two different kinds of arbitral settlement.

31. In the case of juridical disputes, the task of the arbitrator or of the Permanent Court is to ascertain and apply the appropriate rule of law. In the case of non-judicial disputes, the arbitrator's task goes beyond such a purely judicial function and becomes political, and even possibly legislative in character. The arbitrators must be authorised to decide *ex-æquo et bono* ; and possibly they may have to be invested with quite special powers not covered even by this formula.

32. Although, therefore, there are a certain number of instances of treaties providing simply for compulsory arbitration in all disputes and empowering the arbitrators or the Permanent Court to decide *ex-æquo et bono* in the absence of an applicable legal rule, it is thought to be unlikely that a general treaty of this kind would under present conditions secure the approval of a large number of Powers.

33. A second difficulty in the way of the compulsory settlement of all disputes by some form of previously prescribed procedure is held to be that the acceptance of arbitration as between any two States is to a large extent a question of mutual confidence. Assuming that States in general are not at present prepared to pledge their resources to ensure the general enforcement of arbitration awards, the execution of these awards depends on the good faith of the parties. Certain Governments therefore find it difficult to accept general obligations involving the settlement by arbitration of disputes with all other States. A State which takes this view hesitates to become a party to an arbitration treaty open to the world at large, because it thereby runs the risk of finding itself bound to settle by arbitration disputes with other States with which it does not in fact consider that disputes can in all cases be satisfactorily arbitrated.

34. Finally, certain Governments have held that, even within the category of juridical disputes, there may arise differences which, owing to the imperfections or uncertainty of international law, or the existence of conflicting schools of thought in international law, or the serious nature of the dispute itself, cannot be effectively settled by a purely legal decision. It is argued that States act prudently in not accepting obligations which may result in their being legally bound to do something that may prove to be materially impossible. This consideration explains the traditional reservations which appear in arbitration treaties.

35. It may therefore be held that under present conditions any general treaty for the compulsory settlement of disputes by arbitration which might be negotiated through the League would, in order to attain the degree of flexibility which the Assembly held to be a necessary condition for universal acceptance, require either to be restricted to disputes of a juridical nature or to contain provisions concerning the rules to be applied by arbitrators when dealing with particular non-judicial disputes.

36. It may be considered that the latter necessity exists even if, as has been suggested, the provisions for the arbitration of non-judicial disputes were to take the form of an optional clause which need not be accepted when accepting the treaty as a whole. It may further be argued that, as with the optional clause of the Protocol of Signature of the Statute of the Permanent Court, there should, even as regards juridical disputes, be a possibility of accepting arbitration for certain categories of disputes only, or of making reservations excluding certain categories of disputes. There would remain the difficulty mentioned above, namely, that the universality of the treaty constitutes an objection from the point of view of States which consider that it is not possible to arbitrate with all other members of the international community. This objection could be met by permitting reservations under which a contracting party would state that the convention did not apply to its relations with some other country or countries. It might perhaps be well to consider at the same time the system of entering into direct undertakings with a greater or lesser number of States. An idea worth mentioning is that of supplementing the tables in the list of treaties published by the Secretariat, by placing opposite the treaties of conciliation and arbitration and the names of the parties a description of the disputes which are in general subject therein to arbitration.

37. In addition to the above reasons for doubting whether a general arbitration treaty would in fact secure general acceptance, there is an increasing tendency to conclude treaties of arbitration as between pairs of States or limited groups of States. The diversity of the provisions of these treaties, both as regards their scope and the procedure and choice of the tribunal, undoubtedly corresponds to the diversity of the circumstances which govern the relations of these groups *inter se*. At the present time, it would seem to be difficult to reduce this varying practice to one common type.

III. CONCERNING THE FORMS OF ARBITRATION.

38. In spite of the difficulties which at present stand in the way of a general treaty of arbitration and conciliation, the system should not be rejected outright. In practice, it is possible to conceive of various types of treaties which might take the form of either general treaties or special treaties.

39. Should the Committee on Arbitration and Security consider it desirable to prepare a model general treaty of arbitration, it would perhaps be well to follow the system of the Locarno Treaties, that is to say, to provide for obligatory arbitration only in the case of juridical disputes, leaving other disputes to be settled by a procedure of conciliation. The Swedish draft, which is founded on this principle, might be adopted as a basis for discussion. It will perhaps be thought necessary to allow a certain latitude in the matter of reservations, withdrawing certain categories of juridical disputes from the effects of the arbitration provisions. Were this not done, the treaty would in fact possess less elasticity than the optional clause of the Permanent Court, which is already an instrument for the acceptance of that Court's jurisdiction in all or some of the categories of juridical disputes specified in the Covenant. It might be desirable to insert a provision making the treaty applicable only to disputes the elements of which arise after the State in question has become a party to it, or to permit reservations on this point. Finally, it appears to be almost universally admitted that any general treaty should be considered as supplementing already existing treaties or special treaties concluded between two or more of the parties to it,

and should not apply to disputes covered by such treaties. It would be necessary to consider whether, and if so how, these treaties, concluded by a certain number of States, could be opened for accession by other States.

40. It would be useful if the Committee on Arbitration and Security were to prepare one or more models of special arbitration treaties. The materials for drawing up such standard treaties exist in abundance in treaty law.

41. The Assembly, at its last ordinary session, recognised the desirability of examining how it would be possible to encourage acceptance of the optional clause of the Protocol of Signature of the Statute of the Permanent Court of International Justice. The discussions on this point did not, however, lead to any practical proposal. It is difficult to see what can be done by the organs of the League in this matter, beyond recognising, as they already do recognise, that the development of the Court's jurisdiction under the optional clause, as between States which feel able to accept this clause, constitutes an important application of the principle of arbitration. The optional clause is not, however, the only instrument under which compulsory jurisdiction can be conferred on the Permanent Court. The Court can obtain such jurisdiction both under arbitration clauses in general treaties of every kind and under special arbitration treaties. A suggestion on these lines is made in the British memorandum. It is also held that a recommendation might be made, to the effect that general treaties of all kinds should, wherever possible, contain an article giving the Permanent Court jurisdiction over disputes as to their interpretation of application, and that special treaties of arbitration should refer juridical disputes to the Permanent Court rather than to other forms of arbitral tribunal. A suggestion to this effect is also contained in the British Government's memorandum. Not merely is the Permanent Court specially qualified to deal with juridical disputes, but every extension of its jurisdiction strengthens its position, and, at the same time, helps to promote uniformity in international law, as it is gradually formulated by successive decisions. In the matter of non-juridical disputes, efforts might be made to determine, in the light of practical experience, how a tribunal acceptable to the parties could be set up.

42. The treatment of the question of conciliation depends to some extent on whether an endeavour is to be made to draft a general arbitration treaty. If so, there can be little doubt that provisions concerning the conciliation of disputes should be inserted therein, as in the Locarno precedents and in the Swedish draft. It may also be said that if an attempt is made to prepare one or more standard arbitration treaties, these drafts, or one of them, should contain provisions for conciliation.

IV. CONCERNING CONCILIATION.

43. Even if the Committee should not consider it necessary to recommend a general arbitration treaty, a general conciliation treaty might still be considered. The difficulties arising from the universality of the treaty are similar, but they are probably less serious than in the case of arbitration. On the other hand, the universal acceptance of conciliation obligations would mean that disputes which were neither settled by diplomacy nor referred to arbitration would, before they came to be dealt with by the Council or the Assembly under the Covenant, have been the subject of full examination with the assistance of neutral conciliators. The following ideas might be taken as the basis of a system of conciliation :

1. Conciliation would be provided for all disputes, except those for which another procedure of pacific settlement is provided in other treaties ;

2. The Conciliation Commission should be permanent. It should consist of five members, three of whom would be neutrals jointly designated by the parties ;

3. The Conciliation Commission would be notified of a dispute by a request from either party. It would be bound to finish its work within six months. It would draw up a report, concerning which the parties would have to give an opinion within a definite period ;

4. While the proceedings are in progress the parties should undertake to refrain from any action which might aggravate the dispute and the Commission of Conciliation might indicate to the parties the provisional measures which it would be desirable to adopt ;

5. The procedure of conciliation should not affect the rights and obligations of the Members of the League to lay certain questions before the Council under the terms of the Covenant. In this case it would be for the Council to decide whether it preferred to await the termination of the conciliation proceedings or to examine the case forthwith.

Lastly, it might also be useful, in accordance with the suggestion put forward in the German Government's memorandum, to consider how the force and authority of the recommendations and proposals resulting from the procedure of conciliation could perhaps be strengthened.

V. CONCERNING THE CO-ORDINATION OF TREATIES OF CONCILIATION WITH ARTICLE 15 OF THE COVENANT.

44. At this point attention should be directed to the question of co-ordinating the application of Article 15 of the Covenant with that of a general treaty of conciliation. Unless this question is foreseen in the treaty, there might arise some rivalry of jurisdiction between the Council, acting under Article 15 of the Covenant, and the Commission of Conciliation, acting under the treaty. Under the terms of Article 15, any dispute likely to lead to rupture which is not submitted to arbitration or judicial settlement must be submitted to the Council; the article does not exclude the disputes covered by a treaty of conciliation or which form the subject of conciliation proceedings in progress. This does not necessarily mean that in such circumstances the Council would adhere to Article 15 and would not hold that the parties are bound to comply with the terms of their conciliation treaty. Further, if conciliation proceedings were in progress, the Council might agree with the principle laid down in the reply to Question 2 given in the report of the Special Committee of Jurists appointed by the Council resolution of September 28th, 1923. It may perhaps be useful to give this reply in full :

“ Where, contrary to the terms of Article 15, paragraph 1, a dispute is submitted to the Council on the application of one of the parties, where such a dispute already forms the subject of arbitration or of judicial proceedings, the Council must refuse to consider the application.

“ If the matter in dispute, by an agreement between the parties, has already been submitted to other jurisdiction, before which it is being regularly proceeded with, or is being dealt with in the same manner in another channel, it is in conformity with the general principles of law that it should be possible for a reference back to such jurisdiction to be asked for and ordered. ”

45. Most of the conciliation agreements registered by the Secretariat (43 treaties out of 52) do not mention the application of Article 15. If special provisions on this subject are to be inserted in the draft treaty, two solutions are possible ; the request to the Council under Article 15 must be deferred until the conciliation proceedings provided for in the treaty have been terminated. A precedent for this will be found in the Treaty between Chile and Spain, dated March 26th, 1920 (registered as No. 111). Under this treaty the parties cannot at present have recourse to Article 15, although the Council could probably, under Article 11 of the Covenant, consider the situation existing between these two States. Whether this would be desirable in all cases, and whether it would be quite in keeping with the system set up by the Covenant, is a problem which would require very careful consideration. It is to be noted further that seven other treaties, including the Locarno group, stipulate that disputes shall be laid before the Council at the request of one of the parties, if the parties do not reach an agreement within one month after the termination of the work of the Conciliation Commission ; they do not contain any clause expressly forbidding the submission of requests to the Council before that date.

46. The other solution would be to include provisions expressly recognising the fact that the Council and the Conciliation Commission had parallel jurisdiction, but making an effort to co-ordinate these two jurisdictions. This principle might be followed, the Council being left entirely free to decide whether, in any particular case, it should itself immediately take cognisance of the dispute to the exclusion of all other conciliation procedure.

47. Doubtless under such an arrangement it would be permissible for each party to the dispute to insist that the Council should immediately take cognisance of the matter, thus excluding, retarding or suspending the conciliation procedure, if that party held that the seriousness of the situation or special circumstances justified its action. But this stipulation could not serve as a pretext to enable one of the parties to resist conciliation procedure arbitrarily and to the bitter end, nor could it be interpreted as allowing the arbitral powers of the Council to interfere with this procedure. The Council would have to determine whether it would act on a request for the immediate consideration of the dispute — action which might, for instance, be justifiable when the procedure before the Conciliation Commission was not only likely to be abortive but the source of dangerous delay, or when it might decrease the possibilities of satisfactory settlement. We are considering the question from the point of view of an agreement destined to become universal and to apply to all disputes without distinction ; an agreement, therefore, under which conciliation will, *prima facie*, be compulsory in all disputes likely to be of immediate danger to world peace. It would not be wise to draft an agreement of this kind in such a way as to exclude in all cases the possibility of submitting a question to the Council under Article 15 before the conciliation procedure has been terminated. In certain cases it may be desirable for the Council to consider a question under Article 15, before any request for an enquiry has been addressed to another organ, when the enquiry itself appears destined to be long and its success is by no means certain.

VI.

48. Finally, it should be noted that the subject which has just been examined forms only part of the larger question of the development of security by measures tending to prevent war. Provisions for the arbitration or conciliation of disputes are, therefore, a natural and necessary

part of any form of security agreement, whether the agreement be made between a small or a large number of States. Great as their value in themselves may be, arbitration and conciliation attain their highest importance from the point of view of security when, as in the case of the Locarno Treaties, they form the central element of a security pact.

VII. CONCLUSIONS.

49. With a view to developing pacific procedures for the settlement of disputes, it is suggested :

(1) That means be sought to facilitate and make more effective the procedure already contemplated in an Assembly resolution whereby the Council should lend its good offices with a view to the conclusion of arbitration and conciliation conventions. (§ No. 21.)

(2) That the Governments be recommended to study one or more types of arbitration and conciliation treaties which might be adapted to the situations of the different States. (§ No. 27.)

(3) That means be sought to obtain, with the consent of the original parties, the accession of new States to treaties already concluded. (§ No. 27.)

(4) That the possibility of general arbitration treaties be studied. (§ No. 27.)

(5) That consideration be given to the distinction between juridical and non-juridical disputes, with a view to the framing of special rules in regard to procedure and decisions, so as to facilitate the acceptance of arbitration for non-juridical disputes. (§§ Nos. 31 and 35.)

(6) That, should the idea of a general arbitration treaty be accepted, means be studied which would enable States to enter into undertakings at their discretion with a greater or lesser number of other States. (§ No. 36.)

At the same time efforts would be made, by the judicious permission of reservations in regard to disputes, to make the Convention sufficiently elastic to admit of its being adapted to the special conditions of the different States. (§ No. 39.)

(7) That special attention be paid to conciliation, and that the framing of a general conciliation treaty be contemplated, even if the idea of a general arbitration treaty should not be accepted. (§ No. 43.)

(8) That measures be taken to co-ordinate the conciliation procedure laid down in the separate treaties and the procedure for mediation by the Council in virtue of the various articles of the Covenant, so that, if action by the Council became necessary, this should ensue without obstacle, and that at the same time it should be impossible for the conciliation procedure to be arbitrarily evaded. (§ No. 44.)

50. *Sub-Annex.*

DIFFERENT TYPES OF TREATIES.

I. *Arbitration and Conciliation.*

All disputes are to be submitted to arbitration.

1. Arbitration	{ A. Juridical disputes ; to the Permanent Court of International Justice, or B. Other disputes ; to a Tribunal of the Hague type,	} To the Permanent Court of International Justice in all cases, or to a Tribunal of the Hague type in all cases.

Reservations.

II. *Arbitration and Conciliation.*

Certain disputes are to be arbitrated.

1. Arbitration	{ A. Juridical disputes or only certain juridical disputes.	} To the Permanent Court of International Justice or to a Tribunal of the Hague type.	
			{ B. Other disputes.

Reservations.

¹ The parties may decide that, should the Council fail to arrive at unanimity, it shall refer the question to an Arbitration Committee. The result is that, when agreement between the parties is not attained, a solution binding upon them is nevertheless ultimately reached.

III. Conciliation.

All disputes { Conciliation } Council of the
 { Commission } League

Reservations.

1. Vital interests.
2. Territorial status.
3. Questions governed by internal legislation.
4. Prior events.

51. The above table, which is based upon an examination of the practice actually followed, is designed to give a comprehensive survey of the characteristics of treaties relating to arbitration and conciliation. The treaties in question may be reduced to three principal types, each admitting of variants.

Of these pacific procedures, only two essential elements have been retained : disputes and the organ of jurisdiction.

Convention Type No. I is represented by thirty treaties registered with the Secretariat. All disputes are to be arbitrated. As a rule, two tribunals are mentioned : the Permanent Court of International Justice for juridical disputes, and a tribunal of the Hague type (that is, an *ad hoc* tribunal composed of members appointed by the parties) for other disputes.

Some treaties adopt the Permanent Court of International Justice or a tribunal of the Hague type for all cases.

Conciliation is generally compulsory for non-judicial disputes and optional juridical disputes. Certain treaties make it compulsory in all cases. If it is abolished in all cases, there is simply an arbitration convention.

Convention Type No. II is represented by the Locarno arbitration and conciliation treaties. Juridical disputes are arbitrated, while others are submitted to conciliation.

If conciliation is abolished, there is simply an arbitration system confined to juridical disputes. This is the system laid down in Article 36 of the Statute of the Permanent Court of International Justice.

There is the possibility of arbitration being confined to certain juridical disputes, the latter, instead of coming under one comprehensive head, being specified in detail : States would accept arbitration for this or that category of juridical disputes. This system was discussed at the Second Hague Conference in 1907.

Convention Type No. III refers only to conciliation. It is represented by a number of treaties, concluded chiefly by Switzerland and the Scandinavian States.

Reservations. Reservations may apply to obligations under any one of the three types of Convention.

In the treaties registered with the Secretariat, nine kinds of reservations are found. Apart, however, from reservations which appear to have fallen into disuse (such as "honour", "interest of third States") and very special reservations (such as questions relating to the war of 1914, constitutional questions), the number of reservations may be reduced to the four fairly wide heads mentioned at the end of the table.

3. Memorandum on Security Questions

Submitted by M. POLITIS, Rapporteur.

52. In this initial stage of the Committee's work the task of its Rapporteur must necessarily be strictly limited.

First, we have to take a general view of the question, to examine the various treaties and agreements concluded by the States Members of the League, both between themselves and with non-member States, on the subject of security, for the purpose of diagnosing the situation as accurately as possible and obtaining some idea of the present position as regards security. Secondly, having gained our idea of the present position, we have to devise "practical measures" by which constructive work can be done at the present juncture on the lines indicated in the last Assembly's resolution.

I. PRESENT POSITION IN REGARD TO SECURITY.

53. According to the view now taken by most countries, security consists in two main guarantees : (1) that they will not be attacked by any other State ; (2) that if, nevertheless, they were so attacked, they would receive prompt and effective aid and assistance from other countries.

This is the conception embodied in the Covenant of the League. The two guarantees mentioned are to be found, more particularly, the one in Article 10 and the other in Article 16 of the Covenant.

54. The degree of security thus provided, however, is not generally regarded as adequate, because the guarantees on which it rests are left indefinite in their principle and uncertain in their application. Moreover, to diminish still further the degree of security provided under the Covenant, there is the unanimity rule, which controls the Council in setting the guarantees in motion ; for if unanimity is not secured, force may still lawfully be resorted to.

Thus security under the Covenant is subject to too many elements of uncertainty for States which feel themselves threatened to be able to decide, in the present situation, to diminish to any considerable extent the guarantees which they find in their armaments.

55. As a remedy for this, a supplementary general agreement has been suggested to fill up the gaps in the Covenant and enhance the efficacy of its provisions. Two attempts have been made to establish such an agreement. They were, however, unsuccessful, because it was felt that the scope and the uniformity of the guarantees were not suited to the present variety of conditions and the fluctuating nature of international relations.

56. At the same time, the investigations and discussions that took place on these occasions throw a fuller light on the complexity of the problem, and enable everybody to realise the nature of the bonds by which security is linked to disarmament on the one hand, and on the other to arbitration in its widest sense of procedures for pacific settlement. It is now regarded as a twofold axiom that : (1) there can be no disarmament without security, and (2) there can be no security without arbitration.

It is more and more clearly recognised that the relation between disarmament and security is not one of subordination, but of co-ordination ; neither is less important than the other, and their progress must be equal and simultaneous.

The same applies to security and arbitration. Arbitration is an essential factor in security, and is parallel to it in the same way as security is parallel to disarmament. Thus every advance in arbitration is an increase in security, and in the possibility of limiting and reducing armaments.

57. Failing a general agreement, which was for the time being impossible, an endeavour was made to find additional guarantees of security in separate agreements, so linked together as to form a coherent whole consonant with the spirit of the Covenant of the League and operating in harmony with the organisation which the Covenant sets in motion.

58. In this direction rapid progress has been made.

There are now in force 85¹ treaties of conciliation or arbitration, or conciliation and arbitration combined, which are registered with the League, and most of which embody the ideas advocated by the League. Among these there is one collective treaty binding four States. These treaties engage 38 countries, 24 of which are in Europe. Moreover, 14 States (12 in Europe) are bound by the optional clause concerning the compulsory jurisdiction of the Permanent Court of International Justice.

There are 12 separate treaties of non-aggression, three agreements embodying unilateral guarantees, and three agreements regarding unilateral respect for the political independence and territorial integrity of certain countries ; most of these treaties are collective.

There are 15 treaties of political co-operation not amounting to alliances or guarantees ; there are three agreements establishing neutral zones ; and there are 15 separate treaties of guarantee in the form of alliances, military agreements, or pacts of friendship and co-operation, and one collective treaty of non-aggression and guarantee among five States.

The great store of information collected by the Secretariat, with a diligence and zeal for which we are greatly indebted, gives some idea of the nature, the scope, and the practical value of the engagements entered into by the various countries concerned in this immense network of treaties.

It would be interesting to see these engagements represented, particularly on a map of Europe, by lines of various shapes and thicknesses joining the capitals of the contracting States. Such a map would present, in regard to arbitration and security treaties, a picture similar to that which Europe offered at the beginning of the development of railway and telegraph systems. It should here be observed that the increase of security in Europe carries with it a like increase in other parts of the world.

59. Most of these agreements, being due to the impulse given by the League in the matter of arbitration and security, follow certain common lines. Some of them, however, make no suggestion as to the co-ordination of their systems of mutual assistance with the procedure under the Covenant, and more particularly with the action of the Council in an emergency. This is not true of the Locarno Agreements and those which follow the same lines.

60. The treaties now in force form a system which is too involved, too complex, and in some respects too uneven, for the supplementary guarantees of security which they add to those provided by the Covenant to be measured with tolerable accuracy.

In order of importance, they fall into eight main classes :

(1) Regional collective agreements for non-aggression, pacific settlement and mutual assistance ;

¹ This figure indicates the number of treaties registered on February 1st, 1928. For details, see the 2nd edition of "Systematic Survey of Arbitration and Security Treaties" (document C.653.M.216.1927.V).

- (2) Separate agreements of the same nature ;
- (3) Agreements for non-aggression ;
- (4) Collective agreements for conciliation, arbitration and judicial settlement ;
- (5) Separate agreements of the same nature ;
- (6) Arbitration agreements ;
- (7) Conciliation agreements ;
- (8) Agreements for simple political co-operation.

61. In each of these classes the practical value of the agreement varies with the nature of the contracting parties. Its value is greater if the relations between the parties are such that disputes capable of causing a rupture might be anticipated, than if their relations have long been friendly and are unlikely to be seriously disturbed.

62. The value of any agreement, however comprehensive and however important as regards the nature of the parties, is essentially relative, for the efficacy of the security which it appears to give to the parties will, in actual fact, depend largely on the position, as regards security, of other countries linked with them by ties of "solidarity of a geographical or other nature". The security of the former varies as the security of the latter. Consequently, the security of both can only be guaranteed in practice—failing a general agreement—by a series of regional pacts completing each other and forming a harmonious whole within the framework of the League of Nations, whose system of protection would thus be amplified and reinforced.

Until such a position has been secured, the security of certain States will remain too precarious for them to be able to consent to any appreciable reduction of their armaments.

63. Though the regional and separate agreements at present in force may not give the States which have concluded them all the security they desire, it cannot be denied that they do add certain guarantees to those provided by the Covenant of the League. To realise this it will suffice to compare the situation they have brought about with the situation scarcely six years ago, at the time when by its famous Resolution XIV the Third Assembly made absolutely clear the interdependence of disarmament and security. Each one of the numerous arbitration and security agreements which have been concluded since that time has placed in the path of war an obstacle which, slight, even imperceptible, as it may be, is nevertheless of some value for the consolidation of world peace.

64. But to provide a picture of the present situation in regard to security the facts already stated are not sufficient. A psychological factor must also to some extent be taken into account. Security consists in the absence of any danger of aggression ; but there are two ways of judging of this absence of danger. It may be regarded from the objective point of view of the reality or unreality of the danger, or from the subjective point of view of the feeling of the country concerned that it is or is not secure. Now it is not sufficient for third parties to realise that the circumstances of a certain country are such that no real danger threatens it. That country itself must feel the same ; from its point of view, security is life ; it cannot be expected to disarm if it feels exposed to a threat of aggression.

In the last resort, therefore, what is necessary is to implant and develop in every country that confidence without which nothing can be done. Arbitration and security agreements are a step in this direction, and their conclusion should therefore be encouraged and their scope enlarged.

II. PRACTICAL MEASURES FOR INCREASING THE GUARANTEES OF SECURITY.

65. There is only one possible way of endeavouring to increase the guarantees of security, and that way consists in the conclusion of separate agreements or regional pacts of non-aggression, of pacific settlement of disputes and mutual assistance, or of non-aggression only. The more logical and the speedier method—the conclusion of a general treaty binding on all States Members of the League—must, for the time being, be excluded. After the two unsuccessful attempts made in 1923 and 1924, it would be not merely useless from the practical point of view, but dangerous to the prestige of the League, to make a third attempt ; for the objections raised to the earlier attempts still exist.

As between separate agreements and regional pacts, the latter appear in every respect preferable. They can be better and more easily brought into line with the Covenant system, and, consequently, they help more to increase the guarantees of security.

It is essential to add that this increase in the guarantees would benefit not merely the contracting parties, but indirectly, in varying degrees, every country in the world.

66. The task of the Rapporteur was primarily to consider the problem of security from the point of view of the application of regional pacts. He must, however, stress the point that these pacts are necessarily based on mutual confidence and the sincere desire of all contracting parties to develop mutual co-operation. It is not for the Rapporteur to make suggestions regarding the preparatory work in the political field, and for the promotion of a better understanding between the peoples which would have to be undertaken to this end, nevertheless this appears to him to be an essential part of the work of pacification.

67. The best method of encouraging the conclusion of as many regional security pacts as possible would seem to be to bring light into the minds of peoples and Governments by

demonstrating the benefits which would accrue to their national interests, and to give them every inducement, by offering them models which they could adopt wholly or in part, and which they could combine and adapt as required to the peculiar circumstances affecting the countries in any given area.

No obligation would thereby necessarily be assumed by the States Members of the League. The sole aim of their co-operation would be to establish model treaties which each of them would then be free to take as a basis in any negotiations with its neighbours.

68. It would seem desirable that these models should be made as flexible as possible, alternative formulæ with one or more variants being proposed for most of their clauses. The question of security is, after all, essentially plastic ; its aspects vary in different places, and its guarantees in different circumstances.

It will be natural, however, to give primary consideration to Europe ; for it is in Europe that the benefit will first be felt from the suggested system. It is there that the need of greater security is now most keenly felt ; and it is European countries that offer the most recent experience in treaty-making, which will have to be taken as a guide.

69. In this respect, the Committee will base its work on that already done by the League. Its results will have to be adjusted to the new needs which came to light during the sittings of the Preparatory Commission. The draft Treaty of Mutual Assistance of 1923, the Protocol of 1924, the Rhine Pact of 1925, and the later agreements based upon them, will furnish the general framework for the model treaties of security.

70. In these model treaties, provision has to be made for the best possible settlement of the various questions whose solution may help to assure the countries in any particular area of the highest degree of security at present conceivable.

Among these questions there are three which are so essential that they should always be dealt with in a regional security pact, if it is to achieve its object. These questions are : (1) the exclusion of recourse to war ; (2) the organisation of pacific procedures for the settlement of all disputes ; and (3) the establishment of a system of mutual assistance, linked with the functions of the Council of the League.

To each of these questions there are attached certain complementary questions, in particular : to the first, the question of demilitarised zones ; to the second, that of the refusal to accept a pacific settlement or to carry out the decision arrived at ; to the third, that of the organisation of economic, financial and military assistance.

Four other subsidiary questions deserve study with a view to enhancing the practical value of the models contemplated. They are : (1) the connection between regional pacts and the reduction of the armaments of the contracting countries ; (2) the accession of third States and their possible guarantees ; (3) the co-ordination of each regional pact with the others and with the Covenant of the League ; and (4) the guaranteeing of the territorial integrity of the contracting parties.

On each of these ten questions — which do not, of course, exhaust the subject — the following suggestions are submitted for the Committee's consideration :

71. *Exclusion of resort to war.* — The condemnation of aggressive war, already implied in the Covenant (Article 10), and considered by the Assembly on various occasions in 1923 and 1924, was publicly proclaimed in the Assembly resolution of September 24th, 1927, as tending " to create an atmosphere of general confidence calculated to facilitate the progress of the work undertaken with a view to disarmament ".

It will therefore be essential to set down this condemnation at the head of every regional security pact, and to deduce the corollary that the contracting parties " mutually undertake that they will in no case attack or invade each other or resort to war against each other ".

This is the formula employed in the Rhine Pact and in various separate agreements based upon it. It might well be suggested as a model to be followed in future regional pacts, for it is very comprehensive and perfectly clear. If it were desired to express the same idea more briefly, use might be made of the formula of the Geneva Protocol (Article 2) : " the signatory States agree in no case to resort to war ".

In any event, however, it will be essential to make it quite plain that the condemnation relates only to aggressive war, by specifying that force may still be resorted to for purposes of legitimate defence, in the application of Article 16 of the Covenant, in execution of a decision of the Assembly or Council of the League, or when action is undertaken, in virtue of Article 15, paragraph 7, of the Covenant, against a State guilty of aggression. The formula employed in this connection by the Rhine Pact (Article 2) and the separate agreements modelled upon it is to be recommended, for it could hardly be further condensed. The formula of the Geneva Protocol would be unsuitable to a regional pact, because it does not mention the hypothesis of Article 15, paragraph 7, which was necessarily excluded from the system of the Protocol. In a regional pact, the clause embodied in Article 15, paragraph 7, might, it is true, as we shall see later, be waived in disputes between the contracting parties. It would, however, necessarily have to be applied in disputes between one of them and a third party, in which it would continue to operate. In such a dispute, if the Council is not unanimous, the contracting party involved in the dispute has the right to take such action against its adversary " as it shall consider necessary for the maintenance of right and justice ". It is important that each of the other contracting parties should be able to reserve the right to make use of the same latitude in accordance with its interests.

72. *Demilitarised zones.* — The establishment of demilitarised zones between the territories of the States parties to a regional security pact, or some of them, might in principle be

recommended as a measure calculated to prevent aggression and to facilitate the determination of the aggressor, should this become necessary.

In view, however, of the variety of conditions, no rigid rules should be proposed; the greatest elasticity is necessary in this matter. Account should be taken of the configuration of the various frontiers, the relative size of the countries concerned, and the lessons to be drawn from the customs of the neighbouring countries. There may be cases in which the establishment of a demilitarised zone is impossible in practice.

There should be the same elasticity in the regulation of any demilitarised zones that the States concerned might desire to establish, particularly in regard to the temporary or permanent supervision which the contracting parties might ask the Council of the League to organise.

Violation of a demilitarised zone should not in all cases be treated as equivalent to a resort to war. Its degree of gravity depends on circumstances. It would be for the Council to judge, and to prescribe the measures to be taken in order to ensure the observance of the engagements given.

III. ORGANISATION OF PACIFIC PROCEDURES.

73. The exclusion of the resort to war as a means of settling disputes necessarily implies an undertaking to settle them by pacific means. That is the rule established by the Rhine Pact and the separate agreements based upon it. It is also the corollary drawn by the Assembly resolution of September 24th, 1927, from the condemnation of wars of aggression. In every regional security pact, therefore, pacific procedures, to be followed in the event of a dispute, must be arranged for.

In this matter various systems are established in practice. There is the system which, by making arbitration compulsory without any restriction, enables a final settlement of the dispute to be reached in every case; and there is the system which, combining arbitration (limited to certain classes of dispute) with conciliation and mediation by the Council, leaves the dispute unsettled if the Council cannot attain unanimity.

74. In order that the model regional security pacts may be as flexible as possible, it would be better not to lay down that the acceptance of a more or less comprehensive obligation to arbitrate is indispensable. Such a provision might be difficult to carry out if the number of States contemplating the conclusion of a regional pact were fairly large; the relations of each of them with the others might not in all cases be the same, and consequently a uniform rule would be ill adapted to their diversity. This should not form an obstacle to the conclusion of the pact. It would be sufficient to stipulate that all disputes between the contracting parties should necessarily be settled by some form of pacific procedure — conciliation, arbitration, judicial proceedings, or, if necessary, mediation by the Council — without specifying the respective spheres in which each of these procedures should be applied. The necessary details might be given in special conventions already concluded, or others which each of the contracting States would be free to conclude collectively or separately with all the others or with only some of them. The essential point is that the security pact should be capable of operating, even in the absence of any such convention. All that would be specifically provided would be that any dispute, of whatever nature, which might arise between two or more contracting parties would be dealt with by conciliation or arbitration, in accordance with the previous engagements of the parties or the rules which they might agree upon in each case, and that, in the absence of any previous engagements or special agreement, or failing any award or arrangement as the result of conciliation proceedings, the question would necessarily be laid by one of the parties before the Council of the League.

It would then be understood that, if all other pacific procedures failed, the parties should submit their dispute to the Council. It would remain for them to indicate in the regional pact the details of these procedures and, in particular, the time-limit after which, failing any resort to arbitration or conciliation, the question would have to be laid before the Council.

On the other hand, it may be worth considering whether it would not be expedient to ensure that this undertaking to settle all disputes by pacific means should be made as effective as possible in practice.

75. The question which arises is this: If there were no provision for resort to the Council except under Article 15 of the Covenant, there would be a risk of the dispute being left unsettled if the Council were not unanimous. This is the position under the Locarno system. In practice, however, the risk is not serious, owing to the guarantee by third Powers. In future regional pacts, in which there would not necessarily be any such guarantee, the case would be different; the undertaking not to resort to war might become precarious if a serious dispute were left long unsettled. It might, therefore, be wise to take steps to obviate this contingency.

At first sight, it might be thought reasonable to recommend that the contracting States should stipulate that, in the event of a resort to the Council, they undertake to hold the latter's decision as final and binding in their mutual relations, even if the decision were only reached by a simple majority or a specified majority.

A precedent for this system is to be found in the Convention of October 20th, 1921, regarding the neutralisation of the Aland Islands, which, after maintaining the principle of unanimity in the case of the Council's being called upon to pronounce as to the violation of its provisions, adds (Article 7): "if unanimity cannot be obtained, each of the High Contracting Parties shall be entitled to take any measures which the Council, by a two-thirds majority, recommends".

This solution seems, however, open to a serious objection. Majority decisions of the Council, even if accepted by the parties as binding, would still, under the Covenant, have no legal effect on the other States Members of the League. Consequently, a war undertaken in contempt of such a decision would be lawful in their eyes under Article 15, paragraph 7, and would not be covered by the provisions of Article 16.

Another solution should therefore be found which, while ensuring that a final decision should be reached in every dispute, would not form an obstacle to the application of Article 16.

Without expressly recommending their adoption, one of the following suggestions might serve as a basis :

(1) It might be agreed that the Council should take a decision by a bare majority or a specified majority, but in the capacity of arbitrator. This decision, being equivalent to an arbitral award, would be covered by Article 13, and hence by Article 16, of the Covenant.

A precedent for this would be provided to some extent by the Treaty of Lausanne in the Mosul affair.

(2) It might be provided that when, in the absence of any organised system of arbitration between the parties, their dispute came before the Council, the latter should first proceed to act, in virtue of Article 15, the parties undertaking to accept its unanimous decision as final and binding upon them. Should the Council fail to reach unanimity, it would refer the dispute to a body of arbitrators, having first determined by a bare majority or a specified majority the constitution, procedure and powers of such body. In every case, therefore, in virtue either of Article 15 or of Article 13 of the Covenant, there would be a final decision, any violation of which accompanied by resort to war would undoubtedly come under the provisions of Article 16.

76. *Refusal to follow pacific procedures or to execute a decision reached.* — This contingency must be provided for, in order to ensure that the undertaking referred to in the preceding paragraph shall be effective. It must be assumed, in this case, that the recalcitrant State continues nevertheless to maintain a pacific attitude, since if it resorts to force it will at the same time be violating its obligation in regard to non-aggression, thus creating the hypothesis which will be examined in due course.

Passive resistance should involve a sanction proportionate to its degree of gravity. As in the Geneva Protocol (Article 4, paragraph 6), followed by the Rhineland Pact (Article 5), so here it would be expedient, in conformity with the spirit of the Covenant, to adhere to the rule laid down at the end of Article 13 : the question will be brought before the Council by the other party to the dispute. The Council will begin by exercising all its moral influence to persuade the recalcitrant State to respect its undertaking. Should it prove unsuccessful, it will propose what steps should be taken. The high contracting parties would be bound to conform to such proposals.

77. *Domestic jurisdiction.* — It is important to consider what provision should be made in the model security treaties for the rule laid down in Article 15, paragraph 8. In the absence of any stipulation, it is certain that if the assertion of domestic jurisdiction were submitted either to the Council or to international judges, and were recognised to be well founded, the dispute would remain unsolved. This would mean a gap — at first sight serious. It would not really constitute a direct menace to peace, since resort to force would still be prohibited : a State which was unsuccessful in obtaining a material settlement of its claim through its adversary's domestic jurisdiction having been recognised would nevertheless be obliged to maintain a pacific attitude. It would have to content itself with the general resources provided by the other articles of the Covenant of the League, in the hope of arriving in time at a settlement. If its growing impatience drove it to acts of violence, it would have to expect legitimate defence on the part of its adversary and armed intervention on that of the other contracting States.

It is certainly not in the interests of peace to strain the patience of States who consider themselves victimised by the pressing of their rivals' rights; it is therefore desirable that, in the relations between countries bound by a regional security pact, it should always be possible in case of dispute to obtain a decision on the substance of the question. But it has to be admitted that in the present state of international law and international morality the complete renunciation of the rule laid down in Article 15, paragraph 8, would be attended by more drawbacks than advantages. Prudence, therefore, recommends that it be maintained. In order to give it greater elasticity in application, however, reference might be made, as in the Geneva Protocol (Article 5), to the rule prescribed in Article 11 of the Covenant. It would thus be understood that when, on examination, a dispute is recognised as coming within the domestic jurisdiction of one of the parties, those concerned should be fully entitled if necessary to demand that action be taken by the Council or the Assembly.

If, however, some of the States contemplating the conclusion of a regional security pact should desire in their relations with one or other of their co-contractors to renounce wholly or in part, with or without conditions, the protection afforded them by the rule of domestic jurisdiction, it should be legitimate for them to do so in special arbitration or conciliation conventions, if they undertake not to plead the said rule in specific contingencies either before the judge or before the Council.

78. *Establishment of a system of mutual assistance.* — The undertaking to refrain from aggression and to adopt pacific procedures in every case requires, in the interests of security, that the contracting parties shall be bound to offer one another guarantees against the violation of the undertakings entered into. The possible extent of this obligation in the event of refusal to follow pacific procedures or to execute a decision has already been explained in paragraph 75.

The question now calling for consideration is that of assistance in the case of a resort to force. By assistance should be understood immediate and unstinted help offered by the contracting parties to any one of their number who may be the victim of unprovoked aggression, so as to enable that State to vanquish the aggressor and to safeguard its political independence and territorial integrity.

Two main questions call for examination : (a) the determination of unprovoked aggression ; (b) the nature and extent of the assistance due to the victim of such aggression.

79. *Determination of unprovoked aggression.* — The studies pursued for the past six years by the League of Nations have demonstrated the extreme complexity of the question, which must be viewed in two aspects : unprovoked aggression must first be defined ; it must then be established.

Considered from a general standpoint, the definition of unprovoked aggression presents real difficulties, as indicated in the memorandum on Article 10 of the Covenant submitted to the Committee on Arbitration and Security.

For the purposes of a regional security pact, however, it would appear to be relatively simple. It is sufficient to say that the term "aggressor" shall be applicable to any contracting State that resorts to force in violation of the undertakings entered into by it in the regional pact ; for example, if it offers armed resistance to a final decision.

To establish unprovoked aggression is, however, very difficult, since once hostilities have begun it is not always easy to say with certainty which of the belligerents first resorted to force.

Two systems have been recommended : the first — unanimous decision by the Council, exclusive of the representatives of the belligerent parties — was proposed in 1925 and adopted at Locarno ; the second — the automatic designation of the aggressor on the basis of presumptive evidence remaining valid until discounted by unanimous decision of the Council — formed the basis of the Geneva Protocol (Article 10).

Both are open to grave objections, which are so familiar that there is no need to recall them here.

As a way out of the difficulty, serious consideration should be given to an idea which was mentioned subsidiarily in the Geneva Protocol (Article 10) and was brought up again by the French delegation in the memorandum submitted by it in 1926 to the Preparatory Disarmament Commission.

The solution suggested was to empower the Council, should it not reach unanimity as regards the determination of the aggressor, to order the belligerents to observe an armistice, the conditions of which it was to fix by a two-thirds majority, and to agree that any belligerent refusing to consent to such armistice or violating it should definitively be regarded as the aggressor.

This system might in principle be incorporated in a regional security pact, but the question as to whether the Council could decide in all cases by a majority vote calls for the closest consideration, as it is essential that that decision should be in perfect agreement with the spirit and mechanism of the Covenant.

80. *Flagrant aggression.* — It has to be considered whether this rule should not, like the Rhineland Pact, admit of exception in the case of a flagrant violation of the mutual undertaking in no circumstances to resort to war. Under the Locarno system, the guarantee becomes binding and operative directly aggression has been established by the Council, when the latter is applied to by one of the contracting parties. It is, on the other hand, optional in the case of flagrant violation of undertakings entered into before intervention by the Council, in the sense that the guarantors reserve the right themselves to judge of the genuineness of the provocation and the urgency of intervention on their part.

This system, which is quite appropriate to a situation such as the Rhineland Pact had in view, might be adopted in pacts relating to areas where the situation is analogous.

81. *Organisation of economic, financial and military assistance.* — In addition to the adaptation to regional pacts of the rules at present contemplated for financial assistance and the measures that might be taken in virtue of Article 16, the regional agreements might, so far as concerns military assistance, enable the final paragraph of the resolution adopted by the 1927 Assembly to be put into effect.

This paragraph refers to "an invitation from the Council to the several States to inform it of the measures which they would be prepared to take, irrespective of their obligations under the Covenant, to support the Council's decisions or recommendations in the event of a conflict breaking out in a given region, each State indicating that, in a particular case, either all its forces, or a certain part of its military, naval or air forces could forthwith intervene in the conflict to support the Council's decisions or recommendations".

As the British Government has observed, "it seems probable that States may well hesitate to indicate precisely what measures they would be prepared to take in hypothetical contingencies ; nor, for fear of increasing tension, or of creating it where none exists, are they likely to be willing, except in mutual agreement, to describe the contingencies in which they would be ready immediately to bring part or whole of their forces to the support of the Council's decision or recommendations. The most effective way of establishing such mutual agreement, and of placing it on record, is by the negotiation of a formal treaty". In this connection the British Government recalled that "His Majesty's Government in Great Britain have adopted this method in the Treaty of Locarno, by which they have engaged to bring the whole of the forces of the country to the support of the League's judgment in certain definite contingencies".

82. *Aggression by third States.* — The question of aggression has hitherto been considered simply when one of the contracting parties is the victim of another contracting party. It

would perhaps be expedient, in order to increase the value of regional pacts from the point of view of security, to provide for the case of aggression against a contracting party by a third State, whether a Member of the League or not. This extension of the mutual guarantee might perhaps give rise to such objections as may be deduced from the observations made in the German and British Governments' memoranda. But it might be proposed as a useful variant to States which are prepared to accept it and could make provision for it, with a view to such a contingency, on the basis of Articles 15 and 16 of the Covenant, in the case of a third party, Member of the League, and Article 17 in that of a non-Member third party.

In any case, failing an extension of the mutual guarantee, in the event of aggression by a third State, it should be clearly specified in the regional pact that the contracting parties are bound towards any one of their number who may be attacked by a third State in no circumstances to assist the aggressor.

83. *Re-establishment of peace after aggression.* — It would be expedient, in regional pacts, to include a reservation as to the Council's right of examination in regard to the cessation of active mutual assistance and the re-establishment of normal relations, and also to the reparation due by the aggressor.

84. *Connection between regional pacts and disarmament.* — The idea of such a connection has formed the basis of the League's work on security. It is to be found in the Draft Treaty of Mutual Assistance of 1923 (Article 2) and in the Geneva Protocol (Articles 7, 8 and 21, paras. 5-8). It might be well to consider whether it should not be taken up again in the model security treaties, which are designed for the very purpose of facilitating and preparing for a general agreement on the reduction and limitation of armaments.

Provision might be made in them for three series of stipulations :

(a) A contracting party which was the victim of unprovoked aggression would be entitled to the promised assistance only on condition that it had conformed to the general plan framed by the League of Nations for the reduction of armaments.

(b) On the lines of Article 7 of the Geneva Protocol, in the event of conflict between two or more contracting parties, any increase in armaments or effectives that might modify the position laid down in the plan of reduction and also measures of mobilisation and, generally speaking, any act calculated to aggravate or extend the dispute, might be prohibited.

(c) It might be added that any violation of the above-mentioned undertakings could be brought by any one of the contracting parties before the Council, which would have to examine it and, if necessary, to order the enquiries and investigations to be held, and, should an offence be established, to take appropriate measures for the removal of the cause and the safeguarding of peace.

85. *Accession of third States.* — It is in keeping with the spirit of the League of Nations that regional treaties, considered in relation to the Covenant as supplementary agreements, should be open to accession by third parties. The Draft Treaty of 1923 (Article 7, paragraph 4) and the Geneva Protocol (Article 13, paragraph 3) both contained this principle. But whereas the second admitted free accession by any State Member of the League, the first restricted it to the contracting parties to the Treaty of Assistance and made it conditional on the consent of the States signatories to the special agreement.

As regards possible regional security pacts, the question arises whether : (1) they should in principle be left open, (2) accession should be open to all third States without distinction, to third States Members of the League of Nations, or only to adjacent third States Members or non-Members of the League, and (3) accession should be free or subject to certain conditions.

As regards the first point there would appear to be no possible doubt : the object in view will be more successfully achieved by open than by limited pacts.

With reference to the second point, the same reason seems to militate in favour of the admission of all third States Members or non-Members of the League.

As regards the third point, accessions without the consent of the contracting parties could hardly be admitted since reciprocity in the matter of undertakings necessarily presupposes in the States affected a certain degree of confidence which may possibly not exist as between a third party desirous of acceding and all the contracting parties.

At most it might be admitted that, in order to preclude arbitrary refusal of the necessary consent, the Council should exercise a certain moral control in the matter. It might be possible to provide that the application for accession should only reach the contracting parties through the Council, which, taking all the circumstances into account, could, if it thought fit, attach its recommendation when forwarding the application to the States.

86. *Guarantee by third States.* — It is conceivable that third States, while unwilling to accept reciprocity in the matter of undertakings, might wish for various reasons to strengthen the efficacy of a regional pact by offering the contracting parties their guarantee, in accordance with the Locarno precedent. Their offer might be made before or after the conclusion of the regional pact. In either case its acceptance must depend upon the consent of all the parties concerned. In view, however, of the undoubted utility of third party guarantees in consolidating peace, it would be well to facilitate their acceptance by providing some procedure which would ensure that such guarantees did in fact consolidate peace.

It would accordingly seem expedient to provide that the third guarantor would have to accept in its entirety the system of assistance agreed upon between the contracting parties.

87. *Guaranteeing of the territorial integrity of the contracting parties.* — It may perhaps be questioned whether in regional security pacts the reciprocal undertaking in regard to non-aggression should be accompanied, as in the Rhineland Pact, by an individual and collective guarantee to maintain the territorial *status quo* represented by the existing frontiers between the contracting States.

This is desirable but not essential. There might be cases when to require a guarantee in regard to territorial integrity would constitute an obstacle to the conclusion of the regional pact, for any State belonging to the area in question might mistakenly see in this guarantee a crystallisation of the existing frontiers which it was not prepared to accept.

It would appear expedient, therefore, not to make this guarantee an essential condition of the regional pact.

In order to create between the contracting parties the confidence which should colour their relations, it would be sufficient to incorporate in the regional pact the ideas to be found in the Preamble to the Arbitration Treaty between Germany and Poland signed in 1925 at Locarno, namely, that sincere observance of pacific procedures permits of resolving any conflicts that might arise, that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals, and that the rights of a State cannot be modified save with its consent. This would emphasise the spirit of legality which the parties would promise to observe in their reciprocal relations, avoiding all moral or political subterfuge or pressure.

88. *Co-ordination of regional pacts inter se and with the Covenant of the League of Nations.* — The need for this double co-ordination is manifest. If regional pacts, following on one another in the various parts of the world and more particularly of Europe, are to constitute the elements of a general system of security and hence promote the consolidation of peace, it is essential that they should be linked up with one another and bear a coherent and unbroken relationship to a comprehensive scheme in effective harmony with the Covenant, which represents the common law of Members of the League.

(a) In order to ensure this double co-ordination, it is expedient that regional pacts should provide for intervention by a regulating body whose jurisdiction would be recognised and accepted by all the States concerting in this conventional movement. Only the Council could perform such a function.

As regards the manner in which it might exercise its powers of co-ordination, Article 7 of the Treaty of Mutual Assistance of 1923 supplies a model which might be followed with advantage.

Before registration, regional pacts would be examined by the Council from the point of view of their conformity with the Covenant and their connection with other regional pacts already concluded. The Council could, if necessary, suggest changes in the text of pacts submitted to it.

The Council's powers should also apply to the duration of regional pacts; Article 8 of the Rhineland Pact furnishes a useful precedent. It might be provided that such pacts should remain in force until, on the application of one of the high contracting parties, duly notified to the other signatory Powers three months in advance, the Council by a majority of at least two-thirds should declare that the League of Nations offers the high contracting parties adequate guarantees, the pacts in question then ceasing to have effect on the expiry of one year from that date.

(b) It is natural, in the second place, that the parties should themselves co-ordinate the regional agreements with any special agreements they may have concluded previously. They could, if necessary, avail themselves of the good offices of the Council to facilitate such co-ordination.

(c) Lastly, another point calls for attention. The development of regional security pacts, in addition to its many advantages, is attended by one serious drawback which requires to be remedied. This is the regrettable possibility that the contracting States, now enjoying greater security *vis-à-vis* third States, may be less inclined to conclude arbitration treaties with those States.

There is one way of remedying this situation and at the same time of strengthening the force of regional pacts in relation to general peace.

This is, first, that the contracting parties should undertake to conclude pacts of non-aggression with third parties upon their borders. The Protocol annexed to the Franco-Roumanian Treaty of Friendship of June 10th, 1926, furnishes a precedent.

Such an undertaking would lighten the obligation in regard to mutual assistance assumed under the regional pact.

Secondly, the contracting parties should undertake to offer to conclude treaties of conciliation and arbitration with such third parties, their neighbours, and to give their favourable consideration to any proposals of this nature coming from those third parties.

This would involve a duty similar to, but more emphatic than, that laid down in Article 48 of the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes.

This undertaking would signify that each of the contracting parties agreed to accept the good offices of the others with a view to concluding treaties of conciliation and arbitration with its neighbours.

It would further have the immense advantage that public opinion would be made the judge of the peaceful intentions of the contracting parties towards third parties on their borders.

89. *Conclusion of regional pacts.* — In determining the practical means whereby the League of Nations might promote regional pacts of security, attention might be paid to the provisions of Article 6, paragraph 2, of the Draft Treaty of Mutual Assistance of 1923, which lays down that “such agreements may, if the High Contracting Parties interested so desire, be negotiated and concluded under the auspices of the League of Nations”.

But it would be possible to go even further, and the next Assembly might proclaim that if, in any specific area, two or more States desired to conclude a security pact with the other States belonging to that same area, they might apply to the Council requesting its good offices for this purpose.

If such a resolution were passed and the Council informed all the States Members of the League that it would be prepared to accept this duty, there is good reason to hope that the appeal would be answered in more than one part of Europe.

90. As regards agreements between States Members and non-Members of the League, whether security pacts or simply pacts of non-aggression, the Council might, if circumstances permitted, accept the duties already referred to, or even advise or suggest to the applicant party that it should employ the good offices of a third Power. The conclusion of agreements of this nature is desirable as a means of creating confidence alike between Members and non-Members of the League and between non-Members and the League itself.

IV. CONCLUSIONS.

91. It is impossible at present to contemplate the conclusion of a general agreement — adding to the obligations assumed under the Covenant — with a view to giving the nations greater security.

92. States which require wider guarantees of security should seek them in the form of separate or collective agreements for non-aggression, arbitration and mutual assistance, or simply for non-aggression.

93. Regional pacts comprising non-aggression, arbitration and mutual assistance represent the completest type of security agreement, and the one which can most easily be brought into harmony with the system of the Covenant. Such pacts should always include the following provisions :

- (a) A prohibition to resort to force ;
- (b) The organisation of pacific procedures for the settlement of all disputes ;
- (c) The establishment of a system of mutual assistance, to operate in conjunction with the duties of the League Council.

94. The establishment of demilitarised zones, wherever practicable, may play an important part, from a general standpoint, in consolidating and enforcing the provisions of a regional pact.

95. With a view to the pacific settlement of all disputes that may arise between them, the States contracting a regional pact might consider provisions which would bind them more closely than those of the Covenant, in the matter of arbitral procedure, so as to make good the legal deficiencies in paragraphs 7 and 8 of Article 15 of the Covenant.

96. Similarly, the parties might facilitate the designation of the aggressor by the Council, should one or more of them resort to war in violation of the undertakings entered into under the regional pact, by empowering the Council, for example, to order the belligerents to observe an armistice, the conditions of which it would determine as might be necessary.

97. The provisions of the Locarno Rhineland Pact concerning flagrant aggression might be adopted in regional pacts wherever the situation was analogous.

98. In the absence of a mutual guarantee covering the case of aggression by a third party, the regional pacts should at all events contain a clause requiring the parties in no circumstances to lend assistance to the third party guilty of aggression.

99. Apart from the adaptation to regional pacts of the rules now proposed for financial assistance and any measures which might be taken under Article 16 of the Covenant, it would be possible to insert special clauses in these pacts, embodying the suggestion made in regard to offers of military assistance in the final paragraph of the last Assembly's resolution.

100. The progress of disarmament must keep pace with that of security so that the conclusion of security pacts should facilitate and prepare for a general agreement for the reduction and limitation of armaments. The regional pacts might contain suitable clauses postulating the connection between security and disarmament.

101. The adhesion of third-party States to regional pacts is desirable. It must depend upon the consent of the contracting parties. Application for accession by a third State might be submitted through the Council, which would decide whether or not to support it.

102. It is desirable but not essential to have the guarantee of a third State; this would be possible, if it were accepted by all the parties and if the third guaranteeing State itself agreed to accept in its entirety the system of assistance agreed upon between the parties.

103. In order that greater confidence may be created between the States contracting a regional pact, it is desirable that they should append to their reciprocal undertaking to refrain from aggression an individual and collective guarantee to maintain their territorial integrity. Such a guarantee, however, is not essential. It would be sufficient if the parties agreed to submit all their disputes to pacific procedure, and to recognise that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals, and that the rights of a State cannot be modified save with its consent.

104. It is essential that security pacts should form part of a coherent and comprehensive scheme, and should be brought into harmony with the Covenant. The Council of the League might act in this matter as a regulating organ.

105. The feeling of security enjoyed by the parties as the result of the conclusion of a regional pact should not make them less disposed to conclude treaties of non-aggression or arbitration with third parties upon their borders. Such treaties are eminently desirable, in that they would enhance the value of regional pacts as instruments of peace and would at the same time lighten the undertaking assumed in regard to mutual assistance.

106. With a view to promoting the conclusion of regional pacts it might be expedient to consider a resolution by the next Assembly inviting the Council to study the possibility of lending its good offices to States which may desire to conclude security pacts with other States.

107. Should States desire to conclude agreements with non-member States, the Council might deem it preferable to suggest that they should request the good offices of a third Power.

4. Memorandum on Articles 10, 11, and 16 of the Covenant

Submitted by M. RUTGERS, Rapporteur.

I. PREFACE.

108. The programme adopted by the Committee on Arbitration and Security at its first session comprised, as a second group of questions to be studied, the "systematic preparation of the machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various Articles of the Covenant".

This group of questions relates to the fifth sub-paragraph of paragraph 3 of Resolution V, adopted by the Assembly at its last ordinary session on the proposal of the Third Committee.

109. It is contemplated in this programme that — without limiting the Committee's future field of action — a study should immediately be begun of Articles 10, 11 and 16 of the Covenant and of the scheme of financial assistance to be given to States threatened with aggression :

Article 10. Study of the criteria by which aggression may be presumed.

Article 11. Study of this article, taking into account the work already done or at present in hand.

Article 16. Study of Article 16 under conditions similar to those applied to the study of Article 11;

Study of the scheme of financial assistance to be given to States threatened with aggression ;

Study of the above-mentioned scheme and particularly of the preliminary points raised by the Financial Committee.

(a) Study of the criteria by which aggression may be presumed and the procedure of the Council in this matter ;

(b) Right of participation by States (the question of States not Members of the League).

110. It was agreed during the debates at the last ordinary session of the Assembly that the object of this study of the articles of the Covenant was to explore the possibilities which that instrument offers, without in any way enlarging or abridging the obligations incumbent upon Members of the League, and without making any attempt to interpret the Covenant.

II. ARTICLE 10 OF THE COVENANT : STUDY OF THE CRITERIA BY WHICH AGGRESSION MAY BE PRESUMED.

Preliminary Observations.

111. Article 10 of the Covenant is worded as follows :

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members

of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.”

The Committee on Arbitration and Security is called upon to study Article 10, as also Articles 11 and 16, from the point of view of “systematic preparation of the machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various articles of the Covenant”. The Rapporteur has been asked to examine Article 10 from the point of view of the criteria by the aid of which aggression may be presumed.

112. The Rapporteur has made a careful examination of the discussions on the scope of Article 10 which followed the Canadian Government's proposal to suppress the article, as well as of the opinion bearing on the interpretation of the article which was expressed by the Committee of Jurists appointed under the Council's resolution of September 28th, 1923, and of the observations on that opinion made by a number of Members of the League.

For the Rapporteur's present task, however, it does not seem necessary to consider the various points so raised. The discussions showed the extreme difficulty of obtaining unanimous agreement in advance as to what might be the full scope of the obligations under Article 10.

113. The Rapporteur does not, moreover, feel called upon to offer a precise definition of the criteria by which aggression may be presumed, but considers that it would be more practical to enumerate some of the facts which, according to circumstances, may serve as evidence that aggression has taken place. Moreover, the question of acts which are evidence of aggression has already been the subject of the most exhaustive and careful study by the League of Nations and by many of its Members. These studies have led to different conclusions, and we are constrained to believe that any attempt to lay down rigid or absolute criteria in advance for determining an aggressor would be unlikely in existing circumstances to lead to any practical result.

114. In the present connection, however, we have a valuable precedent in the report of the Committee of the Council on Article 11. That report is based on the idea that it is neither possible nor desirable to draw up a complete or exclusive statement of the measures to be taken under Article 11, or to lay down in advance any hard-and-fast rules as to their application; but that it is of practical use, in the light of past experience and the studies and discussions on the subject, to keep in view a certain number of measures which might be employed in the future.

The Rapporteur proposes to follow the same method. He is not blind to the difficulties which must be encountered. So far, it has fortunately never been necessary for the Council to determine which of two enemy States was the aggressor, and there is nothing to be drawn from actual experience in the matter. This omission, however, is to some extent balanced by the fact that certain treaties contain stipulations which constitute a practical contribution to the study of the problem.

115. In approaching this enquiry, it must be recognised that the results which it will obtain cannot be regarded as complete or as applicable to every case. A particular act may be deemed to raise, or not to raise, a presumption of aggression, having regard to the circumstances under which it was committed.

Criteria for determining Aggression.

116. Some useful material in regard to criteria for determining aggression is to be found in certain treaties and in the proceedings of the Assembly and the Council of the League of Nations.

117. First among these sources of information are the results of the investigations carried out by the Permanent Advisory Commission and the Special Committee of the Temporary Mixed Commission when drawing up the Treaty of Mutual Assistance. The reports of these bodies show that certain acts would in many cases constitute acts of aggression; for instance:

- (1) The invasion of the territory of one State by the troops of another State;
- (2) An attack on a considerable scale launched by one State on the frontiers of another State;
- (3) A surprise attack by aircraft carried out by one State over the territory of another State, with the aid of poisonous gases.

The reports in question add that other cases may arise in which the problem would be simplified owing to some act committed by one of the parties to the dispute affording unmistakable proof that the party in question was the real aggressor.

There are also certain factors which may serve as a basis in determining the aggressor:

(a) Actual industrial and economic mobilisation carried out by a State either in its own territory or by persons or societies on foreign territory.

(b) Secret military mobilisation by the formation and employment of irregular troops or by a declaration of a state of danger of war which would serve as a pretext for commencing hostilities.

(c) Air, chemical or naval attack carried out by one party against another.

(d) The presence of the armed forces of one party in the territory of another.

(e) Refusal of either of the parties to withdraw its armed forces behind a line or lines indicated by the Council.

(f) A definitely aggressive policy by one of the parties towards the other, and the consequent refusal of that party to submit the subject in dispute to the recommendation of the Council or to the decision of the Permanent Court of International Justice and to accept the recommendation or decision when given.

118. The list of factors furnished by the Special Committee of the Temporary Mixed Commission might be supplemented by including the violation of certain undertakings; for instance, refusal to submit a dispute for pacific settlement by the methods agreed upon, or failure to observe restrictions of a military nature which have been accepted.

119. As regards military restrictions, mention must be made, *inter alia*, of the following treaties, the relevant passages of which are given in the Sub-Annex.

(a) The "Rush-Bagot Agreement" between Great Britain and the United States, concerning naval force on the Great Lakes, signed April 28th-29th, 1817.

(b) The Convention between Great Britain and China, giving effect to Article III of the Convention of July 24th, 1886, relative to Burma and Tibet, signed March 1st, 1894.

(c) The Convention between Norway and Sweden, concerning the establishment of a neutral zone, the dismantling of fortifications, etc., signed October 26th, 1905.

(d) The Treaty of Versailles.

(e) The Convention relating to the non-fortification and neutralisation of the Aland Islands, signed on October 20th, 1920.

(f) The Treaty of Lausanne between the British Empire, France, Italy, Japan, Greece, Roumania, the Kingdom of the Serbs, Croats and Slovenes and Turkey, signed July 24th, 1923.

(g) The Treaty between Germany and Belgium, France, Great Britain and Italy, signed at Locarno on October 16th, 1925.

120. The treaties provide for the total or partial demilitarisation of certain zones. It is clear that a violation of these zones would in many circumstances — in the absence of any express stipulation — raise a presumption of aggression.

The value of these demilitarised zones as aids in determining the aggressor has already been recognised in the draft Treaty of Mutual Assistance, which states in 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. "

Paragraph 1 of Article 9 of the Protocol of Geneva contains the following provision :

" The existence of demilitarised zones being calculated to prevent aggression and to facilitate a definite finding of the nature provided for in Article 10 below, the establishment of such zones between States mutually consenting thereto is recommended as a means of avoiding violations of the present Protocol. "

121. Special importance was given to the demilitarised zone in the Rhine Pact. This Treaty declares that resistance offered to a violation of the Rhineland Demilitarised Zone shall be deemed to be the exercise of a legitimate right of defence, in derogation from the mutual undertaking to refrain from aggression, when such violation constitutes an unprovoked act of aggression and when, by reason of the assembly of armed forces in the demilitarised zone, immediate action is necessary. This Treaty further provides that, in case of a flagrant violation of the Demilitarised Rhineland Zone, the guarantor powers shall immediately come to the help of the party against whom such a violation or breach has been directed as soon as they have been able to satisfy themselves that this violation constitutes an unprovoked act of aggression, and that, by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone, immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question if one of the contracting parties considers that the zone has been violated, will issue its findings. The contracting parties undertake in such a case to act in accordance with the recommendations of the Council, provided that they are concurred in by all the members other than the representatives of the parties which have engaged in hostilities.

122. In the event of hostilities having broken out, the Protocol of Geneva laid down explicitly that a State might be presumed to be an aggressor in the following circumstances, unless a decision of the Council, which must be taken unanimously, should declare otherwise :

(1) If it has refused to accept the procedure for a pacific settlement or to comply with the decision rendered in pursuance of that procedure.

(2) If it has violated the provisional measures enjoined by the Council to prevent preparations for war being carried on during the proceedings for pacific settlement ;

(3) Disregard of a decision recognising that the dispute lies solely within the domestic jurisdiction of the other party, if the State in question has failed or refused previously to submit the question to the Council or to the Assembly.

The Protocol further declared that a belligerent which refused to accept, or violated, an armistice enjoined by the Council was to be deemed an aggressor.

When the Council had called upon the signatory States to apply against the aggressor the sanctions provided by the Protocol, any signatory State thus called upon was thereupon entitled to exercise the rights of a belligerent.

123. The Report of the Committee of the Council on Article 11 of the Covenant points out that the action which the Council has to take in case of a conflict, in virtue of Article 11 and other articles of the Covenant, will provide it with valuable material which will assist it in determining the aggressor, in case war should break out in spite of all the efforts made to prevent hostilities, or to suspend them after they have begun. It is clear that the nature and extent of the co-operation which the parties to the dispute are willing to afford to the Council cannot fail to exercise considerable influence upon the decision of that body.

124. *Sub-Annex to Chapter II.*

TREATIES INVOLVING CERTAIN UNDERTAKINGS IN REGARD TO MILITARY RESTRICTIONS.

(a) In 1817, Great Britain and the United States came to an agreement for the demilitarisation of the big lakes forming the frontier between the United States and Canada. This agreement was known as the "Rush-Bagot Agreement".

(b) Great Britain concluded with China a Convention designed to ensure the maintenance of peace on the Chinese frontiers of her Asiatic possessions. This Convention was ratified in London on August 23rd, 1894. The high contracting parties undertake not to construct or maintain fortifications within a ten-mile zone along the frontier.

(c) On the dissolution of the Union of Norway and Sweden, a Convention was signed at Stockholm in October 1905, establishing a neutral zone between the two countries. This Convention can only be denounced by joint agreement.

(d) Under Article 42 of the Treaty of Versailles, Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometers to the east of the Rhine. Article 43 provides that "in the area defined above [i.e., in Article 42] the maintenance and the assembly of armed forces, either permanently or temporarily, and military manoeuvres of any kind, as well as the upkeep of all permanent works for mobilisation, are in the same way forbidden".

(e) On October 20th, 1921, a Convention relating to the non-fortification and neutralisation of the Aland Islands was signed. Under this Convention, Finland undertakes not to fortify that part of the Finnish Archipelago which is called "the Aland Islands". Article 7 of the Convention provides as follows :

" I. In order to render effective the guarantee provided in the Preamble of the present Convention, the High Contracting Parties shall apply, individually or jointly, to the Council of the League of Nations, asking that body to decide upon the measures to be taken either to assure the observance of the provisions of this Convention or to put a stop to any violation thereof.

" The High Contracting Parties undertake to assist in the measures which the Council of the League of Nations may decide upon for this purpose.

" When, for the purposes of this undertaking, the Council is called upon to make a decision under the above conditions, it will invite the Powers which are parties to the present Convention, whether Members of the League or not, to sit on the Council. The vote of the representative of the Power accused of having violated the provisions of this Convention shall not be necessary to constitute the unanimity required for the Council's decision.

" If unanimity cannot be obtained, each of the High Contracting Parties shall be entitled to take any measures which the Council by a two-thirds majority recommends, the vote of the representative of the Power accused of having violated the provisions of this Convention not being counted.

" II. If the neutrality of the zone should be imperilled by a sudden attack either against the Aland Islands or across them against the Finnish mainland, Finland shall take the necessary measures in the zone to check and repulse the aggressor until such time as the High Contracting Parties shall, in conformity with the provisions of this Convention, be in a position to intervene to enforce respect for the neutrality of the islands.

" Finland shall refer the matter immediately to the Council. "

(f) The Treaty signed at Lausanne on July 24th, 1923, between the British Empire, France, Italy, Japan, Greece, Roumania, the Kingdom of the Serbs, Croats and Slovenes and Turkey includes a Convention relating to the regime of the Straits.

The preamble declares that the signatory Powers are desirous of ensuring in the Straits freedom of transit and navigation between the Mediterranean Sea and the Black Sea for all nations, and that they consider that the maintenance of that freedom is necessary to the general peace and the commerce of the world.

Further, Article 18 contains the following provisions :

" The High Contracting Parties, desiring to secure that the demilitarisation of the Straits and of the contiguous zones shall not constitute an unjustifiable danger to the

military security of Turkey, and that no act of war should imperil the freedom of the Straits or the safety of the demilitarised zones, agree as follows :

“ Should the freedom of navigation of the Straits or the security of the demilitarised zones be imperilled by a violation of the provisions relating to freedom of passage, or by a surprise attack or some act of war or threat of war, the High Contracting Parties, and in any case France, Great Britain, Italy and Japan, acting in conjunction, will meet such violation, attack, or other act of war or threat of war, by all the means that the Council of the League of Nations may decide for this purpose.

“ So soon as the circumstance which may have necessitated the action provided for in the preceding paragraph shall have ended, the regime of the Straits as laid down by the terms of the present Convention shall again be strictly applied.

“ The present provision, which forms an integral part of those relating to the demilitarisation and to the freedom of the Straits, does not prejudice the rights and obligations of the High Contracting Parties under the Covenant of the League of Nations. ”

The Treaty of Lausanne also includes another Convention respecting the Thracian frontier. This Convention declares that the said Powers, being desirous of ensuring the maintenance of peace on the frontiers of Thrace, and considering it necessary for this purpose that certain special reciprocal measures should be taken on both sides of this frontier, have agreed (in Article 1) that from the Ægean Sea to the Black Sea the territories extending on both sides of the frontiers separating Turkey from Bulgaria and from Greece shall be demilitarised to a depth of about 30 kilometers.

According to Article 4, in the event of one of the bordering Powers whose territory forms the subject of the present Convention having any complaint to make respecting the observance of the preceding provisions, this complaint shall be brought by that Power before the Council of the League of Nations.

(g) The Treaty signed at Locarno on October 16th, 1925, between Germany, Belgium, France, Great Britain and Italy, provides in Article 2 that :

“ Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

“ This stipulation shall not, however, apply in the case of the exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph, or to a flagrant breach of Articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression, and, by reason of the assembly of armed forces in the demilitarised zone, immediate action is necessary. ”

III. ARTICLE 11 OF THE COVENANT : STUDY OF THIS ARTICLE WITH REFERENCE TO WORK ALREADY DONE AND IN PROGRESS.

Introduction.

125. Article 11 covers all cases of armed conflict. In this respect, its scope is wider than that of Articles 10, 16 and 17 of the Covenant. It may be said that these latter articles deal with only certain of the armed conflicts covered by Article 11.

126. Under Article 11, the League of Nations has the most extensive competence. The Council can intervene in any conflict, whether the parties are Members of the League or not. It is equally competent whether there is resort to war or a threat of war, and it can take action in time to prevent hostilities or to terminate them if they have already been begun. Its authority is exercised in any war — not only in a war contrary to Articles 12, 13 and 15, but also in a war which is not contrary to those articles. If the procedure contemplated in Article 15 has failed, Article 11 remains applicable, and offers a possibility of renewing efforts to prevent war. Even if there is no threat of war, but merely circumstances affecting international relations which threaten to disturb international peace or the good understanding between nations, the case may be brought to the Council's attention.

127. The resources at the League's command are also very extensive. The extremely general terms of Article 11 — “ any action that may be deemed wise and effectual to safeguard the peace of nations ” — allow of all suitable measures being taken. Within the limits of its powers, and without prejudice to the rights of the Members of the League, on whom Article 11 imposes no special obligation, the Council, in consciousness of its responsibilities under the Covenant, may choose at its discretion whatever measures it thinks expedient. Moreover, proceedings under Article 11 do not in any way exclude proceedings under other provisions of the Covenant.

128. The difference between Articles 10 and 12-16 on the one hand and Article 11 on the other hand may be expressed as follows :

Article 10 protects the territorial integrity and political independence of every Member of the League against all external aggression.

Articles 12-16 prescribe the procedure to be followed in the event of disputes, and the rights and obligations thence derived by Members.

Article 11 is the essential expression of the principles of the League, and is designed to protect the interests of all. It does not impose upon Members of the League any obligations which can be rigidly specified; the Council's action under this article is political rather than judicial.

It is in Article 11 that the moral factors and the solidarity of the Members of the League are most clearly brought out.

129. The systematic preparation of the Council's action under Article 11 has two aspects — a technical and a political aspect.

The technical aspect relates to communications of importance to the League at times of emergency. It is studied in a special chapter of this memorandum.

The political aspect has already been dealt with in the Report submitted by the Committee of the Council on point 1 (b) of the French proposal to the Preparatory Commission for the Disarmament Conference (document A. 14. 1927. V, pages 76 *et seq.*) (Report approved by the Assembly and the Council). The report may be said to have laid the foundations for the systematic preparation of the Council's action under Article 11. In this study, an attempt will be made to ascertain whether it can be completed.

130. It is important to make it clear at the outset that the systematic preparation of the Council's action under Article 11 can never be a code of procedure.

As was very well pointed out in the report of the Committee of the Council, it is not possible to enumerate all the measures that might be taken; a few of them must be indicated by way of example, without underestimating or questioning the value of those which are not expressly mentioned. The infinite variety of events that may occur in international political life cannot be confined in advance in watertight compartments.

The Council will to a great extent be guided by precedent, and its experience will grow with the progress of its political work.

How Article 11 comes into Operation.

131. Any action by the Council in virtue of Article 11 presupposes that the question at issue has been officially laid before the Council.

Legally speaking, the Council cannot receive notice of a question except from a Member of the League.

It is not necessary, however, that this Member should be one of the parties to the dispute. Any Member of the League, even if not immediately affected, has the right to bring a dispute before the Council in virtue of Article 11.

132. No special form is prescribed for this purpose. Reference may be made to the dispute between Panama and Costa Rica, when the Council, meeting at Paris, had before it certain reports showing that there was tension between the two countries, and proceeded to discuss the matter.

133. Nevertheless, if, in accordance with paragraph 1 of Article 11, the Secretary-General is to be able to summon a meeting of the Council forthwith, one of the Members of the League must have requested him to do so.

134. In certain cases, Governments may think it more expedient to refer to paragraph 2 of Article 11 than to paragraph 1 of that article. If the question is thought to be sufficiently urgent, the Council can be convened without delay in accordance with the rules of procedure it has itself established. In this eventuality, a request for a meeting of the Council must be addressed to the Secretary-General.

135. It is certainly desirable that a State asking for the application of Article 11 should make reference to that article. The Council, however, in consciousness of its responsibility, will, if necessary, act in virtue of that article, even if no specific reference is made to it.

136. The Council must not interfere in disputes without a serious reason, or as long as there is still some hope of an amicable settlement.

137. In the event of war or a threat of war, the Council can always act under Article 11, paragraph 1, even if another article is invoked or if proceedings have already been entered upon in virtue of another article. This question is considered in the memorandum on arbitration and conciliation.

138. Even if a dispute is submitted to a special tribunal, it is possible in certain cases that such tension may develop between the two States as to amount to a threat of war. The Council can then intervene under Article 11. This is explicitly recognised in the Locarno agreements, where it is stated that nothing in the agreements is to be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

An observation to the same effect has been made in the memorandum on arbitration and conciliation.

139. Experience shows that in certain cases it may be expedient to resort to all possible means of direct conciliation, and to the good offices of third Powers, before bringing a dispute before the Council. Article 11 is sufficiently elastic to allow of this.

M. de Brouckère, delegate of Belgium, in calling the attention of the Third Committee of the last Assembly to this point, raised the question whether the Council ought not at all events to keep in touch with developments in the dispute. This suggestion is worthy of special attention. Nevertheless, if efforts of conciliation are to be successful, it may be essential that the question should be discussed by a very small number of Powers. It would seem that the parties concerned must be left full latitude to decide whether the Council should be kept informed of the developments of the case so long as the question has not actually been submitted to the Council. There have been cases in which Members of the League have thought it desirable to make such communications to the Council. Great Britain did so in the Chinese question (Declaration by the British Government concerning British policy in China, February 8th, 1927); the Albanian and Serb-Croat-Slovene Governments did so in the dispute which arose out of the arrest of the dragoman of the Serb-Croat-Slovene Legation at Tirana. It must also be remembered that the Governments' Members of the Council are kept abreast of political developments by their diplomatic agents.

Application of Article 11.

(a) *Cases covered by Article 11, Paragraph 2, of the Covenant, and Similar Cases.*

140. Even if the threat of war is not an imminent threat, it may be useful, when the situation is liable to grow worse, to call the attention of the parties to the undertakings into which they have entered in virtue of the Covenant, and to urge them to refrain from any act which might increase the tension. The Council has acted in this way on several occasions — in connection with the Aland Islands question between Sweden and Finland, the dispute between Costa Rica and Panama, the frontier disputes between Albania and her neighbours, the Mosul question between Turkey and Iraq, the incursion of armed bands from Bulgaria into neighbouring States, and the Italo-Greek incident at Corfu.

141. The Council may also send a commission to the spot, with the consent of the party to whose territories it is to proceed, to enquire into the situation on the frontier areas of the parties to the dispute; this was done in the dispute between Turkey and Iraq.

142. The Council may also endeavour to hasten the settlement of the question actually at issue; an example of this is the frontier dispute between Albania and her neighbours.

143. If a rupture has taken place, the Council may take steps to mitigate its effects. In the first Polish-Lithuanian dispute, it recommended the parties to re-establish consular relations and free communication, and when these efforts proved unsuccessful it requested them to entrust their interests to friendly Powers.

144. In other cases it may be useful to recommend to the parties measures which, from the military point of view, will furnish pledges of their peaceful intentions towards each other; such measures are the withdrawal of troops from the frontier, reduction of effectives, demobilisation, etc.

(b) *Cases covered by Article 11, Paragraph 1.*

145. The Committee of the Council points out in its report that the Council may indicate to the parties from what movements of troops, mobilisation operations and other measures of the same kind it recommends them to refrain.

146. *A fortiori*, in the hypothesis put forward in paragraph 1 of Article 11, the Council may recommend to the parties the demobilisation and other measures indicated in the preceding paragraph.

147. Experience shows that it is very often the impression of being exposed to a military threat that nullifies efforts to prevent war. We must here refer to the observations made by Sir Austen Chamberlain at the thirty-third session of the Council to the effect that all the military preparations of a State to deal its adversary a crushing blow immediately on the outbreak of war may already have been made in normal times, and may constitute a very serious threat to the opponent at a time of crisis.

148. Another important point which should be mentioned is that of the localisation of the conflict. All the Council's efforts to prevent hostilities may prove to be vain if other countries besides the parties to the dispute take military action against either of those parties. Even what are called precautionary measures or demonstrations are liable to do irreparable harm. The Council can take the same measures against third States as against the parties.

This point seems to call for the Council's special attention in cases where military alliances or conventions might operate, particularly if these agreements allow of military action being taken automatically or spontaneously. This point is examined in detail in the memorandum on security.

149. In order to terminate hostilities that have already been engaged, the Council may recommend the parties to conclude an armistice. This was done in the first Polish-Lithuanian dispute.

150. In order to keep abreast of developments during the intervals between sessions, the Council may confer powers according to the case, either on the acting President or on the Rapporteur on the question at issue, or on both jointly. It may also appoint a committee

of certain of its members. An instance of this is to be found in the first Polish-Lithuanian dispute. Mention may also be made of M. Briand's intervention in the Greco-Bulgarian dispute.

(c) *Special Cases.*

151. Article 11 is still applicable when the procedure under Article 15 has been exhausted. The following situations can be imagined as arising in regard to Article 15 :

(a) The Council is not able to recommend a solution unanimously.

(b) The Council is unanimous in recommending a solution, but this solution is rejected by one or both of the parties.

(c) The Council recognises that the dispute concerns a question which, under international law, is within the domestic jurisdiction of one of the parties.

152. In these hypotheses the Council may always obtain information as to what the parties propose to do after the expiry of the time-limits provided for in Article 12. It may recommend the parties to extend these time-limits. It may propose measures to prevent the situation from becoming more acute.

153. If there is a unanimous recommendation, the Council may endeavour to induce the party or parties who have rejected its solution to accept any suggestions it may make.

It may be recalled that in the hypothesis covered by Article 15, paragraph 8, the Geneva Protocol provided that, even if the question were held by the Permanent Court or by the Council to be a matter solely within the domestic jurisdiction of one State, this decision should not prevent consideration of the situation by the Council or by the Assembly under Article 11 of the Covenant.

(d) *Measures of Conservancy.*

154. It is difficult to enumerate all the steps that the Council might take as measures of conservancy under Article 11, but valuable suggestions on this point are to be found in the Locarno agreements.

These agreements provide that, if a question covered by the agreements is laid before the Council, the latter shall ensure that suitable provisional measures are taken ; and that the parties undertake to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Council, and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

155. It might be suggested that, in the case of a dispute between Powers which are not signatories of the Locarno arbitration treaties, the Council should recommend the parties to enter into similar undertakings.

Final Observations.

156. The Committee of the Council points out in its report that if, notwithstanding all the measures recommended by the Council in virtue of Article 11, war is resorted to, it is probable that the Council's action will have made it possible to determine which State is the aggressor.

157. It is not necessarily the State to whose conduct the crisis was originally due which is to be regarded as the aggressor ; in certain eventualities it might possibly be the other party which ought to be regarded as the aggressor, if it has deliberately refused to conform to the Council's recommendations. The prospect of this possibility will strongly influence the parties to the dispute to accept the measures proposed by the Council.

158. There is another factor of very great importance which will set up a further obstacle to prevent nations from being swept into war. As was stated in the Introduction, " it may truly be said that before the existence of the League of Nations the national points of view were the only ones of which public opinion had any cognisance in times of international crisis. The effect of the Council's debates being held in public will be not only that the opponent's point of view is likely to become better known in the other country, but also — more important still — that the official recommendations given by the Council to the parties will furnish the public in all countries with the means of forming a judgment ; this factor cannot fail to turn governing circles in the different countries concerned towards a pacific settlement.

" It is difficult to believe that the Government of any of these countries would refuse to give full publicity to the official recommendations of the Council. Indeed, such a refusal would be taken, not only by foreigners but by the people of the country itself, as very significant evidence of the real intentions of the Government. It would be a matter of vital importance to any Government to avoid incurring such discredit. "

IV. ARTICLE 16 OF THE COVENANT : STUDY OF THIS ARTICLE ON THE SAME LINES AS ARTICLE 11.

Introduction.

159. The programme of work approved by the Committee on Arbitration and Security at its first session includes the study of Article 16 on lines similar to those adopted in studying Article 11.

The study of Article 11 followed M. de Brouckère's report to the Committee of the Council on Question 1 (b) of the French delegation's proposal to the Preparatory Commission for the Disarmament Conference. M. de Brouckère's report dealt with the two articles (11 and 16).

The French proposal referred to some of the questions contained in the questionnaire which had been submitted by the Council to the Preparatory Commission for the Disarmament Conference, namely :

“ Question V (a). On what principles will it be possible to draw up a scale of armaments permissible to the various countries, taking into account particularly :

“ 1.

“ 8. The degree of security which in the event of aggression a State could receive under the provisions of the Covenant, or of separate engagements contracted towards that State ?

“ (b) Can the reduction of armaments be promoted by examining possible means for insuring that the mutual assistance, economic and military, contemplated in Article 16 of the Covenant shall be brought quickly into operation as soon as the act of aggression has been committed ? ”

The French proposal relating to these questions included the following passage :

“ With reference to Question V (a), 8, and V (b), the Commission considers that, in order that a State should be able to calculate to what extent it can consent to the reduction or limitation of its armaments, it is essential to determine what method and what machinery are best calculated to give help to that State when attacked.

“ The Commission therefore proposes to suggest to the Council :

“ 1. That *methods or regulations* should be investigated which would :

“ (a)

“ (b) Enable the Council to take such decisions as may be necessary to enforce the obligations of the Covenant as expeditiously as possible. ”

160. M. de Brouckère's able report on Question 1 (b) was discussed at the fifth session of the Committee of the Council. The latter decided, on Lord Cecil's proposal, to undertake immediately the study of five concrete proposals made in the report, and of the part of the report dealing with the measures to be taken in virtue of Article 11. The discussion of the part of the report dealing with the general principles of Article 16, and the legal force of the 1921 resolutions was postponed.

The Council, in its resolutions of December 8th, 1926, noted that the Committee of the Council proposed to submit a report on Article 16 at a later date, and, in accordance with the Committee's suggestions, it requested the Secretary-General to collect all the documents which related to the preliminary work carried out by the League in regard to this article. In pursuance of this decision, the Secretary-General obtained all the resolutions adopted by the different organs of the League with regard to Article 16, and added a memorandum summarising the measures taken by the League in this connection (document A.14.1927.V).

The study of Article 11 led to the preparation of the report approved by the Committee of the Council on March 15th, 1927, with regard to the methods and regulations which would enable the Council to take such decisions as might be necessary to enforce the obligations of the Covenant as expeditiously as possible. This report (to which Chapter III of the present memorandum referred) was approved by the Assembly at its last ordinary session.

In the present chapter we propose to continue the study of the application of Article 16.

The Resolutions of 1921.

161. The Assembly of 1921 adopted a series of amendments to Article 16. It held over the further study of the application of Article 16 for a subsequent Assembly. The latter was to take as a basis the text of Article 16 as it would stand after the ratification and entry into force of the amendments of 1921. The Assembly of 1921, being anxious to provide as far as possible a method by which Article 16 could be applied until the amendments should come into force, adopted a series of nineteen resolutions, the aim of which is indicated in the first resolution :

“ 1. The resolutions and the proposals for amendments to Article 16 which have been adopted by the Assembly shall, so long as the amendments have not been put into force in the form recommended by the Covenant, constitute rules for guidance which the Assembly recommends, as a provisional measure, to the Council and to the Members of the League in connection with the application of Article 16. ”

The Assembly thus desired to lay down provisional rules to be acted upon until the amendments adopted were put into force. Provisionally, and pending their ratification, these amendments and the resolutions relating thereto were to serve as guiding principles. It should be noted that more than one of the nineteen resolutions was based, not on the text of Article 16, which was in force in 1921, but on the text resulting from the 1921 amendments. M. de Brouckère's report gives a series of examples which we need not enumerate here.

The 1921 amendments have not come into force. They lack the ratification required of several Members of the Council.

Thus the state of affairs to which the first resolution quoted above refers has lasted much longer than was anticipated by the Assembly in 1921.

162. This situation is far from satisfactory. The old text is still in force, notwithstanding the numerous ratifications obtained by the 1921 amendments. The fate of these amendments depends upon the decision of a few Members only. It is desirable that this uncertainty should be put an end to by the ratification of these amendments in the near future or their final abandonment. It is worth recalling here the amendment adopted by the Assembly on October 3rd, 1921, adding to Article 26 of the Covenant a paragraph to be worded as follows: "If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect". This amendment, however, has not yet obtained the necessary number of ratifications.

163. In so far as the 1921 resolutions are not compatible with Article 16 as it stands, they cannot be given force of law. Those which are in conformity with the Covenant retain their value. On the one hand, it must be recognised, as is done in M. de Brouckère's report, that neither the amendments which have not come into force nor their solutions can impose on a Member any new obligation or release him from obligations which he has already contracted. But it cannot be denied that both the amendments and the resolutions constitute suggestions of the greatest interest. In so far as the resolutions are in agreement with the Covenant, they can be regarded as indicating the view taken by the Council and the Assembly of the scope of Article 16, and as announcing the way in which they intend to apply this article if the need should arise.

Interpretation of Article 16.

164. The study of Article 16 has given rise to more than one controversy on the exact scope of the terms of the article. In order to remedy this, is it necessary to endeavour once again to give a more or less official interpretation? Is it necessary, for example, to define what is meant by the expression "resort to war" in the first line of the article? It must be recognised that it would be extremely desirable to arrive at a generally accepted interpretation which would put an end to many controversies. It is worth recalling here the words of the fourth resolution of 1921:

"4. It is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed. The fulfilment of their duties under Article 16 is required from Members of the League by the express terms of the Covenant, and they cannot neglect them without breach of their treaty obligations."

This doctrine is generally accepted to-day, and even if it were not the Council could not invoke a text or apply a sanction to oblige a Member to obey a decision of the Council in virtue of Article 16 which that Member did not consider to be well founded. It is the Members themselves who must decide on the performance of their obligations under Article 16. It must therefore be realised that when they are called upon to take this extremely grave decision they will be guided by their own conception of their obligations under Article 16.

165. We may go even further than this. If ever the question of the application of Article 16 arose, the decision of the different countries would not depend on interpretations, however authoritative, or on the deductions of lawyers; the great question would be whether the principle of Article 16 was or was not a living reality. To carry out the grave obligations contained in Article 16, States would have to be inspired by the spirit of responsibility and solidarity which is at the root of Article 16 and of the whole League of Nations.

166. While it appears wise to leave it to the lessons of experience to provide material for defining in future the provisions of Article 16, it must also be recognised that there would be a certain danger in fixing in an immutable form the measures which might be taken in application of these texts.

Indeed, an interpretation providing hard-and-fast criteria for deciding whether there is resort to war or not might force the Council and the Members to declare that the conditions of Article 16 were present at a time when there was still room for doubt as to whether there had really been resort to war, and for hope that the mediation of the Council might stop the hostilities which had begun, and prevent the irrevocable operation of Article 16. We may recall the observations made in the chapter on Article 10 concerning the criteria to be taken as a basis in determining the aggressor.

Application of the Article.

167. We now come to the measures which can be taken to prepare the application of Article 16. A distinction must here be made between preparing the application of Articles 11 and 16. The action exercised under Article 11 aims at safeguarding the peace of nations; it is conciliatory and pacifying in its object.

Article 16 is applied at a more advanced stage of the dispute. As M. de Brouckère's report justly says, it lays down terrible measures for the extreme case in which the pacific endeavours of the League finally fail before the criminal determination of a State resolved on war. Thus, to prepare the application of Article 11 is to prepare a pacific action, and to

prepare the application of Article 16 is to prepare to take measures of extrême gravity. To prepare the Council's action under Article 11 is to prepare an action which it is hoped will be exerted in time and will be successful, while to prepare the execution of Article 16 is to prepare for action which it is hoped will never be required.

168. Preparation of the application of Article 16 may be conceived in two different forms. The preparation might consist in special measures to be applied to given situations. Every eventuality would have to be considered. One might even go as far as to draw up plans of campaign for cases of aggression. On the other hand, preparation might also be general and might aim at creating a situation which would inspire confidence in the effectiveness of the League's organs and in the readiness of Members to perform their duty if the application of Article 16 became necessary. It is above all in the latter sense that preparations must be made for the application of the article. Unlike the special preparation, the general preparation does not involve the danger of arousing conflicts by imagining their existence.

169. The preparation of the military sanctions provided for in Article 16 does not seem likely to promote mutual confidence between the States Members of the League of Nations, if at the same time pacific procedure suitable for the settlement of all international disputes is not organised, and if there is not also a general agreement on the reduction and limitation of armaments.

170. In making preparations for the application of Article 11, that of Article 16 is also to a great extent prepared. This is easily understood if it is realised that the application of the measures provided for by Article 16 does not take place at the beginning of a dispute but only when it is proved that a serious crisis is no longer capable of a peaceful solution. The question of the application of Article 16 will therefore not come before the Council and the Members without the Council having first to deal with the conflict in virtue of Article 11 and similar articles. The application of the procedure of Article 11 will be for the Council the best preparation for the performance of its duties under Article 16. This procedure will enlighten it as to the attitude of the two parties, and supply it with valuable information which will enable it to give the Members of the League the guidance and the recommendations to which they are entitled.

171. It is not the Council which has the last word on the measures to be taken in execution of Article 16. It is for the Members, bearing constantly in mind their duty, to enforce respect for the Covenant, to decide upon what measures they can take. To deal effectively with the aggressor, co-operation is essential. It is clear that, for this co-operation to succeed, it is most desirable that States should have the guidance, in regard to the general situation, of a weighty and authoritative opinion. As to military action against the aggressor, Article 16 itself instructs the Council to make recommendations to the Members. The provisional injunctions of 1921 added that, if necessary, it would be for the Council to recommend to the Members a plan for joint action co-ordinating the economic, commercial and financial measures to be taken. This is a valuable suggestion going beyond the provisional framework of the 1921 resolutions. The part assigned to the Council is in perfect harmony with the central position given to it by the Covenant.

172. For the recommendations it will have to make, the Council will need very full information on various points. In one of its resolutions of December 8th, 1926, the Council requested the Secretary-General to collect systematically precise information regarding the economic and financial relations of the various States with a view to a possible application of Article 16 of the Covenant, and to carry out this work in accordance with a plan to be submitted to the Council by the Secretary-General after consulting the technical organs of the League, including, if necessary, the Joint Commission. Correspondence has since passed between the Secretary-General and the Economic and Financial Committees of the League with regard to the plan to be drawn up.

In a letter dated October 13th, 1927 (see Sub-Annex 1), the Financial Committee informed the Secretary-General that it could not but feel that such a new form of enquiry might cause a misunderstanding of the purpose of the present work of collecting and publishing trade statistics and other economic information, which was undertaken in the general interests of scientific knowledge and practical economic purposes. The Committee thought it of great importance that this work should be continued and developed on its present lines and said that it would greatly regret any action which might restrict it or render it more difficult.

173. At the same time the Committee recognised that, apart from the duties falling upon the several States, the League might have a very important part to play in securing due co-ordination between the measures taken in the different countries, and that it was therefore desirable that, when the occasion arose, the League should have at its disposal both the information and expert advice and assistance which might be required in the circumstances peculiar to any particular crisis. In the Committee's opinion, these requirements could only be met by securing, as soon as the occasion arose, the expert assistance and information which the Member States were alone in a position to give.

174. In these circumstances, the Committee recommended that, apart from the development and extension of the League's work of collecting economic information on the present lines and for its present purpose, no new form of enquiry should be instituted. It recommended, however, that Member States should be asked, in addition to carrying out their specific obligations under Article 16, to undertake to place at the disposal of the League, when the need arose, the economic and financial information in their possession which was relevant to the

particular crisis, and the advice and assistance of competent experts in order to help the League to secure due co-ordination between the measures taken by the different Member States.

175. The Economic Committee's opinion, which will be found in its letter to the Secretary-General of December 21st, 1927 (see Sub-Annex 2), is to the same effect. According to the authoritative opinion of these two Committees, the League of Nations should confine itself for the moment to collecting and publishing commercial statistics and other economic particulars which have already been compiled. If it should become necessary to apply Article 16, the Council would obtain the opinion of the economic and financial experts of the countries specially concerned in the sanctions, and would thus obtain the knowledge necessary for drawing up its recommendations.

176. We might now go into the details of the measures to be taken in the case provided for in Article 16. We may quote the first sentence of the tenth resolution of 1921 :

“ It is not possible to decide beforehand, and in detail, the various measures of an economic, commercial and financial nature to be taken in each case where economic pressure is to be applied. ”

Indeed, the variety of cases which might arise is such that it is impossible to settle in advance what measures will be possible and expedient. When the time comes, the Council will act with a full knowledge of the facts acquired by the action it will have taken in virtue of the Covenant during the development of the conflict.

There is therefore no question of drawing up a code of procedure for the application of Article 16.

It is possible, however, to formulate in a general manner a series of indications and recommendations capable of guiding the Council and the Members of the League without restricting the freedom of the League's organs to judge at any time the best line of action to take, and without diminishing or increasing the rights and duties of the Members under the Covenant. Indications of this kind will be found summarised in the conclusions at the end of this memorandum.

177. *Sub-Annex 1 to Chapter IV.*

REPLY OF THE FINANCIAL COMMITTEE ON THE SYSTEMATIC COLLECTION OF INFORMATION.

The Committee considered very carefully the following resolution of the Council :

“ The Council requests the Secretary-General :

“ (a) To collect systematically precise information regarding the economic and financial relations of the various States, with a view to a possible application of Article 16 of the Covenant. This work will be carried out in accordance with a plan to be submitted to the Council by the Secretary-General after consulting the technical organisations of the League, including, if necessary, the Joint Commission. ”

The Committee fully realises that it is essential that the provisions of Article 16 as to the severance of economic and financial relations should be enforced by Member States effectively and without delay, as soon as the necessity arises, and appreciates the importance of the part which the League's central organisation may play in securing this result.

The Committee cannot but feel, however, that such a new form of enquiry might cause a misunderstanding of the purposes of the present work of collecting and publishing trade statistics and other economic information which is undertaken in the general interests of scientific knowledge and practical economic purposes. The Committee thinks it of great importance that this work should be continued and developed on its present lines, and would greatly regret any action which might restrict it or render it more difficult.

At the same time the Committee recognises that, apart from the duties falling upon the several States, the League may have a very important part to play in securing due co-ordination between the measures taken in the different countries, and that it is therefore desirable that, when the occasion arises, the League should have at its disposal both the information and expert advice and assistance which may be required in the circumstances peculiar to any particular crisis. These requirements can, in the Committee's opinion, only be met by securing, as soon as the occasion arises, the expert assistance and information which the Member States are alone in a position to give.

In these circumstances, the Committee recommends that, apart from the development and extension of the League's work of collecting economic information on the present lines and for its present purpose, no new form of enquiry should be instituted. It recommends, however, that Member States should be asked, in addition to carrying out their specific obligations under Article 16, to undertake to place at the disposal of the League, when the need arises, the economic and financial information in their possession, which is relevant to the particular crisis, and the advice and assistance of competent experts in order to help the League to secure due co-ordination between the measures taken by the different Member States.

178. *Sub-Annex 2 to Chapter IV.*

REPLY OF THE ECONOMIC COMMITTEE ON THE SYSTEMATIC COLLECTION OF INFORMATION.

In response to the request for an opinion as to the most expedient means whereby it may be possible

“ to collect systematically precise information regarding the economic and financial relations of the various States, with a view to a possible application of Article 16 of the Covenant ”; the work to “ be carried out in accordance with a plan to be submitted to the Council by the Secretary-General after consulting the technical organisations of the League, including, if necessary, the Joint Commission ”,

the Economic Committee studied the question with the object of permitting as effective and speedy an application as possible of the provisions of Article 16 of the Covenant, relating to the severance of economic and financial relations.

In so doing it decided that it was necessary to differentiate between information of an international character which would be at the Council's permanent disposal and the information of a national character to which the Council should be able to call for in the event of the contingency mentioned in Article 16 arising, or for the purposes of preparatory studies or the institution of measures designed to meet such a contingency.

As regards the question of information of an international character, the Economic Committee is of opinion that it would not be expedient to contemplate collecting any information other than that which it already possesses.

With the information at its disposal, the Council will be able to estimate the resources for which any State is dependent on foreign help and those which it possesses within its own territory. It would be useless to attempt to rectify or supplement these data by a study of the plans of each country for remedying its dependence on foreign help or increasing its own resources in the contingency mentioned in Article 16 of the Covenant. As regards these national plans, which may in some cases be of assistance in interpreting international statistics, the Committee possesses no powers of investigation.

The Committee decided accordingly that the general international information, so far as the Committee has access to it, could not be considered of supreme value from the point of view of the contingencies contemplated by Article 16 or the studies connected therewith.

For this purpose, the most valuable source of information is the national material, dealing, on the one hand, with the resources and requirements of each country and the means whereby it proposes to increase the first and supply the second, and, on the other, with the assistance which it hopes to obtain from abroad. The Economic Committee is of opinion therefore that every Government should be able at any moment to supply information of this nature, which might be used in the circumstances mentioned in Article 16 and for the purposes of the joint studies that the League organisations might decide to undertake in view of those circumstances.

The Committee desires to emphasise the fact that the national information should not only be available in writing but should, if necessary, be analysed, explained and substantiated by experts appointed in advance by each Government.

The Committee is convinced that the international statistical work in which it is engaged and the national information which it recommends should be collected, would enable the Secretariat of the League to comply with the obligations imposed on the League by the Covenant.

V. COMMUNICATIONS OF THE LEAGUE IN TIME OF EMERGENCY.

179. In the study of Article 11, in Chapter III, it has already been pointed out that the systematic preparation of the Council's action under this article has a political as well as a technical side. The latter includes the question of communications affecting the League in time of emergency.

180. The question of League communications in time of emergency is important not only for the application of Article 11, but also for that of other articles of the Covenant, in particular Articles 4, 10, 15, 16 and 17. The effectiveness of the action taken by the Council under these articles depends to a large extent on the rapidity with which the Council can assemble. The sooner the Council can meet, the more rapid will be its intervention for the maintenance or restoration of peace. This is an important factor affecting security.

181. The last Assembly again stated categorically on this point that it is incumbent upon the Members of the League to facilitate the meeting of the Council in time of emergency by every available means in their power.

182. The rapid assembling of the Council, however, is not the only important point. Generally speaking, every effort should be made to ensure that the following steps are taken as rapidly as possible :

1. Appeal to the League from a Member of the League ;
2. Communication between the Secretary-General and the Members of the Council ;

3. Communication between the Secretary-General and the President of the Council ;
4. Communication between the President of the Council and the Secretary-General, and the States concerned ;
5. The assembling of the members of the Council at Geneva or in any other place ;
6. The conveyance to the spot of the special missions despatched by the Council.

183. With the exception of the meeting of the Council and the despatch to the spot of instructions or missions, all these points are dependent on telegraphic or telephonic communications, by wire or wireless.

184. The importance of rapid communications was clearly shown during the frontier incident between Bulgaria and Greece. The Commission of Enquiry into this incident stated in its report that " the saving of a few minutes may prevent a catastrophe. In the present circumstances, which were exceedingly favourable — in that the President of the Council received a telephone message one hour after Bulgaria's appeal had been received by the Secretary-General — a military operation which might have had the most dangerous results was only just prevented ".

185. The question of communications was also raised by M. Paul-Boncour at the first session of the Preparatory Commission. He said that under certain circumstances rapidity of action was one of the essential conditions for the prevention of war. M. de Brouckère expressed a similar opinion when he said that whatever action was to be taken must be taken more rapidly than an army could be mobilised, an operation which was always carried out with the utmost speed.

186. The first enquiries undertaken, at the request of the Council, by the Advisory Committee on Communications and Transit have already resulted in the framing of definite proposals which have been approved by the Administrations concerned and which will enable the best use to be made of existing means of communication by rail as well as by water, by telegraph and telephone, etc.

187. The Council, however, desired to go a step further. On the Council's instructions, the Advisory Committee on Communications and Transit is already studying the possibility of establishing for the requirements of the League of Nations, particularly at times of emergency, independent means of communication which would be entirely at its disposal and therefore infinitely less likely to be affected by the disturbances which a crisis is bound to produce in the normal working of communications under the control of Governments.

188. The Transit Committee is therefore considering the possibility of securing for the League of Nations independent means of communication by air as well as the establishment of a radio-telegraphic station belonging to the League, which will enable it to communicate independently with the greatest possible number of its Members.

189. The Committee on Arbitration and Security is bound to concern itself with these questions. Any measures to increase the safety and speed of the communications necessary for the working of the League organs at times of emergency will strengthen general security. In particular, the Committee must, in cases of serious emergency, attach great importance to the possibility of safeguarding the independence of the League's means of communication.

190. The adoption of the measures contemplated will show in a practical and tangible manner that the Members of the League are determined that the League shall be an effective instrument for action, and will, in the eyes of all, be a striking demonstration of solidarity.

VI. STUDY OF THE SCHEME OF FINANCIAL ASSISTANCE TO BE GIVEN TO STATES THREATENED WITH AGGRESSION.

Introduction.

191. The resolution adopted by the Committee on Arbitration and Security at its first session defines the study which it desires to carry out as follows :

" Study of the scheme of financial assistance to be given to States threatened with aggression, and particularly of the preliminary points raised by the Financial Committee :

" (a) Study of the criteria by which aggression may be presumed and the procedure of the Council in this matter ;

" (b) Right of participation by States (the question of States not Members of the League). "

192. With regard to the scheme of financial assistance to be studied, the Assembly, at its eighth ordinary session, adopted the following resolution :

" The Assembly,

" Having taken note of the plan submitted to the Council by the Financial Committee with regard to the Finnish Government's proposal for ensuring financial aid to any State victim of aggression ;

" Being convinced of the need for a system of financial aid for contributing to the organisation of security, which is an indispensable preliminary to general disarmament ;

“ Requests the Council to continue and complete it with a view to its final adoption either by a Disarmament Conference or by a special Conference to be convened for the purpose.

“ The Assembly suggests to the Council that it would be advisable to submit the plan referred to, and the documents relating to Article 16 prepared by the Legal Section of the Secretariat, the observations submitted by the several Governments and the Minutes of the discussions in the Third Committee on this subject, to the committee which it proposes should be appointed in pursuance of its resolution relative to arbitration, security and disarmament.”

193. The Council, at its forty-seventh session, referred the Assembly resolution through the Preparatory Commission for the Disarmament Conference to our Committee by the following resolution :

“ The Council,
“ Notes the Assembly’s resolution of September 26th, 1927, concerning financial aid to States victims of aggression ;
“ Forwards this resolution to the Preparatory Commission for communication to the committee which it is to appoint to study questions relating to arbitration and security ;
“ Authorises that committee to consult the Financial Committee whenever it thinks fit and, if necessary, to request the latter to make technical studies of the question ;
“ Requests the Financial Committee to co-operate with the Committee on Arbitration and Security and the Preparatory Commission for the Disarmament Conference for the purposes mentioned above.”

194. The scheme proposed by the Financial Committee is in its general outline as follows :

The State which is the victim of aggression would be assisted by the League to obtain a loan on the money market in the ordinary way.

The assistance would take the form of a guarantee for the loan. This guarantee would be given by the States participating in the scheme, perhaps in the same proportions as their contributions to the League. The Convention establishing the scheme would fix a maximum limit for the guarantee. If this maximum were fixed at fifty million pounds, and if all the Members of the League participated, each State would be called upon to guarantee the interest on and amortisation of a sum equal to about fifty times its annual contribution to the League. The signatories of the Convention would deposit general bonds of guarantee with the Secretary-General or the Trustees (who would be appointed by the Council). When a State which was a party to the Convention was attacked and asked for financial assistance under the terms of the Convention, the Council of the League would, on the advice of the Financial Committee, decide how and to what extent the request should be complied with, and would fix the amount of the loan.

For this purpose the signatories would exchange the general bonds for “ specific bonds of guarantee ” to the amount required, but not exceeding the total of their guarantees.

The “ specific bonds of guarantee ” would be drawn up in a form generally corresponding to that of the bonds deposited with the trustees for the Austrian Reconstruction Loan, and the procedure of their operation would be the same.

Should the attacked State default, the “ specific bonds ” would be presented to their signatories.

The Committee further proposes to strengthen the scheme by establishing a supplementary guarantee whereby a small number of signatories holding a very strong financial position would guarantee the signatories of the specific bonds for the entire amount. If necessary, they would temporarily furnish the funds required for the payments to be made.

Each Government signing the supplementary guarantee would undertake to facilitate the public issue, in its country, of loans floated under the Convention.

195. A detailed technical examination of the Financial Committee’s scheme cannot be expected in this memorandum. Such an examination would be valueless without the assistance of the Financial Committee, which has already done work of very considerable practical importance in this matter. The Council has made provision for this co-operation ; the Security Committee will have to arrange to inaugurate it, either through a sub-committee or by any other method which seems suitable.

196. It should be remembered that the British representative on the Council stated that his Government approved the scheme outlined by the Financial Committee but could only accept it on two conditions, namely, that the scheme should form part of an adequate measure of general disarmament and that the principal States should also accept a satisfactory allotment of the obligations contained in the guarantee.

197. For the moment it seems sufficient to explain the two main points mentioned in the Committee’s programme.

Study of the Criteria by which Aggression may be presumed and the Procedure of the Council in this Matter.

198. Under the Financial Committee’s scheme, action on the part of each guarantor State is necessary before the scheme of assistance can operate for the benefit of a country which is the victim of aggression ; the general bonds of guarantee must be exchanged for specific bonds of guarantee. This is an important point. The Financial Committee proposes to

make it a matter for the Council to decide whether the financial assistance in contemplation shall be given to an attacked State. Notwithstanding the deposit of the general bonds of guarantee, however, the Council will not have full and free disposal of the guarantee, but will require the concurrence of the States. The question then arises whether it will be possible in practice to introduce, side by side with the system of Article 16, under which each Member of the League is left to decide whether the Covenant has been broken, a different system for financial assistance. There arises at the same time the question whether the criteria of aggression should be studied separately in regard to the application of Article 16 and that of the scheme of financial assistance.

199. It is hardly to be supposed that, having arrived at a decision as to whether aggression within the meaning of Article 16 has taken place and who is the aggressor, any State will co-operate in giving financial assistance to a country which it cannot recognise as having been attacked. No State will lend financial assistance, even if enjoined to do so by the Council, to a State which it regards as the aggressor and against which it is applying economic or military sanctions. Still less can it be imagined that any State will voluntarily give military assistance to one of the belligerents and financial assistance to the other, simply because the criteria of aggression are different. It would seem necessary to establish a relation between the system of financial assistance and the application of Article 16. Whether the financial assistance contemplated in the Financial Committee's scheme constitutes the fulfilment of an obligation under Article 16 is a question that has already been discussed. As financial assistance under the Financial Committee's scheme will be governed by a special convention, the question of the relation in law between this assistance and the obligations embodied in Article 16 can be left open. The essential point, however, is that there must be a relation and concordance between the application of Article 16 by any Member and the provision of financial assistance by the same Member in the same conflict.

200. The position would be different if a system of financial assistance were adopted whereby from the outset the Council would have full and free disposal of the funds required to guarantee a loan for an attacked State. In that case, the decision as to the according of a guarantee could be left in the Council's hands. On the other hand, we may conclude from the Financial Committee's report that such a system would encounter technical difficulties; and statements which have been made both in the Council and in the Third Committee of the Eighth Assembly suggest that it is doubtful whether all States can be expected to agree to such a scheme.

201. The conclusion is that financial assistance should be so regulated as to ensure definite concordance between decisions taken under Article 16 and decisions regarding financial assistance. This object might be attained by mentioning, in the Convention on financial assistance, the cases in which Article 16 applies.

202. One reservation must, however, be made. Organised financial assistance presupposes the participation of a large number of States and supervision by the Council. Thus, although no State can be obliged to co-operate in assisting financially another State which in its opinion has not been attacked, it must always be remembered that a number of States may be prepared to lend their financial aid to a State which in their opinion has been attacked, and that nevertheless the concerted plan will not come into force, either because a number of other States do not admit that the *casus foederis* has arisen, or because the Council itself has not taken the necessary decisions for setting in motion the plan for financial assistance.

With regard to the procedure to be followed by the Council, the remark which was made on the subject of criteria for the designation of the aggressor again applies. On this point also, financial assistance must be made to harmonise with the application of sanctions under Article 16.

203. Here, however, it should be pointed out that the Council may avail itself of the plan for financial assistance before Article 16 comes into play. By the time this article has to be applied, the efforts of the Council to maintain peace have failed. It is the preceding period, before the Covenant has been infringed, which is of far greater interest to the League. It is on this period — the fact cannot be stated too often — that the League should concentrate its efforts with a view to avoiding the dreaded event of the entry into operation of Article 16. In this period, too, the plan of financial assistance might already be brought into play and exercise a beneficial influence. Among the means of pressure which the Council might employ when taking action under the various articles of the Covenant, and particularly Article 11, for the prevention of war, not the least effective is the possibility of guaranteeing a loan to a party in case of attack.

204. The holding out of such a possibility, and if circumstances so required the making of actual promises, would be an affirmation of the solidarity on the part of the Members of the League with any State which might be attacked, and it would show beforehand that they were determined to maintain the principles of the Covenant by action if necessary. If a definite plan were prepared, the Council ought to be able to utilise it in this manner when taking action under Article 11.

Right of Countries to participate. (Question of States non-Members of the League.)

205. There is no reason why any Member of the League of Nations should be prevented from participating in the plan, provided it accedes to the Convention within a definite period.

206. The question of the participation of States non-Members of the League does not seem to be of any practical interest. It is hardly likely that a non-Member State would desire to

enter into such close co-operation with the League. A country for which the protection offered by the League holds no particular attraction — possibly because it feels that it will never require such protection — will not desire to participate in the organisation of financial assistance. We do not, however, think that non-Member States should be generally excluded. The Convention might be open to States non-Members who would be admitted by special decision of the parties on a unanimous or a majority vote. It does not seem necessary to go into the details of this question at present.

VII. CONCLUSIONS.

207. It does not seem advisable to draw up a rigid and complete code of procedure for the League in times of emergency, and the present memorandum and its conclusions propose neither to extend nor to curtail the rights and duties of the Members of the League.

It is both feasible and desirable, however, to give some indication of the possibilities offered by the different articles of the Covenant and the way in which they may be applied, without expressing any opinion as to the particular methods which the infinite variety of possible cases may in practice require.

208. To ensure the effectiveness of the League's action in any eventuality under the articles of the Covenant and, in particular, under Articles 4, 10, 11 and 16, it is vitally important that the technical studies and preparations for improving the communications of the League's organs should be actively pushed forward.

209. The task of the League of Nations is to maintain peace ; to fulfil this task it must, above all, *prevent* war. The application of repressive measures, which cannot but have serious consequences, will only take place in extreme cases in which the preventive measures have unfortunately failed in their object.

210. With regard to the application of Article 11, the Report of the Committee of the Council, approved by the Assembly at its eighth ordinary session, is a valuable guide, to which the present memorandum adds a few new indications.

211. A hard-and-fast definition of the expressions " aggression " (Article 10), and " resort to war " (Article 16) would not be free from danger, since it might oblige the Council and the Members of the League to pronounce on a breach of the Covenant and apply sanctions at a time when it would still be preferable to refrain for the moment from measures of coercion. There would also be the risk that criteria might be taken which, in unforeseen circumstances, might lead to a State which was not in reality responsible for hostilities being described as an aggressor.

212. The preparation of the military sanctions provided for in Article 16 does not seem likely to promote mutual confidence between the States Members of the League of Nations unless at the same time various forms of pacific procedure suitable for the settlement of all international disputes are organised, and unless there is also a general agreement on the reduction and limitation of armaments.

213. In order to facilitate the application of Article 16 in case of need, it is necessary to make a full and conscientious use of the other articles of the Covenant and especially of Article 11. This article enables the Council to keep in touch with developments in a conflict and so to construct a basis for the decisions which it may be called upon to take under Article 16.

214. It would be desirable to put an end to the uncertainty consequent upon the fact that several amendments to Article 16, the majority dating from 1921, have not yet secured the necessary number of ratifications, either by securing their ratification in the near future or finally abandoning them.

215. It would be well that, in the event of resort to war, the Council should declare whether a breach of the Covenant has or has not taken place, and should state which of the two parties to the dispute has broken the Covenant.

216. In determining the aggressor the Council will find, among other factors helping it to form a judgment, a valuable indication in the extent to which and the manner in which the parties to the dispute have promoted the action previously taken by the Council in application of the articles of the Covenant, and especially of Article 11, to maintain peace.

217. Apart from the recommendations provided for in paragraph 2 of Article 16 concerning participation in military sanctions, it would be desirable for the Council in some cases to make recommendations to the Members regarding the application of the measures of economic pressure mentioned in the first paragraph of Article 16. In this eventuality, the Council could consult economic and financial experts in the countries specially concerned.

218. The study of the question of the financial assistance to be given to a State victim of an aggression should be pursued both from the technical and the political points of view. In carrying out this study, the possibility of providing assistance, even before Article 16 is applied, should be examined.

5. Appendices.

I. RESOLUTION ADOPTED BY THE ASSEMBLY ON SEPTEMBER 26TH, 1927 (MORNING). (*On the Proposal of the Third Committee.*)

Resolution No. V.

The Assembly,

Noting the progress achieved in the technical sphere by the Preparatory Disarmament Commission and by the Committee of the Council towards enabling the Council to be rapidly convened and to take decisions in case of emergency;

Being anxious to bring about the political conditions calculated to assure the success of the work of disarmament;

Being convinced that the principal condition of this success is that every State should be sure of not having to provide unaided for its security by means of its own armaments and should be able to rely also on the organised collective action of the League of Nations;

— Affirming that such action should aim chiefly at forestalling or arresting any resort to war and if need be at effectively protecting any State victim of an aggression;

Being convinced that the burdens which may thereby be imposed on the different States will be the more readily accepted by them in proportion as

(a) They are shared in practice by a greater number of States;

(b) The individual obligations of States have been more clearly defined and limited:

1. Recommends the progressive extension of arbitration by means of special or collective agreements, including agreements between States Members and non-Members of the League of Nations, so as to extend to all countries the mutual confidence essential to the complete success of the Conference on the Limitation and Reduction of Armaments;

2. Recalls its resolution of September 24th, 1926, which reads as follows:

“Being desirous that the investigations, in regard to which the Assembly itself took the initiative in its resolution of September 25th, 1925, should be brought to a successful conclusion as soon as possible, it requests the Council to call upon the Preparatory Commission to take steps to hasten the completion of the technical work and thus be able to draw up, at the beginning of next year, the programme for a Conference on the Limitation and Reduction of Armaments corresponding to existing conditions in regard to regional and general security, and it asks the Council to convene this Conference before the eighth ordinary session of the Assembly, unless material difficulties render this impossible”;

Accordingly requests the Council to urge the Preparatory Commission to hasten the completion of its technical work and to convene the Conference on the Limitation and Reduction of Armaments immediately this work has been completed;

3. Requests the Council to give the Preparatory Commission, whose task will not be confined to the preparation of an initial Conference on the limitation and reduction of armaments, and whose work must continue until the final goal has been achieved, the necessary instructions for the creation without delay of a Committee consisting of representatives of all the States which have seats on the Commission and are Members of the League of Nations, other States represented on the Commission being invited to sit on it if they so desire.

• This Committee would be placed at the Commission's disposal and its duty would be to consider, on the lines indicated by the Commission, the measures capable of giving all States the guarantees of arbitration and security necessary to enable them to fix the level of their armaments at the lowest possible figures in an international disarmament agreement.

The Assembly considers that these measures should be sought:

In action by the League of Nations with a view to promoting, generalising, and co-ordinating special or collective agreements on arbitration and security;

In the systematic preparation of the machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various articles of the Covenant;

In agreements which the States Members of the League may conclude among themselves, irrespective of their obligations under the Covenant, with a view to making their commitments proportionate to the degree of solidarity of a geographical or other nature existing between them and other States;

And, further, in an invitation from the Council to the several States to inform it of the measures which they would be prepared to take, irrespective of their obligations under the Covenant, to support the Council's decisions or recommendations in the event of a conflict breaking out in a given region, each State indicating that, in a particular case, either all its forces, or a certain part of its military, naval or air forces, could forthwith intervene in the conflict to support the Council's decisions or recommendations.

II. PROPOSALS BY THE BUREAU.

*Adopted by the Committee on Arbitration and Security at its Meeting of
December 2nd, 1927.*

I. PROPOSAL REGARDING THE PROGRAMME OF WORK.

First Group of Questions. — Arbitration and security agreements. — Study of measures enabling the League of Nations to promote, generalise, and co-ordinate special or collective agreements on arbitration and security (Resolution No. V, No. 3, paragraph 4).

A. *Treaties of Arbitration.*

1. *Measures for their Promotion.*

Resolution of the 1926 Assembly.

Recommendations by States Members, and offer of the Council's good offices.

2. *Suitable Means of Co-ordination and Generalisation.*

Two methods may be indicated :

1. An analytical study of existing treaties for the purpose of extracting the substance common to all of them on which a model convention might be based ;

2. A study of the draft optional convention for the obligatory arbitration of disputes, submitted to the Third Committee by Dr. Nansen on behalf of the Norwegian delegation, taking into account the following recommendations of the First Committee of the Assembly :

(a) Means should be sought for encouraging and promoting the acceptance of the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice and the conclusion of special treaties for judicial settlement, arbitration and conciliation.

(b) In any investigation into the methods of pacific settlement of disputes between States, special attention should be paid to the procedure of conciliation, which is of the utmost importance.

(c) Very special attention should also be given to the question of the relations between the Council's and the Assembly's mediatory action and the procedures of arbitration and conciliation.

(d) In studying a general convention for compulsory arbitration, enquiry should be made as to how the convention could be given sufficient flexibility to permit the contracting States to adjust the obligations assumed to their particular circumstances.

B. *Security Agreements.*

1. *Measures for their Promotion.*

Resolution of the 1926 Assembly :

Recommendations to States Members and offer of the Council's good offices.

2. *Suitable Means of Co-ordination and Generalisation :*

Study of existing security treaties from the point of view of their use by the Council for the application of Articles 10, 11, 16 and 17 of the Covenant.

Study of agreements which the States Members of the League may conclude among themselves, irrespective of their obligations under the Covenant, with a view to making their commitments proportionate to the degree of solidarity of a geographical or other nature existing between them and other States (Resolution No. V, No. 3, paragraph 6).

Study of the procedure to be followed by the Council to give effect to the last paragraph of the Assembly resolution, which proposes that the Council should invite States to inform it of the measures which they would be prepared to take, irrespective of their obligations under the Covenant, to support the Council's decisions or recommendations in the event of a conflict breaking out in a given region, each State indicating that, in a particular case, either all its forces or a certain part of its military, naval or air forces could forthwith intervene in the conflict to support the Council's decision or recommendations (Resolution No. V, No. 3, paragraph 7).

Second Group of Questions. — Systematic preparation of the machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various articles of the Covenant (Resolution No. V, No. 3, paragraph 5).

Though there is no desire to limit the future sphere of action of the Committee in this matter, the programme may forthwith be extended to the following articles :

Article 10. Study of the criteria by which aggression may be presumed.

Article 11. Study of this article, taking into account the work already done and at present being examined.

Article 16. Study of Article 16 under conditions similar to those applied to the study of Article 11.

Study of the scheme of financial assistance to be given to States threatened with aggression, and particularly of the preliminary points raised by the Financial Committee :

(a) Study of the criteria by which aggression may be presumed and the procedure of the Council in this matter.

(b) Right of participation by States (the question of States not Members of the League).

II. PROPOSAL REGARDING PROCEDURE.

The Bureau contemplates a procedure consisting of two stages :

First Stage. — Period between the first session of the Committee (present session) and the second session (date to be fixed).

The Secretariat, acting on the instructions of the Bureau and the Rapporteurs mentioned below, would prepare the necessary documentation, regard being had to the indications given at the meetings.

During this period, certain Rapporteurs would prepare memoranda on questions in the programme described above, which would serve as a basis for the discussion to be held during the second session.

The Bureau considers that three Rapporteurs might be appointed :

One for Question I (A) — Arbitration agreements ;

One for Question I (B) — Security agreements ;

One for Question II — Articles of the Covenant.

The memoranda prepared by the first two Rapporteurs would be co-ordinated by the authors in conjunction with the Chairman of the Committee and would thus constitute a general memorandum on point I.

The two memoranda thus obtained on points I and II respectively would also be co-ordinated by the three Rapporteurs in co-operation with the Chairman of the Committee, so as to submit to the Committee the final memoranda in the form of an organic whole. This could serve as a basis for the work of the Committee.

Second Stage of the Procedure. — On the basis of the above-mentioned memoranda, the Committee would examine the question with a view to preparing a report for submission to the Preparatory Commission. The Committee would then have to decide whether this investigation should be conducted entirely in plenary session or whether the Committee's task ought to be facilitated by the creation of sub-committees (and if so, what number). In either case the final decision as to the terms of the report to be submitted to the Preparatory Commission would, of course, be taken by the Committee at a plenary meeting. It is, indeed, only at that moment that questions relating to the constitution of these sub-committees could be usefully discussed.

III. PROPOSALS AND OBSERVATIONS BY VARIOUS GOVERNMENTS REGARDING THE WORK OF THE COMMITTEE ON ARBITRATION AND SECURITY.

1. PROPOSALS BY THE SWEDISH GOVERNMENT.

Stockholm, December 30th, 1927.

At the meeting held on December 2nd, 1927, by the Committee appointed to consider the question of arbitration and security, it was decided that Governments should be entitled to forward to the Bureau of the Committee before January 1st, 1928, any proposals they might wish to make with reference to questions on the Committee's programme of work.

The resolution adopted by the Assembly with respect to the work of the new Committee contains the following statement :

- " This Committee would be disarmament agreement.
- " The Assembly considers sought.
- " In action by the League of Nations with a view to *promoting, generalising, and co-ordinating special or collective agreements on arbitration and security*

The instructions given by the Assembly to the Committee, with regard to the investigation of the problem of arbitration, thus contemplate an extension of arbitration procedure, based on the principles already established by special agreements. The Swedish Government is of opinion that the simplest way of effecting this purpose would be to draw up a draft collective agreement, based so far as possible on the principles already adopted for the four Locarno agreements on arbitration and conciliation. These agreements were concluded between Germany on the one hand and Belgium, France, Poland and Czechoslovakia on the other. Their contents may be summarised as follows :

Disputes with regard to which the parties are in conflict as to their respective *rights* are submitted for decision to the Permanent Court of International Justice or an arbitral tribunal. Other disputes must, at the request of either of the parties, be submitted, with a view to amicable settlement to a Permanent Conciliation Commission and, if agreement is not reached before that body, to the Council of the League, for settlement in accordance with Article 15 of the Covenant. If the parties agree thereto, disputes of a legal nature may also be submitted to the Permanent Conciliation Commission before any resort is made to procedure before the Permanent Court of International Justice or to arbitral procedure.

Similar provisions have, in recent years been adopted for the settlement of international disputes in a large number of special agreements. The Swedish Government is therefore convinced that it would be desirable to give this type of agreement a more general form, as contemplated in the instructions received from the Assembly.

The advantages to be derived from a more general application of the provisions contained in the Locarno agreements consist, firstly, in the fact that these provisions afford appropriate methods for the settlement of the various classes of international disputes. The principle of compulsory recourse to judicial or arbitral procedure for the settlement of international disputes of a legal character has already enlisted the support of an important section of the public in most countries which are Members of the League. The increasing number of signatures secured for the optional clause of the Statute of the Permanent Court of International Justice is a further evidence of this fact. The effect of applying conciliation procedure before special commissions would be that disputes would not as a rule be submitted to the Council of the League of Nations until they had been carefully and impartially investigated by a Conciliation Commission. When examining the matter afresh, the Council would thus be in a better position to devise the most appropriate solution and to put forward unanimous proposals for a settlement.

The extension of arbitral procedure would, moreover, be of great value from yet another point of view. Under Article 16 of the Covenant of the League of Nations, sanctions are to be applied to a State which resorts to war in disregard of the obligation devolving upon it to respect an arbitral award. The provisions of the Covenant governing these sanctions also cover awards given in virtue of special arbitration agreements. This being so, it may be asserted that an extension of the principle of arbitration would automatically entail an extension of the system of sanctions. When a dispute is investigated by the Council there is always some risk that that body may fail to reach unanimity and that the States Members of the League may consequently reserve " the right to take such action as they shall consider necessary for the maintenance of right and justice " (Article 15, paragraph 7). The reference of a dispute to a tribunal, on the other hand, secures the final settlement of the legal points at issue.

Guided by the above considerations, the Swedish Government has prepared a draft Collective Conciliation and Arbitration Agreement, based on the principles which were adopted

in the Locarno Agreements and which were rightly endorsed by large sections of the public in States Members of the League of Nations.

The Swedish Government moreover reserves the right to submit, if necessary, through its representative on the Committee any further proposals which might, in its opinion, help to effect the purpose contemplated in the instructions given by the Assembly. It takes this opportunity of calling attention to the argument advanced in the discussions at the last Assembly on the subject of measures calculated to strengthen and develop arbitral procedure.

Eliel LÖFGREN.

DRAFT CONVENTION ON THE SETTLEMENT OF INTERNATIONAL DISPUTES.

Article 1.

All disputes of every kind between the Contracting Parties with regard to which the Parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereinafter. It is agreed that the disputes referred to above include in particular those mentioned in Article 13 of the Covenant of the League of Nations.

Disputes for the settlement of which a special procedure is laid down in other Conventions in force between two or more of the Contracting States shall be settled in conformity with the provisions of those Conventions.

Article 2.

The disputes referred to in Article 1 shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute, or to an arbitral tribunal under the conditions and according to the procedure laid down by the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

If the Parties cannot agree to the terms of the special agreement after a month's notice, either of them may bring the dispute before the Permanent Court of International Justice by means of an application.

Article 3.

All questions on which the signatory States shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy, the settlement of which cannot be attained by means of judicial decision as provided for in Article 1 of the present Convention, and for the settlement of which no procedure has been laid down by a treaty in force between the Parties, shall be submitted to a Conciliation Commission, whose duty it shall be to propose to the Parties an acceptable solution, and in any case to present a report.

Article 4.

In the case of a dispute the occasion of which, according to the Municipal Law of one of the Parties, falls within the competence of the National Courts of such Party, the matter in dispute shall not be submitted to the procedure laid down in the present Convention until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

Article 5.

The Conciliation Commission, to which the disputes referred to in Article 3 must be submitted, shall be either permanent, or specially set up for the settlement of the dispute which has arisen between the Parties.

On a request to that effect being sent by one of the signatory States to another signatory State, a Permanent Conciliation Commission shall be constituted. Unless the Parties agree otherwise, this Commission shall be appointed for three years and shall be constituted in accordance with the provisions of the present Convention.

If, at the time when a dispute arises, no permanent conciliation commission appointed by the Parties to the dispute is in existence, a special Commission, constituted in accordance with the provisions of the present Convention, shall be set up to investigate the said dispute.

Article 6.

Failing an agreement to the contrary, the Conciliation Commission referred to in Article 5 shall be composed of five members and shall be constituted in accordance with the following provisions.

The Parties shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the other three commissioners from among

the nationals of third Powers. These three commissioners must be of different nationalities, and the Parties shall, by common agreement, appoint the President of the Commission from among them.

If the members of the Commission have not been appointed within two months from the date at which one of the Parties has sent the other a request for the constitution of a Conciliation Commission, the President of the Swiss Confederation shall, in the absence of any agreement to the contrary, be requested to make the necessary appointments.

(The present Draft Convention leaves open the question of the procedure to be followed for the constitution of a Conciliation Commission between Switzerland and another State, as the solution of this question should be made subject to any proposals Switzerland might desire to make on the subject.)

Article 7.

Disputes shall be brought before the Conciliation Commission by means of a request addressed to the President by the two Parties acting in agreement or, in the absence of such agreement, by one or other of the Parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable settlement.

If the request emanates from one only of the Parties, notification thereof shall be made without delay to the other Party.

Article 8.

Within fifteen days from the date when the Parties shall have brought a dispute before the Permanent Conciliation Commission set up by them, either Party may, for the examination of the particular dispute, replace its Commissioner by a person possessing special competence in the matter.

The Party making use of this right shall immediately inform the other Party; the latter shall in that case be entitled to take similar action within fifteen days from the date when the notification reaches it.

Article 9.

The task of the Conciliation Commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise and to endeavour to bring the Parties to an agreement. It may, after the case has been examined, inform the Parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

At the close of its labours the Commission shall draw up a report stating, as the case may be, either that the Parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labours of the Commission must, unless the Parties otherwise agree, be terminated within six months from the day on which the Commission shall have been notified of the dispute.

Article 10.

In the absence of any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both Parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 11.

The Conciliation Commission shall meet, in the absence of agreement to the contrary between the Parties, at the place selected by its President.

Article 12.

The labours of the Permanent Conciliation Commission are not public except when a decision to that effect has been taken by the Commission with the consent of the Parties.

Article 13.

The Parties shall be represented before the Conciliation Commission by agents, whose duty it shall be to act as intermediaries between them and the Commission. They may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The Commission on its side shall be entitled to request all explanations from the agents, counsel and experts of the two Parties, as well as from all persons it may think useful to summon with the consent of their Governments.

Article 14.

Unless otherwise provided in the present Convention, the decisions of the Conciliation Commission shall be taken by a majority.

Article 15.

The Parties to the dispute shall be required to facilitate the labours of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 16.

During the labours of the Conciliation Commission, each Commissioner shall receive a salary, the amount of which shall be fixed by agreement between the Parties, each of which shall contribute an equal share.

Article 17.

If the two Parties have not reached an agreement within a month from the termination of the labours of the Conciliation Commission, the question shall, at the request of either Party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League.

Article 18.

If the Parties have agreed that a dispute which, under Article 1, or under a special agreement between them, should be submitted to judicial settlement, shall first be submitted to Conciliation procedure, but have not concluded any agreement laying down the composition of the Conciliation Commission or settling the procedure itself, the dispute shall be brought before a Permanent Conciliation Commission, or, failing this, before a Commission appointed for the purpose in accordance with Article 6 ; as regards procedure, the provisions of Articles 7 to 16 shall be applied.

Article 19.

In any case, and particularly if the question on which the Parties differ arises out of acts already committed or on the point of commission, the Conciliation Commission or, if the latter has not been notified thereof, the Arbitral Tribunal or the Permanent Court of International Justice acting in accordance with Article 41 of its Statute, shall lay down within the shortest possible time, the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken.

The Parties to the dispute shall be required to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 20.

The present Convention shall be applicable as between the States Signatories who are Parties to a dispute whether or no other Powers are also interested in the dispute.

2. PROPOSALS BY THE NORWEGIAN GOVERNMENT.

Oslo, December 30th, 1927.

The Norwegian Government realises the objections which may be raised, and some of which were actually raised during the last session of the Assembly of the League of Nations, against the draft general arbitration Convention submitted to the Assembly by the Norwegian delegation. The Norwegian Government is, however, of the opinion that these objections will lose a great deal of their force if the proposed Convention is based on the model of the Locarno Treaties, which is at present accepted by a considerable number of States. There is also reason to believe that States whose arbitration policy has hitherto been marked by a certain reserve would subsequently accede to a general Convention drawn up on this basis.

The Norwegian Government therefore recommends that the Locarno Treaties should be taken as a model in drawing up a general Convention of conciliation and arbitration, with the modifications rendered essential by the necessity of each contracting party constituting a special conciliation commission with each of the other contracting parties.

The Norwegian Government proposes at the same time that the general Convention to be concluded should be of wider scope than the Locarno Treaties as regards the submission of disputes to a decision binding on the parties. The Norwegian Government considers that the provisions of the Locarno Treaties concerning the submission of disputes to the Council

of the League of Nations (Article 18) should be supplemented by a clause under which the contracting parties would undertake to accept as binding the conclusions of the Council's report if this report was accepted unanimously, the votes of the representatives of the parties not being counted in reckoning this unanimity. A decision taken by the Council under Article 15, paragraph 8 of the Covenant should also be binding.

The Norwegian Government also proposes the insertion in the Convention of an optional arbitration clause under which the contracting parties may declare, either on signing or ratifying the Convention, or at a later date, that they bind themselves, in their relations with any other contracting party accepting the same obligation, to submit to an arbitral tribunal instead of to the Council of the League of Nations any non-judicial question which has been referred to a permanent conciliation commission and has not proved capable of settlement by this method. In the absence of an agreement to the contrary, the arbitration tribunal in question should be constituted in conformity with the provisions of Heading IV, Chapter II of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

The Norwegian Government considers that the obligations of the parties under the general convention should not replace their obligations under special conventions of conciliation and arbitration in force between them, but should only supplement the latter. It would therefore propose that the terms of the Convention should only apply to disputes falling entirely outside the scope of the special agreements which have been or may be concluded between the parties with regard to the settlement of disputes by conciliation or arbitration, and to those whose submission to a final and binding decision, in virtue of these agreements, cannot be called for when they have been referred to a conciliation commission. In the latter case, the dispute would be referred under the general Convention either to an international tribunal or to the Council of the League of Nations.

Ivar LYKKE.

3. OBSERVATIONS OF THE BELGIAN GOVERNMENT.

Brussels, January 11th, 1928.

After a first examination of the documents of the Committee on Arbitration and Security, it did not seem to me that the Belgian delegate need submit any "recommendations, suggestions or guiding principles" to the Rapporteurs on behalf of the Belgian Government.

At most I might have referred, if need were, to the Report of M. de Brouckère, the previous Belgian delegate on the Preparatory Disarmament Commission, submitted after the meeting of September 1926, and to his speech on September 13th, 1927, to the Third Committee of the Assembly, concerning the necessity of "developing the powers which the League of Nations derives from the existence of the Covenant". But these documents are well known to all those who are interested in the aims of the Committee.

Meanwhile I have just received the text of the Swedish Government's proposals. I see that they consist of a "Draft Collective Conciliation and Arbitration Agreement based on the principles which were adopted in the Locarno Agreements", and I have no hesitation in saying in this connection that such suggestions receive the Belgian Government's wholehearted approval. I am therefore glad to learn that a formal proposal to this effect is now under consideration by the Rapporteurs.

ROLIN JAEQUEMYS.

4. OBSERVATIONS OF HIS MAJESTY'S GOVERNMENT IN GREAT BRITAIN ON THE PROGRAMME OF WORK OF THE COMMITTEE ON ARBITRATION AND SECURITY OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Question.

" 1. *First Group of Questions.* Arbitration and security agreements.

" Study of measures enabling the League of Nations to promote, generalise and co-ordinate special or collective agreements on arbitration and security (Resolution No. V, No. 3, paragraph 4).

A. Treaties of Arbitration.

" 1. *Measures for their Promotion:*

" Resolution of the 1926 Assembly.

" Recommendations by States Members and offer of the Council's good offices.

“ 2. *Suitable means of co-ordination and generalisation.*

“ Two methods may be indicated :

“ (1) An analytical study of existing treaties for the purpose of extracting the substance common to all of them on which a model convention might be based.

“ (2) A study of the draft optional convention for the obligatory arbitration of disputes, submitted to the Third Committee by Dr. Nansen on behalf of the Norwegian delegation, taking into account the following recommendations of the First Committee of the Assembly :

“ (a) Means should be sought for encouraging and promoting the acceptance of the optional clause of Article 36 of the Statute of the Permanent Court of International Justice, and the conclusion of special treaties for judicial settlement, arbitration and conciliation.

“ (b) In any investigation into the methods of pacific settlement of disputes between States, special attention should be paid to the procedure of conciliation, which is of the utmost importance.

“ (c) Very special attention should also be given to the question of the relations between the Council's and the Assembly's mediatory action and the procedures of arbitration and conciliation.

“ (d) In studying a general convention for compulsory arbitration, enquiry should be made as to how the convention could be given sufficient flexibility to permit the contracting States to adjust the obligations assumed to their particular circumstances.”

Answer.

I. *Justiciable Disputes.*

Meaning of Phrase “ Treaties of Arbitration ”.

1. In considering the question of what measures may be feasible for promoting treaties of arbitration, a distinction must be drawn between the classes of disputes which it is proposed to solve by means of arbitration. It is usual in this connection to distinguish between justiciable and non-justiciable disputes, *i.e.*, between those in which — to use the phraseology of the Treaty of Locarno — the parties are in conflict as to their respective rights and those in which the dispute arises because there is a divergence of view as to the political interests and aspirations of the parties. It is convenient to restrict the meaning of the phrase “ treaties of arbitration ” to international arrangements dealing with justiciable disputes and providing for the submission of such disputes to a tribunal entitled to give a decision binding on both parties.

Arbitration Treaties in General have no Sanction but Public Opinion.

2. The object of all arbitration treaties being to facilitate the satisfactory solution of disputes so as to restore relations of cordiality between the States concerned, it is well to bear in mind that it is not the rendering of a decision that is important but the acceptance and execution of the terms of that decision by the parties. Arbitration treaties have no sanction behind them but the force of public opinion in the world at large.

An arbitration award which a party to the dispute resolutely refused to execute would not merely fail to settle the dispute ; it would prejudice the movement in favour of arbitration.

3. The times hardly seem to be ripe for any general system of sanctions for the enforcement of arbitration treaties. No effective sanctions have been suggested except an agreement by other States, not parties to the dispute, to use force against either of the parties to the dispute which failed to submit the dispute to arbitration or failed to accept and comply with the award. It is improbable that any nation which is strong enough to use force effectively would at present undertake any such general obligation. It would involve a burden which no State would shoulder unless it felt that its interests were vitally affected by any disturbance of the peace resulting from the particular dispute in question remaining unsettled. Even in the Locarno Treaty, where the parties incurred obligations of a far-reaching character because they felt that interests of great importance were affected, the sanction for enforcing the article containing the agreement to arbitrate was limited to an undertaking by the five Powers concerned to comply with such proposals as the Council of the League might make when the failure on the part of the parties to the dispute to honour the obligation as to arbitration was brought before that body.

Need for Reservations.

4. The considerations advanced in paragraph 2 show that one of the controlling elements in formulating any model arbitration treaty or in considering what measures can be taken for promoting the conclusion of arbitration treaties is the extent to which public opinion in any particular country can be counted on to accept and to carry out loyally a decision which is unfavourable to its own contentions. Arbitration treaties impliedly, if not explicitly, impose upon the parties the obligation loyally to accept the decision of the tribunal. An arbitration treaty which goes beyond what the public opinion of a country can be counted

on to support when the interests of that country are in question and when a decision unfavourable to those interests is pronounced is a treaty which is useless. It is merely calculated to deceive the public. In a moment of grave importance it may fail to achieve a solution of a dispute even if the dispute is arbitrated in accordance with its terms. It would embitter relations between the two countries instead of improving them, and would cause a set-back to the movement now so steadily advancing in favour of the pacific settlement of justiciable disputes by means of arbitration.

5. It is because it is so generally felt that there are some questions — justiciable in their nature — which no country could safely submit to arbitration that it has been usual to make reservations limiting the extent of the obligation to arbitrate. These limitations may vary in form, but their existence indicates the consciousness on the part of Governments that there is a point beyond which they cannot count on their peoples giving effect to the obligations of the treaty. That there are limits beyond which a State cannot go in accepting binding obligations to arbitrate justiciable questions in all cases is recognised in Article 13 of the Covenant of the League of Nations. By that provision the members of the League accept *in principle* but not definitively the obligation to arbitrate justiciable disputes. The framers of the Covenant realised that it was not feasible to embody in the Covenant a definite and comprehensive obligation to arbitrate all justiciable disputes.

6. Mere omission of the limitations on the obligation to arbitrate justiciable disputes which now figure in arbitration treaties would not promote the progress of arbitration. What is necessary is to overcome the difficulties which have caused the insertion of these limitations, and for this time is necessary. As nations get to understand each other better, as the respect for international law gets stronger, and as a sense of security increases, it will become more easy for States — even for those whose interests are world-wide — to accept comprehensive engagements to arbitrate justiciable disputes. Some States are already in that fortunate position. Others less fortunate must approach thereto by degrees.

Lines of Progress.

7. There are two lines along which progress is possible towards a universal acceptance of the unrestricted obligation to arbitrate justiciable disputes, even by the States which cannot at present accept such an obligation.

8. The first is by the inclusion in particular treaties of an undertaking to arbitrate disputes which may arise with regard to the interpretation or application of the treaty concerned. Many multilateral conventions to which Great Britain is a party have been concluded in recent years which contain a provision such as the following :

“ Disputes between the parties relating to the interpretation or application of this convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the parties to such a dispute should not be parties to the protocol of signature of the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties, either to the Permanent Court of International Justice or to arbitration. ”¹

9. The time is ripe for an investigation as to whether this type of stipulation might not more generally be included in international agreements, including those of a non-technical character. If it is possible to do so, the field within which all justiciable disputes will be arbitrated will steadily expand.

10. The second and more important method is by widening the scope of agreements dealing with justiciable disputes generally and pledging the parties in advance to submit such disputes to arbitration. It is in treaties of this kind that the reservations referred to in paragraph 5 above are now generally inserted.

11. In 1903 an arbitration treaty was concluded between France and Great Britain which provided as follows :

“ *Article 1.* Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of July 29th, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two Contracting States, and do not concern the interests of third Parties ”².

¹ International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, signed at Geneva, September 12th, 1923, Article 15 (*Treaty Series*, No. 1, 1926, Cmd. 2575).

² *Treaty Series*, No. 18 of 1903.

This treaty was the forerunner of a large number of similar treaties concluded between other Powers. Great Britain is at present a party to eleven treaties containing stipulations on these lines.

12. It may well be that this formula as to vital interests, honour, independence and the interests of third States, first adopted a quarter of a century ago, requires re-examination. Whatever changes may be recommended, however, it is clear that some limitations on the scope of a treaty of this kind are essential. Disputes legal in their nature may arise between two States with regard to matters falling exclusively within the domestic jurisdiction of one of them. No State can agree to the submission to an international tribunal of matters falling exclusively within the range of its national sovereignty. Similarly, there are some political questions even of a justiciable nature as to which a country feels that for the reasons indicated in paragraph 4 the stage has not yet been reached when it can agree unreservedly in advance to submit them to an arbitration tribunal.

13. Cases sometimes arise in which the parties are willing to arbitrate, but where it is felt that a mere decision on the point of law will not solve the dispute. In two such cases between Great Britain and the United States the parties agreed that the tribunal should have power to frame rules or recommendations for the future regulation of the matter out of which the dispute arose. This was done in the Behring Sea Arbitration Treaty (February 29th, 1892 ; 84 State Papers, p. 48) and in the North Atlantic Fisheries Arbitration Agreement (January 27th, 1909 ; 102 State Papers, p. 145). This procedure might be followed with advantage in other cases, as it reduces to a minimum the risk of future disputes.

The Optional Clause in the Statute of the Permanent Court.

14. Article 36 of the Statute of the Permanent Court of International Justice embodied an arrangement by which any State which accepted the Statute establishing the Court might accept as compulsory the jurisdiction of the Court in cases relating to :

- “ (a) The interpretation of a Treaty.
- “ (b) Any question of International Law.
- “ (c) The existence of any fact which, if established, would constitute a breach of an international obligation.
- “ (d) The nature or extent of the reparation to be made for the breach of an international obligation. ”

Power was given by the terms of the article to accept this obligation in respect of all or any of these four classes of cases and, therefore, a State was enabled to exclude from its acceptance any particular category of disputes.

15. The cause of the somewhat small measure of acceptance that Article 36 has hitherto met with is to be found in the fact that the considerations which deter States from accepting binding obligations to arbitrate all justiciable disputes operate in varying degrees as regards other foreign States. In contracting an international obligation towards another State a country must take into account the nature of its relations with that State. Obligations which it may be willing to accept towards one State it may not be willing to accept towards another. Reservations and exceptions which it may think necessary as regards one State may not be considered necessary as regards another. The method of signing a general undertaking, even when coupled with the power to make exceptions as to the categories of disputes to be arbitrated, lacks the flexibility which enables the measure of the obligation to be varied in the case of the particular States towards which the obligation is being accepted. More progress is likely to be achieved through bilateral agreements than through general treaties open to signature by any State which so wishes. When a bilateral treaty is to be open to other Powers by way of accession, it should provide that the invitation to accede should emanate from all the parties which have already become bound by the treaty.

Choice of Tribunal.

16. The progress of arbitration and the development of international law will be encouraged by the choice, whenever possible, of the Permanent Court of International Justice at The Hague as the tribunal to which justiciable disputes are referred for decision. The judgments of competent international tribunals are already playing an important part in formulating the rules of international law. If there is a tendency to concentrate the more important disputes in the hands of the court which has been established at The Hague, it will render the resulting rules more uniform and will also enhance the prestige of the Court.

II. *Non-justiciable Disputes.*

17. Non-justiciable disputes are less suitable for submission to a tribunal invested with the power of giving a binding decision. A procedure of conciliation is in such cases all that is at present possible.

18. Under the provisions of the Covenant of the League, Members of the League are bound to bring all such disputes, if not solved by other means, before the Council of the League, and though the terms of Article 15 of the Covenant do not render the recommendations of the Council obligatory on the parties to the dispute, they go as far as the States with worldwide interests felt able in 1919 to go, in subjecting all Members of the League to the obligation of refraining from making war against a party to the dispute which complied with the recommendations of the Council.

19. In 1925, when this question was once more considered by the Powers which participated in the Locarno Conference — most of them Powers whose interests are world wide — it was found that the provisions of the Covenant on this question went as far as it was possible for them to go. Accordingly, Article 3 of the Treaty of Locarno provided that questions which were not submitted to judicial decisions should be submitted to a conciliation commission, and that, if the recommendations of the commission were not accepted, the question should be handled by the Council of the League under Article 15 of the Covenant.

20. In 1922 the Assembly of the League adopted a resolution urging upon all Members of the League the advantage of conciliation as a method of solving disputes and inviting them to conclude agreements for setting up conciliation commissions. With this resolution His Britannic Majesty's Government in Great Britain are profoundly in sympathy. The essence of conciliation is that it does not attempt to impose a settlement, but that it frames for the consideration of the parties to the dispute recommendations and terms calculated to compose the conflict of view. It thus brings to bear upon the question at issue the efforts of impartial and qualified statesmen free from the bias which is inevitable among those who are nationals of one of the countries which are parties to the dispute. It has also this further advantage — that recommendations made by impartial bodies after profound study of the facts of the dispute are bound to merit the support of public opinion in other countries and will thereby possess the greatest weight with the States between which the dispute has arisen.

21. The fundamental distinction between justiciable and non-justiciable disputes is one that must be borne in mind in framing any model conciliation agreement. Justiciable disputes should be referred to bodies of men who are accustomed to give binding decisions, and who are in consequence accustomed to base their decisions on rules of law which are obligatory for the parties. Non-justiciable disputes cannot be solved by the application of any such rules of law. Such disputes should not, therefore, be submitted to bodies of judges accustomed to apply rules of law. Treaties which provide that where the parties do not accept the recommendations of a conciliation commission the dispute should be referred to the Permanent Court of International Justice at The Hague should be discouraged.

22. Dr. Nansen has submitted a form of agreement open to general signature for reference of non-justiciable disputes to a small body or committee invested with the power of giving a decision binding on the parties. The utility of studying the draft of any such agreement depends on whether there are any States which feel themselves able to accept and sign such a general agreement. If there are, the draft of such an agreement should be worked out. It would serve as a useful model for future agreements as to this mode of dealing with non-justiciable disputes — whether such agreement were bilateral or multilateral in form — nor would the utility of the draft be destroyed by the fact that there might at present be many States which felt unable to sign it.

B. Security Agreements.

Question.

1. Measures for their promotion :

Resolution of the 1926 Assembly.

Recommendations to States Members and offer of the Council's good offices.

Answer.

The resolution of the Seventh Assembly on arbitration, security and the pacific settlement of international disputes runs as follows :

“ The Assembly,

“ Having examined the reports of the Council on Arbitration, Security and the Pacific Settlement of International Disputes :

“ Records the fact that the resolution adopted by the Assembly at its sixth ordinary session, to the effect that the most urgent need of the present time is the re-establishment of mutual confidence between nations, has had definite results. It sees clear proof of this in the ever-increasing number of arbitration conventions and treaties of security conceived in the spirit of the Covenant of the League of Nations and in harmony with the principles of the Geneva Protocol (Arbitration, Security and Disarmament). It emphasises in particular the importance of the Treaties of Locarno, the coming into force of which has been rendered possible by the admission of Germany into the League of Nations and the principal object of which is to ensure peace in one of the most sensitive regions of Europe ;

“ Sees in the last-mentioned treaties a definite step forward in the establishment of mutual confidence between nations ;

“ Considers that agreements of this kind need not necessarily be restricted to a limited area, but may be applied to different parts of the world ;

“ Asserts its conviction that the general ideas embodied in the clauses of the Treaties of Locarno, whereby provision is made for conciliation and arbitration and for security by the mutual guaranteeing of States against any unprovoked aggression, may well be accepted amongst the fundamental rules which should govern the foreign policy of every civilised nation ;

“ Expresses the hope that these principles will be recognised by all States and will be put into practice as soon as possible by all States in whose interest it is to contract such treaties ;

“ And requests the Council to recommend the State Members of the League of Nations to put into practice the above-mentioned principles and to offer, if necessary, its good offices for the conclusion of suitable agreements likely to establish confidence and security — the indispensable conditions of the maintenance of international peace — and, as a result, to facilitate the reduction and limitation of the armaments of all States. ”

The declaration made by the British representative at the sixth meeting of the thirty-third session of the Council — the declaration of the views of His Majesty's Government on the draft Protocol for the Pacific Settlement of International Disputes — contained the following passage :

“ What expedient remains ? How is security and, above all, the feeling of security, to be attained ? In answering this question it is necessary to keep in mind the characteristics of the ‘extreme cases’, to which reference has already been made. The brooding fears that keep huge armaments in being have little relation to the ordinary misunderstandings inseparable from international (as from social) life — misunderstandings with which the League is so admirably fitted to deal. They spring from deep-lying causes of hostility, which, for historic or other reasons, divide great and powerful States. These fears may be groundless ; but if they exist they cannot be effectually laid by even the most perfect method of dealing with particular disputes by the machinery of enquiry and arbitration. For what is feared in such cases is not injustice, but war — war deliberately undertaken for purposes of conquest and revenge. And if so, can there be a better way of allaying fears like these than by adopting some scheme which should prove to all the world that such a war would fail ?

“ Since the general provisions of the Covenant cannot be stiffened with advantage, and since the ‘extreme cases’ with which the League may have to deal will probably affect certain nations or groups of nations more nearly than others, His Majesty's Government conclude that the best way of dealing with the situation is with the co-operation of the League, to supplement the Covenant by making special arrangements in order to meet special needs. That these arrangements should be purely defensive in character, that they should be framed in the spirit of the Covenant, working in close harmony with the League and under its guidance, is manifest. And, in the opinion of His Majesty's Government, these objects can best be attained by knitting together the nations most immediately concerned, and whose differences might lead to a renewal of strife, by means of treaties framed with the sole object of maintaining, as between themselves, an unbroken peace. Within its limits no quicker remedy for our present ills can easily be found or any surer safeguard against future calamities. ”

His Majesty's Government were not slow to put into practice the expedient which they recommended. They were among those which created the example set by the Treaty of Locarno, so strongly welcomed by the Seventh Assembly. It might not be amiss here to recall the outstanding features of this arrangement — the features which distinguish it from, and render it a more effective guarantee of security than, other agreements concluded before or since. They may be briefly summarised as follows :

The Treaty of Locarno is no mere alliance between a group of friendly States with a community of interests. Such alliances, unilateral in character and directed generally against some other State or group of States, have not always in the past best served the cause of peace. Even when originally inspired by defensive motives they have sometimes become instruments of offence.

The Treaty of Locarno is a bond between nations which were recently at war with one another. It is directed solely to prevent a recurrence of that calamity and to preserve the peace within a group of States whose interests have often conflicted and whose territories have frequently been the theatre of war.

The Treaty of Locarno is in complete harmony with the spirit of the Covenant and a valuable aid in facilitating the execution of its provisions. It is a mutual engagement between certain of the signatories in no circumstances again to resort to war among themselves, and a reciprocal guarantee by all of them for the maintenance of that engagement. Under its terms all disputes are referred in the last resort to the Council, by whose decisions the parties undertake to abide. Even in the event of a deliberate act of aggression — the one case in which the signatories are bound to come to the immediate aid of the injured party — the Council is seized of the matter and the parties undertake to act in accordance with its recommendations.

The Treaty of Locarno is designed to avert a specific danger in a specific area, and imposes on all the parties concerned an equal obligation to preserve its integrity and to execute the decisions of the Council. It is in this way far more efficacious than could be any more general system of guarantees under which the obligation would be spread over a much larger number of States each of which would be inclined, quite naturally, to regard its individual obligation as being *pro tanto* reduced.

As already stated, His Majesty's Government in Great Britain were among those which set the example of Locarno. In the regions where their particular interests are most directly affected and which have so often been the scene of war, they have given their formal guarantee, backed by the undertaking to bring the whole force of Great Britain to the support of the League's judgment in the event of an act of aggression being committed in defiance of the treaty and of the Covenant. For reasons which are already well known, His Majesty's Government are unable themselves to contract further obligations of this character and extend the tremendous responsibilities involved in regions where their interests are less directly concerned.

Notwithstanding the hope expressed in the above-quoted Assembly resolution that the principles embodied in the Treaties of Locarno "will be put into practice as soon as possible by all States in whose interest it is to contract such treaties", no further treaties on the Locarno model have yet been registered with the League of Nations. His Majesty's Government look forward to the gradual growth of this system, convinced as they are that the easiest way of attaining a universal sense of security is for each State to provide itself with the necessary guarantees in that quarter where its main interests, and consequently its principal danger, lie. If the system is gradually extended until it includes every State which feels that its security is not already amply safeguarded, there will eventually be woven a network of guarantees against a rupture of the peace in any part of the world. In the opinion of His Majesty's Government, such local guarantees, directed to a specific danger and based on well-defined obligations, are infinitely more satisfactory than any comprehensive or universal scheme, which must necessarily be drawn in vaguer and more general terms, and of which consequently the *modus operandi* and the probable efficacy must remain to some extent a matter of speculation.

In accordance with the Assembly resolution quoted above, the Council placed its good offices at the disposal of all States desirous of "concluding suitable agreements likely to establish confidence and security". So far as His Majesty's Government in Great Britain are aware, no State has as yet taken advantage of this offer. It seems to them that, if States which, owing to any doubt or suspicion, hesitate to open negotiations were mutually to agree to place themselves in the hands of the Council and to conduct their conversations under its auspices, the conclusions of further agreements on the lines recommended would be greatly facilitated.

Question.

2. Suitable means of co-ordination and generalisation :

" Study of existing security treaties from the point of view of their use by the Council for the application of Articles 10, 11, 16 and 17 of the Covenant.

" Study of agreements with the States Members of the League may conclude among themselves, irrespective of their obligations under the Covenant, with a view to making their commitments proportionate to the degree of solidarity of a geographical or other nature existing between them and other States" (Resolution No. V, No 3, paragraph 6).

" Study of the procedure to be followed by the Council to give effect to the last paragraph of the Assembly resolution, which proposes that the Council should invite States to inform it of the measures which they would be prepared to take, irrespective of their obligations under the Covenant, to support the Council's decisions or recommendations in the event of a conflict breaking out in a given region, each State indicating that, in a particular case, either all its forces or a certain part of its military, naval or air forces, could forthwith intervene in the conflict to support the Council's decision or recommendations" (Resolution No. V, No. 3, paragraph 7).

Answer.

Though the general use of the word "security", in the connection in which it is now employed, is of recent adoption, the idea is no new one. During the century preceding the late war the underlying motive of many treaties was the desire for a sense of security — the desire, that is, of a State to minimise the risk of finding itself in armed conflict with others over a particular question and to assure itself that in the event of such a conflict it will not be left to bear the brunt unaided.

Such treaties can only be described as "security" agreements, in the present-day sense of the word, if they are directed solely to the preservation of peace and involve no prejudice to the rights or interests of third parties — if, in short, they are imbued with the spirit of the Covenant.

Since the establishment of the League of Nations, a number of such agreements have been concluded. The following are among those to which Great Britain is a party :

The Convention relating to the non-fortification and neutralisation of the Aland Islands of October 20th, 1921. — The object of this agreement is "that these islands may never become a cause of danger from the military point of view", and the "High Contracting Parties undertake

to assist in the measures which the Council of the League of Nations may decide upon for this purpose" (the rendering effective of the guarantee of neutrality) if a case should arise in which its intervention is sought.

The Convention relating to the regime of the Straits of July 24th, 1923. — With the object of securing "that the demilitarisation of the Straits and of the contiguous zones shall not constitute an unjustifiable danger to the military security of Turkey, and that no act of war should imperil the freedom of the Straits or the safety of the demilitarised zones", the high contracting parties undertake, in the event of certain contingencies arising, to meet such situation "by all the means that the Council of the League of Nations may decide for this purpose".

The Treaty between the British Empire, France, Japan and the United States of America relating to their insular possessions and insular dominions in the Pacific Ocean, of December 13th, 1921, by which the high contracting parties undertake to respect each other's rights in a specified area, to meet in joint conference for the consideration and adjustment of any controversy involving those rights, and to communicate with each other as to the measures to be taken in the event of the said rights being threatened by the aggressive action of any other Power.

The Treaty of Locarno, of which the salient features have been recalled in an earlier passage of this memorandum.

Provision for meeting a specific danger in a particular area is a common factor of these treaties, which may accordingly be classed as "security" agreements. To a greater or less extent, varying with the terms in which they are drawn, they are calculated to be of use to the Council in the application of Articles 10, 11, 16 and 17 of the Covenant. They are a confirmation and, in some cases, a reinforcement of the general undertaking to respect and preserve the territorial integrity and existing political independence of all members of the League (Article 10); in virtue of their explicit recognition that certain individual Members of the League are particularly concerned in particular areas, they are a confirmation and a reinforcement of the general recognition that any war or threat of war is a matter of concern to the whole League (Article 11); for the same reason they are an additional guarantee that the sanctions prescribed in the Covenant (Articles 16 and 17) will be readily forthcoming when the need arises. This is especially so in those cases where the contracting parties formally undertake to apply those measures which the Council may decide upon.

In the opinion of His Majesty's Government in Great Britain, the measure of security afforded by agreements of this nature is proportionate to (a) the extent to which they are devised to meet a specific danger, and (b) the character, and clarity of definition, of the measures to be taken in the event of that danger arising. History has shown that this class of treaty has as a rule proved ineffective when there has been room for doubt or hesitation under either of those heads. His Majesty's Government in Great Britain are of opinion that the Treaty of Locarno, with its clear definition of both (a) and (b), is the ideal type of "security" agreement. As already stated, they look forward to its adoption by all States which have anything to fear.

The considerations referred to in the preceding paragraph apply also, in the view of His Majesty's Government, to agreements which States Members of the League may conclude among themselves, irrespective of their obligations under the Covenant, with a view to making their commitments proportionate to the degree of solidarity of a geographical or other nature existing between them and other States. Such agreements may undoubtedly be a contribution to security in proportion as they relieve the anxiety of the States which conclude them, whilst constituting no menace or cause of suspicion to others. They will also be of use to the Council in the degree in which they may facilitate its task in calling upon States to come to the support of the judgment of the League.

• As regards the procedure to be followed by the Council in inviting States "to inform it of the measures which they would be prepared to take, irrespective of their obligations under the Covenant, to support the Council's decisions or recommendations in the event of a conflict breaking out in a given region," it seems probable that States may well hesitate to indicate precisely what measures they would be prepared to take in hypothetical contingencies; nor, for fear of increasing tension, or of creating it where none exists, are they likely to be willing, except in mutual agreement, to describe the contingencies in which they would be ready immediately to bring part or whole of their forces to the support of the Council's decision or recommendations. The most effective way of establishing such mutual agreement, and of placing it on record, is by the negotiation of a formal treaty. His Majesty's Government in Great Britain have adopted this method in the Treaty of Locarno, by which they have engaged to bring the whole of the forces of the country to the support of the League's judgment in certain definite contingencies.

Question.

"*Second group of questions.* — Systematic preparation of the machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various articles of the Covenant (Resolution No. V, No. 3, paragraph 5).

"Though there is no desire to limit the future sphere of action of the Committee in this matter, the programme may forthwith be extended to the following articles :

"Article 10. — Study of the criteria by which aggression may be presumed.

“ Article 11. — Study of this article, taking into account the work already done and at present being examined.

“ Article 16. — Study of Article 16 under conditions similar to those applied to the study of Article 11.

“ Study of the scheme of financial assistance to be given to States threatened with aggression, and particularly of the preliminary points raised by the Financial Committee.

“ (a) Study of the criteria by which aggression may be presumed and the procedure of the Council in this matter.

“ (b) Right of participation by States (the question of States not Members of the League). ”

Answer.

Under Article 10 the Members of the League :

“ undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled. ”

It is well known that this article from the outset presented some difficulty to certain Members of the League who feared that, if interpreted in a literal sense, it would involve them in the obligation to place their forces automatically at the disposal of the Council for use in any part of the world where an act of aggression in violation of the Covenant had occurred.

It is unnecessary to describe the progress of the study made by the appropriate organs of the League as a result of proposals, first for the elimination, and subsequently for the amendment, of the article. It is sufficient to recall the following interpretative resolution which eventually was submitted to the Fourth Assembly, and which, though not formally adopted owing to one adverse vote, is nevertheless regarded by many Members of the League as the generally accepted interpretation :

“ It is in conformity with the spirit of Article 10 that, in the event of the Council considering it to be its duty to recommend the application of military measures in consequence of an aggression, or danger or threat of aggression, the Council shall be bound to take account, more particularly, of the geographical situation and of the special conditions of each State.

“ It is for the constitutional authorities of each Member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of Members, in what degree the Member is bound to assure the execution of this obligation by employment of its military forces.

“ The recommendation made by the Council shall be regarded as being of the highest importance, and shall be taken into consideration by all the Members of the League with the desire to execute their engagements in good faith. ”

This interpretation is in harmony with the view of His Majesty's Government in Great Britain, who regard the article, while of great sanctity, as the enunciation of a general principle, the details for the execution of which are contained in other articles of the Covenant.

With the view of facilitating the fulfilment by Members of the League of the obligation involved in the acceptance of this principle, various attempts have been made to define an aggressor. It is unnecessary here to do more than recall the fact that His Majesty's Government have been unable to support them for reasons which they explained fully at the time:

Article 11. — “ Any threat or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

“ It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends. ”

This article has also been the subject of considerable study. Recently a report by the Committee of the Council was approved by the Eighth Assembly, which recommended its adoption by the Council :

“ as a valuable guide which, without restricting the Council's liberty to decide at any moment the best methods to be adopted in the event of any threat to peace, summarises the results of experience, of the procedure already followed, and of the studies so far carried out with a view to the best possible organisation of its activities in case of emergency. ”

His Majesty's Government in Great Britain are in full agreement with the terms of the Committee's report, which they regard as a most useful indication to the various steps which

may be taken by the Council, and as calculated to expedite its rapidity of action in an emergency.

Article 16. — “ 1. Should any Member of the League resort to war in disregard of its Covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

“ 2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

“ 3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the Covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

“ 4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the representatives of all the other Members of the League represented thereon.”

Without entering into the history of the study of this article, His Majesty's Government in Great Britain desire to recall, in the first place, the various protocols of amendment open for signature and ratification, all of which have been ratified on behalf of the British Empire but are not yet in force, and, secondly, the resolutions adopted by the Second (1921) Assembly, of which, as constituting provisional rules for the guidance of the Council, His Majesty's Government expressed their general approval subject only to certain observations (see letter to the Secretary-General of July 19th, 1922). Their attitude in this matter remains the same to-day. A further opinion regarding the interpretation placed by His Majesty's Government on Article 16 is contained in the collective note addressed to the German representatives by the representatives of Belgium, France, the British Empire and Italy at the time of the signature of the Treaty of Locarno.

*General Remarks applicable to any further Study of the above-mentioned
Articles of the Covenant.*

His Majesty's Government in Great Britain have felt constrained on more than one occasion to express themselves as opposed to the application of hard-and-fast rules to the interpretation of articles of the Covenant. Their attitude in that respect is due to no desire to belittle or to diminish the obligations of the Covenant; on the contrary, it is due solely to their conviction that the great strength of the Covenant lies in the measure of discretion which it allows to the Council and the Assembly in dealing with future contingencies which may have no parallel in history, and which therefore cannot, all of them, be foreseen in advance. The elaboration and multiplication of rules must tend, not only to turn the Council into an automaton but to weaken its power of initiative in any contingency not wholly provided for in such rules.

A similar consideration applies also, in the view of His Majesty's Government, to any endeavours to define an aggressor. The views of His Majesty's Government on that point were once again clearly stated in the following passage in a speech made by Sir Austen Chamberlain in the House of Commons on November 24th last :

“ They made such an attempt in the Protocol; they made an attempt to define the aggressor. If you lay down, far in advance, before circumstances that you cannot foresee, rigid definitions by which the aggressor is to be determined, are you quite sure that in thus making these strict rules in circumstances which are unknown to you, you may not find, when the occasion arises, that by some unhappy turn in your definition you have declared to be the aggressor that party which, to the knowledge of all men at the time, is the aggressed and not the offender ?

“ There was an observation made by that eminent jurist and statesman and very true friend of the League and part author of the Covenant, Signor Scialoja, at the last Assembly, which is worth thinking about. He went, indeed, further than I would go, for he seemed to suggest, in one passage, that the aggressor could not be discovered. ‘But’, he added, ‘for after all, is not one thing certain, that if only he has a little diplomatic skill, the aggressor (“ se fera agressor ”), he makes himself to be aggressed.’ I do not believe it will be impossible. I hope it will not be very difficult for the League at a given moment to say who is the aggressor in a particular quarrel and particular circumstances then known; but I think that if you lay down tests by which you must be bound, you will find that the aggressor will carefully conform to your particular test, and will escape

the liability which ought to follow upon his actions just because of the precision of your definition. I therefore remain opposed to this attempt to define the aggressor, because I believe that it will be a trap for the innocent and a sign-post for the guilty."

His Majesty's Government in Great Britain have already indicated their attitude towards the scheme of financial assistance for States victims of aggression. The British delegate informed the Council on September 8th last that his Government welcomed the scheme outlined by the Financial Committee "as providing a practical means of mobilising the financial resources of States Members of the League against a State guilty of aggression, and as affording an impressive demonstration of the solidarity of League opinion against such a State". Such a scheme might, moreover, be expected to act as a powerful deterrent to any act of wanton aggression.

The British delegate proceeded to indicate that his Government must attach two conditions to their acceptance of the scheme, viz., it must form part of a satisfactory measure of general disarmament, and there must be an acceptance by the other principal States of a satisfactory allocation of the guarantee.

A similar statement was made by the British delegate in the Third Committee of the Assembly.

His Majesty's Government in Great Britain maintain their attitude as thus defined, and will be guided by these considerations in the further and more detailed examination of the scheme which will have to be undertaken with the assistance of the Financial Committee.

As regards the "study of the criteria by which aggression may be presumed and the procedure of the Council in this matter", this problem is examined elsewhere in the course of this memorandum. If any definite criterion can be established whereby aggression may be presumed, it will evidently apply to all cases in which Members of the League can be called upon to take action of any kind, financial, economic or other, in support of the Covenant of the League.

In regard to the "right of participation by States", His Majesty's Government in Great Britain endorse the principle laid down by the Financial Committee that no State should benefit by the scheme unless it has become a party to the Convention within a period to be fixed, and thus undertaken its obligations.

The question of the participation of States non-Members must be examined in the light of various considerations. It may perhaps be assumed that Members of the League are less likely to be involved in hostilities, either as aggressors or as victims of aggression, than non-Members, and that to admit the latter to participation in the scheme might be to expose the other participants to a greater risk of being called upon to give their specific guarantee. This might therefore be an argument against the admission of some of the less important non-Member States whose degree of stability and whose conduct of foreign policy may not be such as to inspire confidence. On the other hand, a general rule excluding participation by States non-Members would deprive the League of the co-operation of certain States whose financial strength and general stability would greatly enhance the efficacy of the scheme.

5. OBSERVATIONS OF THE GERMAN GOVERNMENT ON THE PROGRAMME OF THE WORK OF THE COMMITTEE ON ARBITRATION AND SECURITY.

At the moment when the Rapporteurs of the Committee on Arbitration and Security are beginning their discussions, the German Government desires to submit a few general observations on the programme of work. Its sole object in doing so is to give its views on the form which the preliminary work undertaken by the Rapporteurs could best assume, without in any way desiring at the present time to put forward definite proposals for the solution of the individual problems involved.

In principle, the German Government holds the view, which was frequently expressed in the first discussions of the Committee on Arbitration and Security, that the whole of this work should not aim at building up a theoretical system, but at framing those practical measures which are both necessary and attainable under present political conditions. A system constructed on purely theoretical considerations, logically perfect though it might be, would not only fail to solve the problem of security but might under certain circumstances even complicate it to a dangerous extent. In examining the individual measures suggested, the decisive criterion must be whether they can be carried out in practice. These measures should, however, not only be so framed that they can easily be executed, but their effectiveness should also be obvious so that they can exercise an immediate moral influence on public opinion.

The crux of the security problem is the avoidance of armed conflicts. It will only be possible to prevent war if a method can be found of dealing with all disputes that have led to wars in the past, which will provide a fair prospect of a peaceful solution. In the opinion of the German Government, this idea must constitute the starting point of the entire work of the Committee on Arbitration and Security and the main subject of its discussions. Until this central problem is solved, all other measures merely represent an artificial system without

a foundation, and one which is therefore not calculated to give practical effect to the idea of a genuine and durable international legal regime.

As regards a number of disputes between States, namely, justiciable disputes, the problem can be regarded, in principle at least, as adequately solved. The optional clause in the Statute of the Permanent Court of International Justice provides a satisfactory means of settling all disputes of this nature peacefully. It will be the task of the Committee on Arbitration and Security to ascertain in which manner a larger number of States can be induced to accept this method immediately.

On the other hand, no corresponding general procedure in regard to disputes which are not of a justiciable character but are exclusively political has so far been arrived at. From the point of view of the problem of security, however, the amicable settlement of such disputes is of the utmost importance. This, accordingly, is the point at which the preliminary work should begin and which should be most thoroughly discussed.

The German Government is convinced that there are practical possibilities here of which full advantage has not yet been taken. The aim of the Committee must be to endeavour to find for all conceivable disputes without exception a procedure which is calculated to lead to equitable and peaceful solutions. Under present conditions, there is as yet no possibility of all disputes of an exclusively political character being submitted for compulsory and final decision to an arbitration authority. Steps can, however, be taken towards the realisation of this idea by introducing other forms of procedure, which, while respecting the legitimate requirements of national life and its development, would practically ensure the settlement of the disputes. Much could be done by developing the conciliation procedure, either before the Council of the League of Nations or before special organs invested with adequate authority. This is the direction indicated by the development of arbitration procedure since the foundation of the League, and certain fundamental principles have already been evolved which can be advantageously carried further.

Such a scheme for the peaceful settlement of disputes could be embodied both in bilateral and in multilateral treaties. The effectiveness of the bilateral treaties would be enhanced if the procedure laid down therein could be successfully brought into organic relationship with the procedure before the organs of the League. Naturally, this would prove easier in a multilateral treaty. At the same time, such a treaty could be so framed that the extent of the obligations assumed could be adapted, to a certain extent, either to the special political relations in definite parts of the world or to the nature of the political relations between the individual States parties to the treaty.

The objection that the value of any system for the pacific settlement of international disputes must always remain dependent on special measures guaranteeing the observance of the agreements concluded under this system is unfounded. If the bodies which are called upon to pronounce the final decision are invested with sufficient authority, and if the limits of their competence are defined with the requisite exactness, it is hardly likely that a State would dare to disregard such a decision. The same applies also to the effect of other types of procedure which do not aim at attaining a formally binding decision regarding the dispute.

In the event of States nevertheless rejecting the means of settling their dispute by peaceful conciliation, the League of Nations has at its disposal the provisions of its Covenant regarding the prevention of war and the application of sanctions against a breach of the peace. A system of the type mentioned above would for the first time provide a firm basis for the application of these provisions.

The duty of preventing a conflict between the States concerned from finally leading to recourse to arms is above all one for the Council, and it will be for the Committee to propose measures which will allow that body to intervene promptly and effectively to prevent threatened hostilities.

A careful investigation of the possibilities offered by Article 11 of the Covenant cannot fail to lead to a series of practical proposals. These can be supplemented by special voluntary undertakings going beyond the scope of the Covenant, undertakings which, even if not acceptable to all the Members of the League, can no doubt form the subject of an agreement between a large number of them. As an example may be quoted the provisions, agreed upon at Locarno, of Articles 4 and 5 of the Rhine Pact and those of Article 19 of the Arbitration Treaty, regarding certain recommendations and proposals to be made by the Council of the League.

It should, of course, be borne in mind that the effectiveness of all measures of security of this and other kinds will be enormously strengthened when the general disarmament which constitutes one of the most important factors of security at last comes to be carried out.

The more the system of measures to prevent war is developed, the smaller becomes the need for measures to be applied in the case of an actual breach of the peace. Common action on the part of all the Members of the League in the event of a breach of the peace is, at the present moment, not possible, since general disarmament is not yet a reality. It is proposed to seek a substitute for this in regional agreements, taking into account the requirements as regards security of a particular area. It is one of the Committee's tasks to examine this proposal. It must be realised, however, that the League is not in a position to exert pressure on individual members or groups of members with a view to the conclusion of such agreements. In any case, only such solutions should, of course, be sought as settle the relations between individual States belonging to a particular group without thereby bringing those States into opposition with States which do not belong to that group. An increase in the security of particular States at the expense of the security of other States constitutes no progress in the direction of peace.

A system of treaties was set up at Locarno which confined itself to the political relations of the States taking part, without the interests of other States being affected. On the other hand, the constitution of alliances between groups of States within the League which aimed at the protection of the States parties to them against other Members of the League might easily lead to a split in the League, and particularly in times of crisis, might render any joint action impossible.

In conclusion, the German Government desires to repeat that, in its opinion, it is important, in dealing with the problem of security, to concentrate on the crux of the question : the pacific settlement of all kinds of international disputes. If, instead of doing this, an attempt were made to take the outbreak of war and the provision of military sanctions as the point of departure, it would be like trying to build a house from the roof downwards. War cannot be prevented by preparing for a war against war, but only by removing its causes. In the German Government's opinion, however, this is only possible if a settlement is reached which will guarantee permanent peace and provide for the removal of all international conditions endangering the peace of the world.

ANNEX 2.

C.A.S. 12.

OBSERVATIONS BY THE ROUMANIAN DELEGATION ON THE INTRODUCTION BY THE CHAIRMAN OF THE COMMITTEE ON ARBITRATION AND SECURITY AND ON THE MEMORANDUM ON ARBITRATION AND CONCILIATION SUBMITTED BY M. HOLSTI, RAPPORTEUR.

The Roumanian delegation, which, in order to avoid prolonging the discussion, did not take part in the general debate, desires to define its position as regards the proposals in the memoranda submitted by the Committee's Rapporteurs and in the meantime to submit the following observations on the Introductory Note and on the first Memorandum.

I. INTRODUCTION.

The Roumanian delegation is glad to state that it approves the sound and judicious observations made in this note. It accepts the principle (paragraph 5) that the Covenant creates a measure of security "which needs to be appreciated at its full value". In appreciating this value, however, it feels bound to approve the observations made in paragraph 53 of M. Politis's memorandum. When the organisation of security comes to be discussed, the Roumanian delegation will favour guarantees which are more definite in principle and less hazardous in their application than those offered by the Covenant.

II. MEMORANDUM ON ARBITRATION AND CONCILIATION.

In accordance with the letter and spirit of the Covenant, the Roumanian Government is an ardent advocate of the peaceful settlement of international disputes by arbitration and conciliation. Its delegation on the Committee wholly approves the spirit and the general trend of M. Holsti's memorandum. Nevertheless, as the Rapporteur, with praiseworthy impartiality, is submitting for decision by the Committee several alternatives for each question to be solved, the Roumanian delegation feels obliged to define its position and state to which of the possible solutions of the problem it gives its preference.

It regards as of capital importance the distinction between legal and non-legal disputes which is implicit in the Covenant and is explicitly made in the Treaties of Locarno. On this basis, it suggests the settlement of legal disputes by *arbitration*, with the option of preliminary conciliation procedure, and the settlement of non-legal disputes by *conciliation*, followed, if unsuccessful, by the reference of the dispute to the Council of the League of Nations.

As regards the form of treaties of arbitration, the Rapporteur offers a choice between a general treaty and private treaties. The Committee will have to give its opinion on the preparation and recommendation to the attention of Governments of model treaties of both kinds. For reasons adequately set forth in the memorandum and in the observations of certain Governments, a general arbitration treaty providing the same procedure for all kinds of disputes, whether legal or not, would be unlikely to secure acceptance by many States. Similarly, an arbitration treaty confined to legal disputes would also fail to secure wide acceptance, even if open to all States, because treaties of this kind are usually based mainly on a feeling of mutual confidence between the States concerned.

In these circumstances, therefore, the Roumanian delegation is in favour of private arbitration treaties. At the same time, it does not wish to exclude *a priori* and finally a system based on a general treaty if the Committee thinks that the drafting of such a model treaty might serve a useful purpose and might secure wide acceptance.

In the Roumanian delegation's opinion, the model private treaty should be restricted to legal disputes and, in order to be more readily acceptable, should allow a certain latitude both as regards the choice of a tribunal, which might be either the Permanent Court of International Justice or one of the arbitral tribunals provided for by the Hague Convention of 1907, and also as regards the system of reservations to be allowed. These could easily be reduced to the four categories mentioned by the Rapporteur: vital interests, territorial status, questions arising out of internal legislation and previous facts.

As regards non-legal disputes—to which the same system of reservations will, of course, apply—the Roumanian delegation favours the procedure of conciliation, as under the Locarno system, which it desires to advocate in this matter. As, according to the practice followed in recent years, these two procedures have constantly been dealt with together, the parties themselves may be left, if they so desire, to make the conciliation procedure—as provided in the Locarno Treaties—the starting-point for all procedure for pacific settlement of disputes.

As regards the constitution of the Permanent Conciliation Commissions, the Roumanian delegation accepts the rules laid down either in the Treaties of Locarno or in the Swedish draft, these being practically the same.

If the conciliation procedure does not result in agreement between the parties, the dispute will be brought before the Council of the League, which will proceed in accordance with Article 15 of the Covenant. Here, however, arises the question as to what will happen if the Council

is not unanimously in agreement on its report or its recommendations. On this point, the Treaties of Locarno make no provision whatever. In order that the dispute may not be left unsolved, the model treaties to be drawn up might submit, at the choice of the contracting parties, suggestions similar to those proposed in paragraph 75 of M. Politis's memorandum: the parties might agree either that the Council should give its decision, unanimously or by a majority, in the capacity of an arbitrator, or that the Council itself should refer the dispute to a committee of arbiters.

There remains the question of a general treaty of conciliation covering all possible questions and open to accession by all States. The objections to the general arbitration treaty also apply to a treaty of this kind. Nevertheless, conciliation may not be without its uses as a preliminary method to pacific procedure of any kind. The Roumanian delegation would not be opposed to the drafting of such a model treaty, to be submitted to the various States, if the majority of the Committee considers such a step desirable and necessary. This system would raise the somewhat vexed question of a possible dispute as to competence between the conciliation commission and the Council acting in virtue of Article 15. In order to prevent this difficulty, the Roumanian delegation would prefer the system of conciliation and arbitration by means of private treaties on the model of the Locarno Treaties.

In submitting these observations, the Roumanian delegation desires to affirm its conviction that any pacific settlement of disputes by conciliation and arbitration will lead the way to general security, but that arbitration, however universal, is not enough to supersede it altogether. Any treaty of arbitration and conciliation would have to form part of a general system of security which will form an indissoluble link between arbitration and guarantees and will guarantee and sanction the execution of arbitration.

ANNEX 3.

C.A.S. 13.

OBSERVATIONS OF THE POLISH DELEGATION

I. INTRODUCTION TO THE MEMORANDA ON ARBITRATION, SECURITY AND THE ARTICLES OF THE COVENANT.

1. The Polish delegation feels justified in accepting as a whole the principles set forth in the Introduction, and proposes no amendments. In order, however, to make its views on these principles clear, it desires to offer certain observations which it thinks might be taken into consideration when the Committee's final report comes to be drawn up.

2. The Polish Government realises that the Covenant of the League in itself affords the States Members a certain degree of security, inasmuch as the signatories of the Covenant have formally undertaken to co-operate in the preservation of peace, more particularly by the following Clause in Article 11:

“Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations.”

Since, however, in the present state of international relations, such action cannot be specified or laid down in advance for all possible contingencies, the Polish Government shares the view, put forward in paragraph 12 of the note, that, in order to increase the degree of security and render it measurable, the obligations contained in the Covenant must be supplemented by additional regional undertakings.

3. The Polish Government is quite able to agree that, “although paragraph 7 of Article 15 contains a gap from a legal point of view, nevertheless, from the political standpoint, there is a latent influence for peace in this freedom of action which it thus threatens to restore to the Members of the League in circumstances on which the public opinion of the whole world would be in a position to pass judgment”. The Polish Government considers, however, that this observation holds good only provided that the powers with which the Council is invested for the maintenance of peace are adequate, and that the action of the Council to prevent conflict and to mediate is backed, if necessary, by sanctions.

4. While accepting the idea that the undertakings given by the various States in virtue of Article 16 can be amplified if the Members of the League are honestly desirous of co-operating for the establishment of international peace, the Polish Government reserves the right to state more fully, when the Memorandum on Security comes to be discussed, its views regarding the part to be played by the League in the organisation of regional security by supplementary treaties of guarantee and assistance between groups of countries.

5. The Polish Government desires to emphasise specially the importance it attaches to the ideas developed in paragraphs 11 and 12 of the Introduction.

II. MEMORANDUM ON ARBITRATION AND CONCILIATION.

6. The Polish Government shares the conclusions set forth in M. Holsti's memorandum. It must, however, point out that treaties of arbitration and conciliation cannot be regarded as affording in themselves an adequate guarantee of security. In its view, such treaties can have no real value as guarantees of peace except in so far as they are linked up with the obligations imposed by the Covenant, and with the conclusion of general and regional security pacts.

Subject to this general reservation, the Polish delegation is prepared to support any suggestion to extend the scope of arbitration and conciliation proceedings. As regards the various types of treaty contemplated in the appendix to the memorandum, the Polish delegation will express its opinion when any concrete proposals that may be laid before the Committee come to be examined.

ANNEX 4.

C.A.S. 14.

OBSERVATIONS OF THE FRENCH DELEGATION WITH REGARD TO THE MEMORANDUM ON ARBITRATION AND CONCILIATION.

I. The French delegation is in favour of the idea of *treaties subjecting all disputes to arbitration* (type No. 1 of the table annexed to M. Holsti's memorandum), (see Annex 1).

From the form in which the Rapporteur has arranged his table, the French delegation concludes that disputes of a juridical nature would, under type 1, be solely within the jurisdiction of the Permanent Court of International Justice. The French delegation would prefer, for disputes of a juridical nature as well as for disputes of a non-juridical nature, that a little latitude should be left as regards the choice of jurisdiction. Certain examples which are followed by M. Holsti in his description of type 1 are of such a nature as to allow of the broadening of the type-treaty in this direction. This broader solution would therefore be preferred by the French delegation.

II. The solution under which States are bound by *arbitration only in disputes of a juridical nature* may secure the approval of certain States which are not in favour of arbitration for all disputes. But in this case it is absolutely necessary that conciliation procedure in non-juridical disputes should not be dissociated therefrom, because, for a security agreement, conciliation procedure is the indispensable corollary of arbitration when arbitration is not absolutely obligatory.

III. A system for the pacific settlement of international disputes which only includes *conciliation procedure without arbitration*, even for conflicts of a juridical nature, seems to the French delegation to be inadequate.

IV. *General Arbitration Treaties.* — The French delegation is in favour of the proposal for a treaty which would cover every kind of dispute and would apply to all possible relations of the contracting States *inter se*. It feels that arbitration treaties on the lines of the Franco-German Treaty concluded at Locarno and as suggested by the Swedish and Norwegian Governments might be applied generally, as far, at any rate, as the principles concerned.

In practice, the difficulty would be the composition, in a general treaty, of different committees of conciliation to suit the different States. The members of committees of this kind must, of course, possess the personal confidence of each party, and experience proves that States are not by any means always inclined to select the same person. This is particularly the case when arbitration, applied to non-juridical disputes, necessitates the intervention of a mediator with special powers. A general arbitration treaty could only be established in the form of an *agreement as to the framework*; States would have to be left the power to decide, by means of bilateral agreements, the composition of the committee of conciliation.

V. *Distinction between Disputes of a Juridical and Non-juridical Nature.* — Such a distinction is a practical necessity because, in disputes of a juridical nature, the arbitrator gives judgment in the light of the law and relevant texts. In conflicts of a non-juridical nature, however, the arbitrator must have special powers to give a judgment in equity, as friendly mediator. It is important that this distinction should be so clearly defined as to be beyond all dispute. It would also be preferable to refrain from stating what disputes are of a non-juridical nature, since the very title means that they are all disputes which cannot be defined as juridical. If a definition were given in each case, there would be danger of positive or negative conflicts between the two definitions.

VI. *Types of General Treaties of Arbitration.* — 1. The hypothesis of a treaty applying only to conflicts of a juridical nature would make it impossible for the parties to extend its scope, if they so wished, to the solution of all disputes, juridical or non-juridical, by means of arbitration. This hypothesis has therefore as limited a scope as the acceptance of the compulsory jurisdiction of the Permanent Court of International Justice, as provided in Article 36 of the Statutes of the Court.

On the other hand, it has, in comparison with the mere acceptance of Article 36, the advantage of being more elastic in that States may refer their disputes at will either to the Permanent Court of International Justice or to a tribunal like the Hague Court of Arbitration.

2. A wider treaty including *provisions regarding the rules to be applied by the arbitrators when they are called upon to decide disputes of a non-juridical nature* would be more in keeping with the thesis of compulsory arbitration in every case. On the other hand, it would, from a practical point of view, raise the same difficulties as the general treaty of arbitration (see paragraphs IV and V). It is almost impossible to conceive of a friendly mediator appointed for all cases and having the same powers in every case. A treaty of this kind could only be established as an *agreement with regard to the framework*; it will be left to the various States to define, by means of special agreements, the powers of the friendly mediator who would have to decide between them.

VII. *Reservations which might have to be made in signing a General Treaty of Arbitration.*—

1. Reservations making it possible for contracting States *only to enter into obligations with regard to certain States* would tend to deprive the general treaty of its universality and to cause States to revert to individual agreements open to the accession of third parties. It will be rather strange to adhere to the idea of a general treaty if certain States were to be excluded therefrom.

2. Reservations making it possible *only to enter into obligations as regards certain disputes.*— The British memorandum points out that this possibility is allowed under Article 36 of the Statutes of the Permanent Court of International Justice and that, if a similar clause is not included in the general treaty of arbitration, the treaty itself would be less elastic than the clause. The French delegation is also of opinion that the system of arbitration should be elastic, but it has a different inception of the nature of such elasticity. It admits arbitration *for all disputes without exception*; on the other hand, it would prefer that States should be left free, to a certain extent, *to choose their own court of arbitration.*

VIII. *General Treaty of Conciliation.*— It is difficult to see how a general treaty of conciliation could be concluded. For all Members of the League the conciliator is, under the Covenant, the Council. Any other *mediating body* designated by a general treaty would find its work overlapping that of the Council unless it possessed the special confidence of the States submitting to its jurisdiction. But it would seem that a mediating body enjoying such special confidence could only be designated by means of bilateral agreements.

ANNEX 5.

C.A.S. 16.

PROPOSALS OF THE SERB-CROAT-SLOVENE DELEGATION.

INTRODUCTION.

The object of the Covenant is to create security, but the exact meaning of security has to be defined. The provisions of the Covenant may then in certain cases prevent war. There have, indeed, been instances in the last few years in which the Council has been able to forestall a conflict. In theory, therefore, the members of the Council possess, under the Covenant, a fairly wide possibility of maintaining international peace. In the domain of practical politics, the system laid down in the Covenant has not yet gained, in its actual working, the importance and character of quasi-automatic international machinery guaranteeing within the framework of the Covenant the effects which the Covenant was intended to produce. The system of security, as contained in the Covenant, must be applied and studied for some time yet before any final conclusions can be drawn. Its value will have to be proved in cases of serious crises in which the interests of great Powers are involved, in order that the peoples of the world may feel an absolute confidence in the unflinching action of the Covenant. Time is necessary for this.

The Serb-Croat-Slovene delegation feels that an effort should be made to strengthen the authority of the Council of the League, so that it may take certain and effective action in all the cases, without any exception, covered by the Covenant.

Not until public opinion in all countries Members of the League has accepted in all sincerity and confidence the rôle of the Council as final arbiter of peace or war shall we be able to speak of security guaranteed by the Covenant, with all its logical consequences as regards the limitation and reduction of armaments. This is not the case at the present time in most European countries.

II. ARBITRATION.

The pacific settlement of international disputes by arbitration, by judicial settlement or by conciliation procedure is at present an ideal still unattained throughout the greater part of Europe. In theory, the essential principles have been established for the application of all these peaceful measures, but in the practical policy of Governments arbitration and its corollaries occupy only a secondary position. The situation is distinctly better than it was before the war, but it is not yet possible to say that all these peaceful processes form an effective part of the national policy of the various European countries. In this case, too, time is necessary to allow these new methods for the pacific settlement of international questions gradually to replace the older methods of foreign policy. No pressure can be brought to bear, because a change in the mentality and general outlook of public opinion itself must first take place before the usual methods of intimidation and force can be excluded from practical foreign policy.

For the problem of security, the evolution of arbitration and other pacific methods is a matter of capital importance. This evolution is still in progress; it must be stimulated and encouraged by every means, that is to say, by the development of the idea of arbitration and its effective application in the foreign policy of every country. Not until compulsory general and guaranteed arbitration dominates in the practical national policy of the countries Members of the League shall we be able to speak seriously of the security of nations guaranteed by arbitration. At present, this is not the case.

ANNEX 6.

C.A.S. 17.

OBSERVATIONS OF THE BRITISH DELEGATION ON THE MEMORANDUM
ON SECURITY QUESTIONS.

In paragraphs 58 to 63 inclusive, the Rapporteur enumerates and classifies the existing arbitration and security agreements, to the number of eighty-five. In his classification he seems to recognise only a varying degree of efficacy, without indicating that the various forms of these agreements are by their very nature diverse, some of them being evidently inspired by the Covenant, others, though not incompatible with the letter of the Covenant, being capable of being employed eventually in a manner inconsistent with its spirit. The point will be dealt with later in connection with paragraph 82.

In paragraph 75, the Rapporteur examines the possibility of finding some means of "filling the gap" in Article 15 of the Covenant and of providing a way of obtaining a final and binding decision in all cases. He refers first to the suggestion that the parties might agree between them to hold the Council's decision as final and binding even if the decision were only reached by a simple or specified majority. He points out, however, that the defect of this arrangement would be that such an agreement would bind only the parties to the dispute; it would have no legal effect on the other Members of the League, which could not therefore be called upon to apply the sanctions of Article 16 against a party which might seek to evade the obligation to accept a majority decision.

He accordingly suggests two other alternatives.

1. That the Council, if unable to make a unanimous report under Article 15 of the Covenant, should assume the rôle of arbitrator and, acting, if need be, by a majority, give an award which would be of the same value and force as an award given under Article 13. The Council would thus be acting as the "tribunal agreed on by the parties to the dispute" referred to in that article. (The Mosul decision is invoked as providing some precedent for this procedure, but it must be noted that in that case the Permanent Court of International Justice laid down that "the 'decision to be taken' must be taken by a *unanimous* vote", though for this purpose the votes of the parties were not to be counted.) Now, according to Article 13, "the Members of the League agree that they will carry out in full good faith any award or decision that may be rendered", and, further, "that they will not resort to war against a Member of the League which complies therewith". Article 16 of the Covenant comes automatically into operation whenever a Member "resorts to war in disregard of its covenants". Consequently, if a party to the dispute under this proposed arrangement refuses to accept a majority decision of the Council and resorts to war, all the other Members of the League could be called upon to apply Article 16, even including those which may have voted in the minority.

2. The second alternative is borrowed from the provisions of the Geneva Protocol. The Council, having failed to achieve unanimity, would refer the dispute to a body of arbitrators, whose decision would be binding and enforceable by the sanctions of Article 16.

The effect of both of these alternatives is the same: Members of the League might be called upon to apply sanctions in the enforcement of a decision in which they do not concur and against which they may even have recorded a definite vote. This would cut at the root of the principle of unanimity and the sovereign rights of individual States. The Covenant purposely avoids this difficulty: under Article 15, paragraph 7, if the Council fails to reach unanimity, "the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice". As was pointed out at the time of the discussion of the Protocol, His Majesty's Government consider this inadmissible. The present proposals for filling the gap in the Covenant, even if practical, are to be deprecated as compromising one of the great principles which underlie the whole Covenant and which facilitate its application.

At the end of paragraph 79, the Rapporteur, in examining the question of the determination of unprovoked aggression, refers to the proposal, contained in the Geneva Protocol, that the Council, in the event of the outbreak of hostilities, should prescribe an armistice, and that the party violating the terms of the armistice should be held to be the aggressor. He further raises the question whether, for this procedure, the Council should be empowered to take decisions

by a majority vote. His Majesty's Government see serious objection to these proposals. In the first place, there must always be great difficulty in imposing an armistice on belligerents once hostilities have broken out. The moment an attempt is made to bring about a cessation of actual hostilities, all kinds of subsidiary questions must inevitably be settled provisionally at the same time, such as the procedure in regard to reinforcements or supplies on their way by sea, land or air; movement of forces in general, as also of supplies, both for the armies and the civil population; aerial reconnaissance and many other matters, which will vary in each case. In the second place, it is proposed that the Council should fix the terms of the armistice by a majority vote. Those who vote with the minority might think these terms unworkable. Yet, if one party refuses to comply with them, it becomes automatically an aggressor, and those Members of the Council which object to the terms of the armistice are nevertheless called upon to apply sanctions against that party.

Paragraph 82, which deals with the possibility of providing for common action by the parties to a regional pact against aggression by a non-participating State, requires very careful consideration in that the acceptance of the proposals there made might give rise to a misconception of the true nature of regional pacts, as understood by His Majesty's Government at least. It is only necessary to refer to the British memorandum (Annex 1, B, Question 1 page 170) to show that they regard regional pacts of security as "treaties framed with the sole object of maintaining, *as between the nations concerned*, an unbroken peace". If such pacts are used for the purpose of securing the parties, by a unilateral guarantee, against possible aggression from without, they become to that extent invested with the character of defensive alliances. It is true that a defensive alliance as such, and for so long as it is employed solely for defensive purposes, ought not to be regarded as contrary to the spirit of the Covenant. But one defensive alliance is apt to call into existence a rival group, and this process might result ultimately in the division of Europe into hostile camps. Owing to the possibility of this development, defensive alliances against an external danger cannot be unreservedly admitted to be designed in accordance with the spirit of the Covenant. Security pacts on the model of the Locarno Treaty, on the other hand, are entirely in accordance with the spirit of the Covenant and really reproduce its provisions. For, under that Treaty, the parties are only bound to act together against the one of their number which resorts to war. If any outside party were subsequently to be brought within the scope of such a treaty, he should rightly be entitled to expect, if attacked by one of the parties, to receive assistance from the rest, as well as being threatened with their combined opposition in the event of his attacking one of them.

Conditions (a) and (b) in paragraph 84 are dependent on the establishment and entry into force of a general plan for the reduction of armaments. This is a matter which must await final decision until that plan is in the last stages of elaboration. These conditions are in the nature of a "sanction" to be attached to the plan of disarmament, and their suitability can best be discussed in connection with disarmament.

As regards the accession of third States to security pacts (paragraph 85), it would seem to follow from what has been said above that this could only be effected with the consent of the existing parties and on condition that the acceding State assumes all the obligations as well as benefiting by the advantages involved. Even so, His Majesty's Government see difficulty in providing for accession by third States in that it would be invidious for the existing parties to have to refuse a request for accession by a party whose inclusion in the pact might seem, for one reason or another, undesirable.

One of the sub-paragraphs of paragraph 88 suggests that, "before registration", regional pacts would be examined by the Council from the point of view of their conformity with the Covenant. The Council could, if necessary, suggest changes in the text of pacts submitted to it. If this means that the Council would be entitled to refuse registration of pacts that did not conform to its ideal, this raises a delicate question which has already caused some division of opinion, and of which the elucidation would entail a critical study of Article 18 of the Covenant—a task which does not fall within the competence of the Committee.

ANNEX 4 bis.

C. A. S. 18.

OBSERVATIONS OF THE FRENCH DELEGATION ON THE CONCLUSIONS OF THE MEMORANDUM ON ARTICLES 10, 11 AND 16 OF THE COVENANT.

I. *First, Fifth, Seventh and Tenth Conclusions.*

The French delegation regrets the complete abandonment of the criterion of aggression adopted in the Geneva Protocol for the Pacific Settlement of International Disputes. The objections adduced by M. Rutgers against a hard-and-fast definition of the aggressor certainly apply to the system of determining the aggressor resulting from the Rapporteur's proposals. The Council would indeed, according to the Rapporteur, be obliged to determine the Power to which the sanctions or Article 16 would have to be applied, on the basis of the greater or less goodwill shown by that Power in accepting its previous decisions during the progress of the dispute followed by the Council in pursuance of Article 11 of the Covenant.

It is to be feared that, if the Council is guided by facts which it is not easily able to verify, the good or bad faith of the parties may too easily be misrepresented. The system of the Protocol, on the other hand, had the advantage of entirely disregarding facts of this kind. One of the parties accepted or did not accept arbitration. It is conceivable that, if the Council is not able to verify sufficiently what is happening on the scene of action, the aggressor may even be the party which submitted the matter to the Council in face of its adversary's threat.

In connection with Articles 7 and 8 of the Geneva Protocol, Sir Austen Chamberlain, at the thirty-third session of the Council of the League, followed a line of argument which might easily be invoked against M. Rutgers' tenth conclusion.

The French delegation sees only two effective methods of obviating the drawbacks of the proposed procedure :

(a) The simultaneous taking of conservatory measures and setting up of supervisory bodies to verify their execution on the spot, the Council only ordering conservatory measures the execution of which it is in a position to verify.

(b) The avoidance, in the Council's decisions, of too exact an enumeration of the conservatory measures to be taken in all cases, seeing that in certain cases they might have an effect contrary to that desired. On this understanding, the French delegation approves the first paragraph of the Rapporteur's first conclusion.

II. As regards M. Rutgers' *second conclusion*, the French delegation suggests that it would no doubt be advisable for the Committee on Arbitration and Security, either through its bureau or through a special sub-committee, to follow closely the work being done by the Transit Section of the Secretariat with regard to the improvement of the communications of the organs of the League in times of emergency.

III. As regards the Rapporteur's *third and sixth conclusions*, the French delegation points out that, if the sanctions of Article 16 are not arranged for in advance, the possibility of having to apply Article 16 is much more likely to arise. To solve the problem of security, the three following types of solution are necessary simultaneously : organisation of the pacific procedure for settling international disputes ; mutual assistance against the aggressor ; reduction and limitation of armaments. There can be no hope of applying an effective pacific procedure if the measures of moral pressure are not supported, if need be, by the threat of sanctions, and the Rapporteur seems to acknowledge this himself when, in his twelfth conclusion, and in paragraphs 203 and 204 of his report, he notes the importance of the scheme of financial assistance from the point of view of the prevention of conflicts.

In paragraph 168 of his report, however, M. Rutgers indicates a preference for a "general" preparation of sanctions in place of a preparation specially worked out with a view to a specific situation such as would result from the regional systems of security. The French delegation points out that the impression created by a threatened sanction obviously depends on the degree of clearness with which the preparations for assistance have been defined.

IV. *M. Rutgers' Eighth and Ninth Conclusions.*

In No. 161 and the following paragraphs of his report, M. Rutgers indicates, as still possessing value at the present time, the restrictive interpretations of the obligations devolving on States Members under Article 16 of the Covenant which were given by the 1921 Assembly in a series of resolutions. The Rapporteur states that the Assembly declared at the time that, pending ratification, these resolutions were to serve as provisional guiding principles for the States Members.

M. de Brouckère would seem, however, to have definitely disposed of the question as far back as December 1926, in a report the conclusions of which have since served as a basis for the work of the Committee of the Council. (See, in particular, paragraphs 3, 4 and 5 of Chapter

II of the report.) M. de Brouckère's detailed arguments should be supplemented by the more general observation that the non-ratified resolutions of 1921 created a provisional situation which, in the opinion of the French delegation, has no more value than the provisional situation resulting from the Geneva Protocol of 1924, which also was not ratified.

It might further be stated that the conception of the obligations contained in Article 16 of the Covenant has developed since 1921 in such a way that it is not now possible to go back to those interpretations. Under the resolutions in question, the individual Members of the League decide for themselves whether the Covenant has or has not been broken. In reverting to this idea, particularly in his ninth conclusion, M. Rutgers has been led to indicate in paragraphs 198 *et seq.* of his report the practical difficulty of reconciling this idea with the application of the scheme of financial assistance drawn up by the Financial Committee. The system represented by the 1921 resolutions was in harmony with an application of Article 16 that is left entirely to the discretion of the States Members at the time when the aggression occurs. Once a beginning is made with the consideration of predetermined plans of assistance, it is obviously essential that all States Members should automatically be bound by the determination of the aggressor as reached by the Council.

ANNEX 7.

C. P. D. 108.
[C. A. S. 39.]

B. REPORT OF THE COMMITTEE ON ARBITRATION AND SECURITY
ON THE WORK OF ITS SECOND SESSION
HELD AT GENEVA FROM FEBRUARY 20TH TO MARCH 7TH, 1928

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I. Account of the Committee's Work from its Creation up to the End of its Second Session.

At its meeting on November 30th, 1927, the Preparatory Commission for the Disarmament Conference constituted the Committee on Arbitration and Security, transmitting to it "for guidance in its work the Council's decision concerning arbitration, security and disarmament dated September 27th and 28th, 1927, the report as approved on this occasion by the Council, and Resolutions IV and V adopted by the Assembly on September 26th, 1927".

At its meeting on December 2nd, 1927, the Committee on Arbitration and Security drew up its programme of work and instructed three Rapporteurs, M. Holsti, M. Politis and M. Rutgers, to submit three memoranda on the following questions : arbitration, security, articles of the Covenant.

¹ See Minutes of Second Meeting of Fifth Session of the Preparatory Commission, Section 4, Part II, page 227.

M. Benes, Chairman of the Committee on Arbitration and Security, convened a meeting of the Rapporteurs on January 26th, 1928, at Prague, in order to enable them to co-ordinate their work in collaboration with himself.

The Chairman and the Rapporteurs endeavoured to take into account, as far as possible, the suggestions contained in the notes sent by the Belgian, British, German, Norwegian and Swedish Governments and the indications given by the representatives of the other Governments, in the course of previous discussions on the question of arbitration and security.

The Chairman and the Rapporteurs have prepared a document, containing :

- (1) An introduction to the three memoranda relating to arbitration, security and the articles of the Covenant ;
- (2) A memorandum on arbitration and conciliation, submitted by M. Holsti ;
- (3) A memorandum on questions relating to security, submitted by M. Politis ;
- (4) A memorandum on Articles 10, 11 and 16 of the Covenant and financial assistance, submitted by M. Rutgers.

The memoranda, submitted by their authors in a personal capacity, has furnished a basis for discussion at the second session of the Committee on Arbitration and Security.

The Committee on Arbitration and Security, which met at Geneva from February 20th to March 7th, 1928, under the Chairmanship of M. Benes and the Vice-Chairmanship of M. Undén, discussed the ideas contained in the Introduction and the three memoranda. It appointed a Drafting Committee which, taking into account the points of view expressed by the different delegations during the discussion, prepared :

- (1) A model general convention for the pacific settlement of all international disputes ;
- (2) A model general convention relating to judicial settlement, arbitration and conciliation ;
- (3) A model general conciliation convention ;
- (4) A model treaty of mutual assistance ;
- (5) A model collective treaty relating to non-aggression ;
- (6) A model bi-lateral treaty of the same type ;
- (7) Various resolutions which will be found hereinafter.

These texts were then submitted for approval to the Committee on Arbitration and Security.

The Committee, after renewed discussion, decided :

- (1) To authorise its Chairman to convene it for a third session, not later than the end of June 1928 ;
- (2) To proceed, at its third session, with the second reading of the model treaties drawn up during its second session ;
- (3) To examine, at its third session, the suggestions of the German delegation, on the basis of a Memorandum prepared by M. Rolin Jaequemyns ;
- (4) To study, at the same session, draft model bi-lateral treaties ;
- (5) To continue the examination of the articles of the Covenant in accordance with the resolution of the Assembly of 1927.

The Committee on Arbitration and Security further expresses the hope that the results of its second session will be communicated to all the States in time to be discussed at the next Assembly.

II. Resolution concerning the Introduction to the Three Memoranda on Arbitration, Security and the Articles of the Covenant.

The Committee on Arbitration and Security,

After studying the introduction to the Memoranda on Arbitration, Security and the Articles of the Covenant submitted by the Chairman:

Declares its concurrence in the views therein expressed that :

- (1) The Covenant itself creates a measure of security which needs to be appreciated at its full value and that its articles are capable of being applied in such a way that in the majority of cases they can prevent war ;
 - (2) The common will for peace of the States Members of the Council can be exercised effectively within the framework of the Covenant, all the more so because that instrument does not provide any rigid code of procedure for the settlement of international crises and that it is, therefore, inexpedient to attempt to draw up in advance a complete list of measures for preserving international peace ;
 - (3) For those States which seek more effective guarantees of security, side by side with an extension of the machinery for the pacific settlement of their international disputes, the conclusion of security pacts with other States in the same geographical area constitutes one of the most practical forms of supplementary guarantee which it is at present possible to recommend.
-

III. Pacific Settlement of International Disputes.

(a) INTRODUCTION TO THE GENERAL CONVENTIONS ON ARBITRATION AND CONCILIATION.

I. PRINCIPLES FOLLOWED BY THE COMMITTEE ON ARBITRATION AND SECURITY.

The Committee has the honour to submit three draft general conventions.

In not submitting on this occasion any drafts of separate conventions, the Committee has no intention of indicating any disinclination for this type of convention. The reason it has given priority in its programme to general conventions is that conventions of this type are the most comprehensive. Once they have been drawn up it is easy to extract from them the elements of a separate convention, and this is what the Committee proposes to do at its next session.

The two first conventions (Conventions A and B) provide for arbitration and conciliation ; the third (Convention C) provides exclusively for conciliation procedure.

In drafting these conventions the Committee has been guided by a certain number of main principles :

1. It is necessary to take into account the particular situations of the different States and the objections which some of them would feel to the conclusion of extensive arbitration undertakings.

In these circumstances it would be useless to attempt to bring forward a single and rigid type of arbitration and conciliation convention which would fall short of what some States are prepared to accept and go beyond what others might be able to accept. The three Conventions A, B and C provide sufficient variety to meet the desires and conditions of the different Governments.

The operation of the reservations authorised by these various conventions increases their elasticity—a feature which has been regarded as essential.

It should be noted that the general conventions contemplated do not affect the general or special obligations with regard to arbitration or judicial settlement which States have assumed or may assume between themselves. The general conventions will only be applied subsidiarily, and will only govern disputes not already covered by other conventions.

2. While the freedom of States must be fully respected, and no pressure, even if it is only moral pressure, be exerted on Governments to induce them to contract undertakings which they do not consider themselves able to perform, it is nevertheless essential that the undertakings entered into, however restricted they may be, should be of concrete value.

To that end provisions already adopted in numerous separate conventions and ensuring the observance of undertakings assumed have been inserted in the Conventions. Hence the absence of an agreement with regard to the submission to arbitration or to the constitution of the tribunal or Conciliation Commission will not prevent the procedure of peaceful settlement from taking its course. Thus all reservations of a vague and indefinite character have been avoided.

3. The Committee has endeavoured to make as few innovations as possible. It has been guided by past experience, taking as a basis the numerous separate arbitration and conciliation conventions already concluded between large and small States in all parts of the world.

Thus, the traditional distinction between disputes of a legal and of a non-legal nature constitutes the fundamental principle of Conventions A and B.

II. CHARACTER OF THE THREE DRAFTS.

Convention A. — The structure of Convention A is as follows :

1. Disputes of a legal nature are submitted compulsorily to a judicial or arbitral settlement, and optionally to a preliminary procedure of conciliation.

If the parties do not decide to resort to a special tribunal, or having decided to resort thereto, fail to agree on the terms of the special agreement (*compromis*), the dispute is brought, by means of an application, before the Permanent Court of International Justice.

2. Disputes of a non-legal nature are submitted compulsorily to a procedure of conciliation.

The composition of the Conciliation Commission, its mode of operation and the part it plays are the same in all three conventions. They will be dealt with in the commentary on Convention C.

In the event of the failure of conciliation, the dispute must be brought before an arbitral tribunal composed of five members.

If the parties fail to agree regarding the selection of the members of the tribunal to be appointed jointly, or if they fail to choose the members whom they must appoint severally, the Acting President of the Council of the League of Nations will make the necessary appointments.

Convention B. — Convention B is conceived on the same lines as the arbitration and conciliation conventions concluded at Locarno.

1. Disputes of a legal nature are brought before the Permanent Court of International Justice unless the parties agree to have recourse to an arbitral tribunal. The rules are the same as in Convention A.

2. Disputes of a non-legal nature are submitted simply to a procedure of conciliation. If this fails they may be brought before the Council of the League of Nations under Article 15 of the Covenant.

Convention C. — The Committee has considered that there are very few States which, finding it impossible to accept the general or restricted obligations to submit to arbitration and judicial settlement contained in Conventions A and B, would refuse to accept Convention C, which simply provides for conciliation procedure.

The composition, mode of operation and duties of the Conciliation Commission laid down by the Convention are in general reproduced from the provisions in the Locarno treaties of arbitration and conciliation. The only change is that greater latitude has been granted to the parties; in particular, it is stipulated that the Conciliation Commission may be permanent or specially constituted.

III. GENERAL PROVISIONS COMMON TO THE THREE DRAFTS.

The general provisions, which, except for the adaptations required by the three draft conventions, are common to all, call for the following explanations:

1. It is stipulated that the parties shall, during the procedure, abstain from any measures which may aggravate the dispute. The Permanent Court of International Justice and the arbitral tribunal may prescribe provisional measures. The Conciliation Commission has only the power to "recommend" such measures.

2. The case of third Powers, parties or not to the Convention, which have an interest in the dispute is specially provided for and settled. If the third State is a party to the Convention it must take part in the procedure; if it is not a party it will be requested to participate.

3. In spite of the importance of the largest possible number of accessions being given without reservations of any kind, the Committee, which has sought to achieve something practical and to take account of the difficulties peculiar to each State, has made a wide allowance for reservations.

Nevertheless, it has tried to regulate and classify them in order to avoid uncertainty and abuse. Four kinds of reservations have been laid down. The last, which is the widest, refers to "disputes concerning particular clearly defined subject-matters, such as territorial status" (see Convention A, Article 36, No. 2. (d)). Thus, any State, when acceding to the Convention, may exclude any question whatever. All that it need do is to make special mention of this question. In this way it has been found possible to get rid of the dangerous and vague reservation of vital interests; if a State considers that certain questions affect its vital interests it will exclude them by a reservation mentioning these questions.

Furthermore, the reservations stipulated by acceding States only apply to arbitration unless it is expressly stated that they shall also apply to conciliation. The Committee is strongly of opinion that reservations, which are in all cases undesirable, should be of a wholly exceptional nature in the case of conciliation.

Finally—and most important of all—the operation of possible reservations has not been left to the discretion of the parties; it is subject to control by the Permanent Court of International Justice.

4. Disputes relating to the interpretation or application of the Convention will be submitted to the Permanent Court of International Justice. The object of this provision is to prevent conflicts of interpretation constituting a reason or pretext for any of the parties to bring about the failure of the forms of procedure laid down.

5. Duration: it is stipulated that the Conventions shall have a fixed and uniform duration of five years. On the expiration of that period they shall be renewed for the same period in the case of Powers which have not denounced them in due time.

IV. FACILITIES PROVIDED FOR THE CONCLUSION OF CONVENTIONS ON ARBITRATION AND JUDICIAL SETTLEMENT.

In order better to give effect to the last Assembly's wish for an increased use of forms of pacific procedure and for a larger number of conventions on arbitration and judicial settlement, the Committee has thought fit to frame a draft resolution defining the conditions on which the Council will be able to lend its good offices to States desiring to conclude such treaties.

V. METHOD OF FACILITATING ACCESSIONS TO THE OPTIONAL CLAUSE OF ARTICLE 36 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Committee, realising the obstacles which prevent States from committing themselves, has thought that the only method of reducing them at present possible is to draw attention to the possibilities offered by the terms of the Clause in Article 36 to States which do not see their way to accede to it without qualification to do so, subject to appropriate reservations limiting the extent of their commitments, both as regards duration and as regards scope. Accordingly, the Committee has framed a draft resolution enabling the Council to request those States which have not yet acceded to the clause of Article 36 to consider with due regard to their own interests whether they can do so on the conditions above indicated.

(b) MODEL CONVENTIONS.

DRAFT GENERAL CONVENTION FOR THE PACIFIC SETTLEMENT
OF ALL INTERNATIONAL DISPUTES.

(Convention A)

(List of Heads of States)

.....
Being sincerely desirous of developing mutual confidence and of consolidating international peace by assuring, through resort to pacific procedure, the settlement of disputes arising between their respective countries ;

Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals ;

Recognising that the rights of the several States cannot be modified except with their own consent ;

Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure allows of the settlement of all international disputes ; and

Highly appreciating the recommendation of the Assembly of the League of Nations contained in its resolution of that all States should conclude a general convention for the pacific settlement of all international disputes :

Have decided to achieve their common aim by means of a Convention and have appointed as their plenipotentiaries :

(List of Plenipotentiaries)

.....
who, having deposited their full powers found in good and due form, have agreed on the following provisions :

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL.

Article 1.

Disputes of every kind which may arise between two or more of the high contracting parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Convention, to settlement by judicial means or arbitration, preceded, according to circumstances, as a compulsory or optional measure, by recourse to the procedure of conciliation.

Article 2.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. The present convention shall not affect any agreements in force by which conciliation procedure is established between the high contracting parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute.

3. If, however, the agreements in force provide only for a procedure of conciliation, after such procedure has been followed without result the provisions of the present Convention concerning settlement by judicial means or arbitration shall be applied.

Article 3.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Convention until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case the party which desires to resort to the procedure laid down in the present Convention must notify the other party of its intention within a period of one year from the date of the aforesaid decision.

CHAPTER II. — JUDICIAL OR ARBITRAL SETTLEMENT.

Article 4.

All disputes with regard to which the parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 36, be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

Article 5.

If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement; unless the parties agree to adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, the aforesaid special agreement shall determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the rules in regard to the substance of the dispute to be applied by the arbitrators.

Article 6.

If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by a simple application directly before the Permanent Court of International Justice.

Article 7.

If in a judicial sentence or arbitral award it is stated that a judgment, or a measure enjoined by a court of law or other authority of one of the parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction of another kind.

Article 8.

1. In the case of the disputes mentioned in Article 4, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Convention.

2. In the case of the conciliation procedure failing, and after the expiration of the period of one month laid down in Article 25, the dispute may be submitted to the Permanent Court of International Justice, or to the arbitral tribunal mentioned in Article 5, as the case may be.

CHAPTER III. — CONCILIATION.

Article 9.

All disputes between the parties other than the disputes mentioned in Article 4 shall be submitted obligatorily to a procedure of conciliation before they can form the subject of a settlement by arbitration.

Article 10.

The disputes referred to in the preceding article shall be submitted to a permanent or special conciliation commission constituted by the parties.

Article 11.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 12.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:

1. The Commission shall be composed of five members. The parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 13.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding article, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 14.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute or to fill vacancies on a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 15.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 16.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 17.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 18.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 19.

1. Failing any provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable should be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of the two parties as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 20.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 21.

The parties undertake to facilitate the work of the Conciliation Commission and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 22.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 23.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority, accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been notified of the dispute.

Article 24.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

CHAPTER IV. — SETTLEMENT BY ARBITRATION.

Article 25.

1. If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission mentioned in the previous chapter, the question shall be brought before an arbitral tribunal which, unless the parties agree otherwise, shall be constituted in the manner indicated below.

2. If, however, recourse to arbitration is precluded by the operation of the reservations provided for in Article 36 the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League.

Article 26.

The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned.

Article 27.

1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute the arbitral tribunal, the President for the time being of the Council of the League of Nations shall, failing any other agreement, be requested, on the proposal of either party, to make the necessary appointments.

2. In the event of the President for the time being of the Council of the League of Nations being a national of a Power concerned in the dispute, the right of making the necessary appointment shall belong to the Council.

Article 28.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 29.

The parties shall draw up a special agreement determining the subject of the dispute, and, if necessary, the details of procedure and the rules in regard to the substance of the dispute to be applied by the arbitrators.

Article 30.

Failing stipulations to the contrary in the special agreement, the procedure followed by the Arbitral Tribunal shall be that laid down in Part IV, Chapter III, of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 31.

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted the dispute shall be brought before the Tribunal by an application by one or other party.

Article 32.

In the absence of rules laid down by the special agreement, the Tribunal shall apply the rules in regard to the substance of the dispute indicated in Article 38 of the Statute of the Permanent Court of International Justice. If the dispute cannot be settled by the application of the rules of law alone, the Tribunal may exercise the functions of a friendly mediator.

CHAPTER V. — GENERAL PROVISIONS.

Article 33.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. It shall in like manner be the duty of the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or the Council of the League of Nations and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 34.

Should a dispute arise between more than two States parties to the present Convention, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions :

(a) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such Commission shall differ according as the parties all have separate interests or as two or more of their number act together.

In the former case, the parties shall each appoint one Commissioner and shall jointly appoint Commissioners nationals of third States, whose numbers shall always exceed by one those of the Commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event, the parties shall, unless they agree otherwise, be guided by Article 13 and the following articles of the present Convention ;

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply ;

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the Tribunal in the case of the disputes mentioned in Article 4, each party shall have the right, by means of an application, to submit the dispute to the Permanent Court of International Justice ; in the case of the disputes mentioned in Article 9, Article 26 above shall apply, subject to the inclusion in the Tribunal of one additional arbitrator for each third party having separate interests.

Article 35.

1. The present Convention shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. In conciliation procedure, the parties may agree to call upon such third State ; the latter shall be free not to intervene.

3. In judicial or arbitral procedure a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun. It shall be bound to comply with this request if it is a party to the present Convention.

Article 36.

1. The acceptance of the present Convention may be made conditional upon reservations which must be indicated either at the time of signature or at the time of accession.

2. These reservations may be such as to exclude from all or part of the obligations laid down in the present Convention :

(a) Disputes arising out of facts prior to the signatures or accession ;

(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States ;

(c) Disputes concerning questions which affect the principles of the constitution of the State ;

(d) Disputes concerning particular clearly specified subject-matters, such as territorial status.

3. The operation of the reservations is to be deemed to be conditional upon reciprocity.

4. Disputes which, as the result of reservations, are not subject to arbitration or judicial settlement still remain subject to the procedure for conciliation in the absence of any provision to the contrary.

Article 37.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

Article 38.

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take, at any time and notwithstanding any conciliation or arbitration procedure, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 39.

1. The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date¹; it may, until.....², be signed on behalf of any Member of the League of Nations or of any non-Member State to which the Council of the League of Nations shall communicate a copy of the said Convention for this purpose.

2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-Member States referred to in the preceding paragraph.

Article 40.

As from³ the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-Member State mentioned in Article 39. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States mentioned in Article 39.

Article 41.

The present Convention shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the ratification or accession of not less than two contracting parties.

Article 42.

Ratifications or accessions received after the entry into force of the Convention, in accordance with Article 41, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

Article 43.

1. The present Convention shall be concluded for a period of five years, dating from its entry into force.

2. It shall remain in force for further successive periods of five years in the case of high contracting parties which do not denounce it at least six months before the expiration of the current period.

3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-Member States mentioned in Article 39.

4. Notwithstanding denunciation by one of the high contracting parties concerned in a dispute, all forms of procedure pending at the term of the expiration of the period of the Convention shall be duly completed.

Article 44.

The present Convention shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

In faith whereof, the above-mentioned plenipotentiaries have signed the present Convention.

Done at in a single-copy, which shall be kept in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-Member States referred to in Article 39.

¹ Date of adoption by the Assembly.

² One year after the adoption of the Convention by the Assembly.

³ The day following the date mentioned in footnote 2.

DRAFT GENERAL CONVENTION FOR JUDICIAL SETTLEMENT,
ARBITRATION AND CONCILIATION.

(Convention B)

(List of Heads of States)

.....
Being sincerely desirous of developing mutual confidence and of consolidating international peace by assuring, through resort to pacific procedure, the settlement of disputes arising between their respective countries,

Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals,

Recognising that the rights of the several States cannot be modified except with their own consent, and

Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure, allows of the settlement of all international disputes,

Highly appreciating the recommendation of the Assembly of the League of Nations contained in its resolution of . . . that all States should conclude a general convention for judicial settlement, arbitration and conciliation,

Have decided to achieve their common aim by means of a Convention and have appointed as their plenipotentiaries :

(List of plenipotentiaries)

.....
Who, having deposited their full powers found in good and due form, have agreed on the following provisions :

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL.

Article 1.

Disputes of every kind which may arise between two or more of the high contracting parties and which it has not been possible to settle by diplomacy, shall be submitted to a procedure of judicial settlement, arbitration, or conciliation as laid down hereinafter.

Article 2.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the disputes shall be settled in conformity with the provisions of those conventions.

2. The present Convention shall not affect any agreements in force by which conciliation procedure is established between the high contracting parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute.

3. Nevertheless, if the agreements in force provide only for a conciliation procedure, the provisions of the present Convention regarding judicial or arbitral settlement shall come into operation when that procedure has been unsuccessfully employed.

Article 3.

1. In the case of a dispute, the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Convention until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case the party which desires to resort to the procedure laid down in the present Convention must notify the other party of its intention within a period of one year from the date of the aforesaid decision.

CHAPTER II. — JUDICIAL OR ARBITRAL SETTLEMENT.

Article 4.

All disputes with regard to which the parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 29, be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

Article 5.

If the parties agree to submit their dispute to an arbitral tribunal, they shall draw up a special agreement ; unless the parties agree to adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, the aforesaid special agreement shall determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the rules in regard to the substance of the dispute to be applied by the arbitrators.

Article 6.

If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by a simple application directly before the Permanent Court of International Justice.

Article 7.

If in a judicial sentence or arbitral award it is stated that a decision, or a measure enjoined by a court of law or other authority of one of the parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction of another kind.

CHAPTER III. — CONCILIATION.

Article 8.

1. Before any resort is made to arbitral procedure or to proceedings before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted to the conciliation procedure laid down in the present Convention.

2. In the case of the conciliation procedure failing, and after the expiration of the period of one month provided for in Article 25, the dispute may be submitted to the Permanent Court of International Justice, or to the arbitral tribunal as the case may be.

Article 9.

All questions the settlement of which cannot, under the terms of the present Convention, be attained by means of a judicial or arbitral award shall be submitted to a procedure of conciliation.

Article 10.

The disputes referred to in the preceding article shall be submitted to a permanent or special conciliation commission constituted by the parties.

Article 11.

On a request to that effect being sent by one of the contracting parties to another contracting party a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 12.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The contracting parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory, nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 13.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding article, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 14.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 15.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 16.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 17.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 18.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 19.

1. Failing any provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable should be heard.

3. The Commission for its part shall be entitled to request oral explanations from the agents, counsel and experts of the two parties as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 20.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 21.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 22.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 23.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognizance of the dispute.

Article 24.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 25.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Article 8.

CHAPTER IV. — GENERAL PROVISIONS.

Article 26.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission the latter may recommend to the parties the adoption of such provisional measure as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 27.

Should a dispute arise between more than two States parties to the present Convention,* the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions :

(a) In the case of conciliation procedure, a special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 13 and the following articles of the present Convention.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.

Article 28.

1. The present Convention shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. In conciliation procedure the parties may agree to call upon such third State ; the latter shall be free not to intervene.

3. In judicial or arbitral procedure a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun. It shall be bound to comply with this request if it is a party to the present Convention.

Article 29.

1. The acceptance of the present Convention may be made conditional upon reservations which must be indicated either at the time of signature or at the time of accession.

2. These reservations may be such as to exclude from all or part of the obligations laid down in the present Convention :

(a) Disputes arising out of facts prior to the signature or accession ;

(b) Disputes concerning questions which, by international law, are solely within the domestic jurisdiction of States ;

(c) Disputes concerning questions which affect the principles of the constitution of the State ;

(d) Disputes concerning particular clearly specified subject-matters, such as territorial status.

3. The operation of the reservations is to be deemed to be conditional upon reciprocity.

4. Disputes, which as the result of reservations are not subject to arbitration or judicial settlement, still remain subject to the procedure for conciliation in the absence of any provision to the contrary.

Article 30.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

Article 31.

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take at any time, notwithstanding any conciliation or arbitration procedure, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 32.

1. The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date¹ ; it may, until², be signed on behalf of any Member of the League of Nations, or of any non-Member State to which the Council of the League of Nations shall communicate a copy of the said Convention for this purpose.

2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-Member States referred to in the preceding paragraph.

Article 33.

As from³ the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-Member State mentioned in Article 32.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States mentioned in Article 32.

Article 34.

The present Convention shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the ratification or accession of not less than two contracting parties.

Article 35.

Ratifications or accessions received after the entry into force of the Convention, in accordance with Article 34, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

¹ Date of adoption by the Assembly.

² One year after the adoption of the Convention by the Assembly.

³ The day following the date mentioned in footnote 2.

Article 36.

1. The present Convention shall be concluded for a period of five years, dating from its entry into force.
2. It shall remain in force for further successive periods of five years in the case of high contracting parties which do not denounce it at least six months before the expiration of the current period.
3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-Member States mentioned in Article 32.
4. Notwithstanding denunciation by one of the high contracting parties concerned in a dispute, all forms of procedure pending at the term of the expiration of the period of the Convention shall be duly completed.

Article 37.

The present Convention shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

IN FAITH WHEREOF, the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at in a single copy, which shall be kept in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-Member States referred to in Article 32.

DRAFT GENERAL CONCILIATION CONVENTION.

(Convention C)

(List of Heads of States)

Being sincerely desirous of developing mutual confidence and consolidating international peace by endeavouring to bring about, by the pacific procedure of conciliation, the settlement of all disputes which may arise between their respective countries and which may be capable of being the object of an amicable arrangement :

Highly appreciating the recommendation of the Assembly of the League of Nations contained in its resolution of . . . that all States should conclude a general conciliation convention :

Have decided to achieve their common aim by means of a Convention and have appointed as their plenipotentiaries :

(List of Plenipotentiaries)

who, having deposited their full powers, found in good and due form, have agreed on the following provisions :

Article 1.

Disputes of every kind which may arise between two or more of the high contracting parties which it has not been possible to settle by diplomacy shall be submitted to a procedure of conciliation as laid down hereinafter.

Article 2.

Disputes for the settlement of which a procedure by judicial settlement, arbitration or conciliation is laid down in other Conventions in force between the parties to the dispute shall be settled in conformity with the provisions of such Conventions.

Article 3.

If a dispute which one of the parties has laid before the Commission is brought by the other party, in conformity with the Conventions in force between the parties, before the Permanent Court of International Justice or an arbitral tribunal, the Commission shall defer consideration of the dispute until the Court or the arbitral tribunal has pronounced upon its competence.

Article 4.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Convention until a decision with final effect has been pronounced within a reasonable time by the competent authority.

2. In such a case, the party which desires to resort to the procedure laid down in the present Convention must notify the other party of its intention within a period of one year from the date of the aforesaid decision.

Article 5.

The disputes referred to in Article 1 shall be submitted to a permanent or special conciliation commission constituted by the parties to the dispute.

Article 6.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 7.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 8.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission appointed in the manner laid down in the preceding article shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 9.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute or to fill vacancies on a Permanent Conciliation Commission or a special Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 10.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President of the two parties acting in agreement, or in default thereof by one or other of the parties.

2. The application, after giving a summary account of the subject in dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it of the fact.

Article 11.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner for the examination of the particular dispute by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party of the fact ; the latter shall, in such case, be entitled to take similar action within fifteen days from the date on which it received the notification.

Article 12.

1. In the absence of any agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 13.

The work of the Permanent Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 14.

1. Failing any provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable should be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 15.

Unless otherwise agreed between the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 16.

The parties undertake to facilitate the work of the Conciliation Commission and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 17.

1. During the proceedings of the Commission, each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 18.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in the minority, accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 19.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 20.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Conciliation Commission, when given cognisance of the dispute, may recommend to the parties the adoption of such provisional measures as it may consider desirable.

2. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the arrangements proposed by the Conciliation Commission, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 21.

Should a dispute arise between more than two States parties to the present Convention, the following rules shall be observed for the application of conciliation procedure :

A special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case, the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 8 and the following articles of the present Convention.

Article 22.

1. The present Convention shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. The parties may agree to call upon such third State ; the latter shall be free not to intervene.

Article 23.

1. The acceptance of the present Convention may be made conditional upon reservations, which must be indicated either at the time of signature or at the time of accession.

2. These reservations may be such as to exclude from all or part of the obligations laid down in the present Convention :

(a) Disputes arising out of facts prior to the signature or accession ;

(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States ;

(c) Disputes concerning questions which affect the principles of the constitution of the State ;

(d) Disputes concerning particular clearly defined subject-matters, such as territorial status.

3. The operation of the reservations is to be deemed to be conditional upon reciprocity.

Article 24.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

Article 25.

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 26.

1. The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date¹ ; it may, until . . .², be signed on behalf of any Member of the League of Nations, or of any non-Member State to which the Council of the League of Nations shall communicate a copy of the said Convention for this purpose.

2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-Member States referred to in the preceding paragraph.

Article 27.

As from . . .³ the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-Member State mentioned in Article 26.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States mentioned in Article 26.

¹ Date of adoption by the Assembly.

² One year after the adoption of the Convention by the Assembly.

³ One day following the date mentioned in footnote 2.

Article 28.

The present Convention shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the ratification or accession of not less than two contracting parties.

Article 29.

Ratifications or accessions received after the entry into force of the Convention, in accordance with Article 28, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

Article 30.

1. The present Convention shall be concluded for a period of five years, dating from its entry into force.

2. It shall remain in force for further successive periods of five years in the case of high contracting parties which do not denounce it at least six months before the expiration of the current period.

3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-Member States mentioned in Article 26.

4. Notwithstanding denunciation by one of the high contracting parties concerned in a dispute, all forms of procedure pending at the term of the expiration of the period of the Convention shall be duly completed.

Article 31.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of its entry into force.

IN FAITH WHEREOF, the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at in a single copy, which shall be kept in the archives of the Secretary of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-Member States referred to in Article 26.

(c) RESOLUTION ON THE SUBMISSION AND RECOMMENDATION OF MODEL GENERAL CONVENTIONS ON CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT.

The Committee on Arbitration and Security recommends that the following draft resolution be submitted for the approval of the Assembly :

“ The Assembly :

“ Having noted with satisfaction the model general conventions prepared by the Committee on Arbitration and Security regarding conciliation, arbitration and judicial settlement ;

“ Fully appreciating the value of these model general conventions ;

“ And convinced that their adoption by the largest possible number of States would contribute towards strengthening the guarantees of security ;

“ Recommends them for consideration by all States Members or non-Members of the League of Nations ;

“ Hopes that they may serve as a basis for States desiring to conclude conventions of this sort ;

“ Draws the attention of Governments which might find it impossible to assume general undertakings to the fact that they would be free to accept the rules established by these model conventions by means of private agreements or by a simple exchange of notes with States of their own choosing ;

“ In view of this possibility, invites the Council to issue to the Secretariat of the League of Nations the necessary instructions for the keeping of a register, in which would be entered the separate undertakings given within the framework of the general conventions, in order that States Members or non-Members of the League of Nations may be rapidly informed of the progress made in the extension of this indirect effect of the general conventions.”

(d) RESOLUTION REGARDING THE GOOD OFFICES OF THE COUNCIL.

ARBITRATION.

The Committee on Arbitration and Security recommends that the following draft resolution be submitted for the approval of the next Assembly :

“ The Assembly :

“ In view of the resolution adopted by the Assembly on September 26th, 1926, requesting the Council to offer its good offices to States Members of the League for the conclusion of suitable agreements likely to establish confidence and security ;

“ Recognising that the development of procedures for the pacific settlement of any disputes which may arise between States is an essential factor in the prevention of wars ;

“ Expresses its appreciation of the progress achieved in concluding treaties of this kind, and its desire to see *the application* of the principle of the pacific settlement of all disputes extended as far as possible, and

“ Invites the Council,

“ To inform all States Members of the League that, should States feel the need of reinforcing the general security conferred by the Covenant and of concluding for this purpose a treaty to ensure the pacific settlement of any disputes which may arise between them, and should negotiations in connection therewith meet with difficulties, the Council would, if requested—after it has examined the political situation and taken account of the general interests of peace—be prepared to place at the disposal of the States concerned its good offices, which, being voluntarily accepted by them, would be calculated to bring the negotiations to a happy issue.”

(e) RESOLUTION CONCERNING THE OPTIONAL CLAUSE OF ARTICLE 36 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Committee on Arbitration and Security recommends that the Preparatory Commission request the Council to submit the following draft resolution for the approval of the next Assembly :

“ The Assembly :

“ Referring to the resolution of October 2nd, 1924, in which the Assembly, considering that the terms of Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice are sufficiently wide to permit States to adhere to the special Protocol opened for signature in virtue of that article, with the reservations which they regard as indispensable, and convinced that it is in the interest of the progress of international justice that the greatest possible number of States should, to the widest possible extent, accept as compulsory the jurisdiction of the Court, recommends States to accede to the said Protocol at the earliest possible date ;

“ Noting that this recommendation has not so far produced all the effect that is to be desired ;

“ Being of opinion that, in order to facilitate effectively the acceptance of the clause in question, it is expedient to diminish the obstacles which prevent States from committing themselves ;

“ Being convinced that the efforts now being made through progressive codification to diminish the uncertainties and supply the deficiencies of international law will greatly facilitate the acceptance of the optional clause of Article 36 of the Statute of the Court, and that meanwhile attention should once more be drawn to the possibility offered by the terms of that clause to States which do not see their way to accede to it without qualification to do so subject to appropriate reservations limiting the extent of their commitments, both as regards duration and as regards scope ;

“ Noting in this latter connection that the reservations conceivable may relate, either generally to certain aspects of any kind of dispute, or specifically to certain classes or lists of disputes, and that these different kinds of reservation can be legitimately combined ;

“ Recommends that States which have not yet acceded to the optional clause of Article 36 of the Statute of the Permanent Court of International Justice should, failing accession pure and simple, consider, with due regard to their interests, whether they can accede on the conditions above indicated ;

“ Requests the Council to communicate the text of this resolution to those States as soon as possible, desiring them to notify it of their intentions in the matter ; and

“ Asks the Council to inform them at the next session of the Assembly of the replies it has by then received.”

IV. Security Treaties ¹.

(a) INTRODUCTORY NOTE TO THE MODEL COLLECTIVE TREATIES OF MUTUAL ASSISTANCE AND OF COLLECTIVE AND BILATERAL TREATIES OF NON-AGGRESSION.

The Committee thought it advisable to prepare three model treaties which are of unequal scope as regards the degree of security they might afford to States seeking fresh guarantees.

I. MODEL TREATY OF MUTUAL ASSISTANCE.

The draft having the widest scope is clearly that which combines the three elements : non-aggression, peaceful settlement of disputes and mutual assistance.

This draft differs from the Rhine Pact of Locarno in several respects :

- (a) It contains no clause guaranteeing the maintenance of the territorial *status quo*.
- (b) It provides for no guarantee by third States.
- (c) On the other hand, it contains, with regard to the peaceful settlement of disputes, a certain number of clauses which, in the Locarno Agreements, do not figure in the Rhine Pact but in annexed Conventions.

These differences are due, in the model treaty recommended, to the following reasons :

(a) The individual and collective guarantee of the maintenance of the territorial *status quo* would clearly constitute a very important factor of security in the model treaty proposed : but the fact that certain Powers, when negotiating such a treaty, would not feel able to accept such a clause should not, in the Committee's opinion, prevent the negotiations from being successful. For the clause in question is not essential, and it is understood that, being concluded under the auspices of the League of Nations and within the scope of its Covenant, the treaty assumes the full maintenance of the fundamental principle of Article 10 and all other provisions of the Covenant in relations between the high contracting parties. It is therefore quite possible to be content with the three essential factors of the treaty : non-aggression, the peaceful settlement of disputes and mutual assistance. By their close combination they signify that the high contracting parties, renouncing the use of force to back up their claims, will be guided by a respect for legality in their relations with each other, and that whichever of them breaks its engagements will expose itself, apart from the possible application of the collective sanctions provided for in Article 16 of the Covenant, to the particular sanctions organised by the system of mutual assistance provided for in the treaty.

(b) Similarly, while the guarantee of third States can greatly add to the effectiveness of a treaty of mutual assistance, clearly its absence must not constitute an obstacle to the conclusion of the treaty. The Committee has therefore not thought it advisable to include a clause of this nature in the model treaty it recommends. In the event of the high contracting parties being able to rely on the guarantee of third States, the details of this guarantee might either figure in the treaty itself, according to the precedent of the Rhine Pact of Locarno, or be dealt with in separate conventions.

(c) The Committee thought it advisable to insert in the model treaty it recommends a certain number of clauses relating to the peaceful settlement of disputes. This does not mean that the parties will not be free to apply among themselves the clauses of wider scope which may have been stipulated in the arbitration conventions they have previously concluded or which they may subsequently conclude ; but the Committee desired to indicate that a certain minimum of explicit rules is necessary owing to the interdependence of the elements of non-aggression, of the peaceful settlement of disputes and of mutual assistance.

Since it is assuming obligations in regard to mutual assistance, each of the high contracting parties must know that the other parties are accepting sufficiently extensive obligations in regard to the peaceful settlement of disputes.

The draft treaty recommended consists of a preamble and a series of articles. In the Committee's view, these texts are not unalterable. The high contracting parties may make any modification they consider useful, provided they respect the interdependence and equilibrium of the three essential factors to which we have referred.

The Committee itself indicates below a certain number of possible departures from the text which it has drawn up.

Preamble. — The preamble might be limited to a single paragraph, omitting those which have been borrowed from some of the Locarno Conventions. The Committee thinks, however, that it would be well to retain these additional paragraphs. They would serve to create that confidence between the high contracting parties by which their relations should be governed. They would mark the respect for legality by which the high contracting parties would agree to be guided in their relations, and the absence of all chicanery and moral or political pressure.

¹ See Minutes of Second Meeting of Fifth Session of the Preparatory Commission, Section 4, Part II, page 227.

Article 1. — The formula by which “each of the high contracting parties undertakes not to . . . resort to war against another contracting party” must, in the opinion of the Committee, be understood to mean that the parties, which undertake by the treaty of mutual assistance to settle all their disputes by forms of pacific procedure, in every case exclude recourse to force in any form whatever, apart from the exceptions formally reserved in the text.

Article 3. — It might be possible and desirable in certain cases to add stipulations regarding flagrant aggression.

Parties could insert in their treaty of mutual assistance a clause similar to that in paragraph 3, Article 4, of the Rhine Pact of Locarno.

The parties might further stipulate that, should the Council prescribe an armistice, they undertake to carry out its conditions. Such a formula would have the twofold advantage of not anticipating any measures that the Council might take in the case of hostilities which had started, and of facilitating the designation of the aggressor, if the Council decided to prescribe an armistice. But this is a difficult point, and the Committee thought it best to make no mention of it in the model treaty.

Subjects which might be dealt with in Special Clauses.

(a) *Preventive and Provisional Measures.* — The clause inserted in the general provisions with regard to the provisional measures which might be indicated by an international court, or recommended by a Conciliation Commission, could be supplemented in accordance with the indications contained in the proposals which the German delegation submitted on this subject and which will later be examined in detail by the Committee on Arbitration and Security.

(b) *Re-establishment of Peace after an Aggression.* — The Committee had to consider, in pursuance of the proposal made by some of its members, whether the model treaty of mutual assistance should not include stipulations concerning the action to be taken by the Council in connection with the cessation of mutual assistance, the re-establishment of normal relations and the reparations to be claimed from the aggressor.

After consideration, the Committee decided that it would not be expedient to insert such detailed provisions. It would always be open to the parties, should they so desire, to extend their particular treaty by the inclusion of clauses of this kind.

(c) *Establishment of Demilitarised Zones.* — The establishment of demilitarised zones, as long experience has shown — in particular the naval demilitarisation of the Great Lakes of North America or of the frontier between Norway and Sweden — tends to give nations a feeling of greater security. This is not always the case, however. Here again all depends on circumstances. If the high contracting parties or certain of them wished to establish such zones along their frontiers they could do so by separate conventions.

(d) *Accession of Third States.* — The Committee decided not to insert a clause stipulating that collective treaties of mutual assistance should remain open for the accession of third States. Such accessions are only conceivable with the consent of the contracting parties.

(e) *Co-ordination of Treaties of Mutual Assistance with the Covenant of the League of Nations and any separate Agreements which the Contracting Parties may have concluded previously.* — The Committee considers that the provisions of the draft harmonise with those of the League Covenant. The parties will have to see that no clauses are introduced the application of which would conflict with the operation of the Covenant. Otherwise they will risk

weakening the general guarantee given to Members of the League by Article 16 of the Covenant. In any case the parties will do well to retain in their treaty the clause by which they reserve their rights and obligations as Members of the League of Nations.

The parties will also have to co-ordinate with the treaty of mutual assistance any separate agreements which they may have concluded previously.

(f) *Duration of Treaties of Mutual Assistance.* — The Committee did not feel called upon to decide between the various systems which could be adopted with regard to the duration of the treaty. It had in mind three main systems: the first, on the lines of the Rhine Pact of Locarno, without indication as to duration but expiring as a result of a decision by the Council; the second, providing for a duration of ten or twenty years with the possibility of denunciation at the end of these periods after one year's notice, or, failing denunciation, renewal of the treaty by tacit consent for a similar period; the third system would be a combination of the other two; it would provide for a short trial period after which the parties could free themselves from their contract subject to one year's notice. If not denounced, the treaty would remain in force indefinitely, but it might be brought to an end by a decision of the Council.

The Committee has felt that none of these systems could be definitely selected without going very deeply into the question — a course which the shortness of the session has made it impossible to follow.

(g) *Aggression by a Third State.* — The Committee has not felt called upon to refer to the mutual assistance to be afforded by contracting parties in the case of aggression by third States. The discussion showed that some States hold that such a guarantee is necessary in view of certain definite contingencies, particularly where certain other States refuse to conclude with them a collective treaty, including non-aggression, the pacific settlement of disputes and mutual assistance. On the other hand, it may be held that it is not for the League of Nations,

whose object it is to promote sincere co-operation between all its Members with a view to maintaining and consolidating peace, to recommend in a treaty of its own framing provisions which might lead to the formation of rival groups of nations. In this connection it has been pointed out in the course of discussion that treaties of mutual assistance will be the more valuable and will more certainly merit the support of the League of Nations if they are, in accordance with the precedent of the Rhine Pact of Locarno, concluded between States which only a short time ago belonged to rival groups, or States whose differences might endanger the peace of the world.

It is equally clear that the high contracting parties could not in any case afford any assistance to a third State which ventured to attack one of them in violation of the Covenant of the League of Nations. The insertion of a special clause to this effect is useless, since it cannot be presumed that a Power which agrees to become party to a treaty of security would be disloyal to any of its co-signatories. It would even be dangerous to insert such a clause, for it might well weaken the force of Articles 16 and 17 of the Covenant : the undertaking not to afford assistance to a third aggressor State would not, for States Members of the League of Nations, be an adequate guarantee. The Covenant provides not for negative but for positive action against any State resorting to war in violation of the engagements subscribed to in Articles 12, 13 and 15.

(h) *Linking up of Treaties of Mutual Assistance with Disarmament.* — As pointed out above, in the paragraph which deals with the duration of treaties of mutual assistance, the latter are calculated to facilitate the successful issue of a general Conference on the Reduction and Limitation of Armaments. The Committee on Security, not unmindful of the fact that it owes its origin to a 1927 Assembly resolution on the question of disarmament, feels bound to lay special stress on this consideration, which has influenced all its deliberations. But it would be premature, at the present juncture, to attempt to define the connection which should exist between treaties of mutual assistance and the limitation and reduction of armaments.

(i) *Recommendation with a View to the Conclusion of Collective Treaties of Mutual Assistance.* — Conceived as they are in the spirit of the League, and therefore meriting the League's full support, the conclusion of collective treaties of mutual assistance should, in the opinion of the Committee, be facilitated if necessary. The Committee therefore proposes to recommend a draft resolution defining the conditions under which the Council of the League might, in this connection, lend its good offices. In these cases the Council's task would obviously be a very delicate one, but we may be sure that it would, as ever, act with the greatest prudence, and that if it took action in such a matter it would be likely to prove successful.

The conclusion of a collective treaty of mutual assistance, as conceived by the Committee, naturally presupposes a long effort of political preparation and endeavours to bring about a better understanding between the countries destined to conclude reciprocal agreements.

II. MODELS OF COLLECTIVE AND BILATERAL TREATIES OF NON-AGGRESSION.

States anxious to obtain better guarantees of security but unwilling for some reason or another to bind themselves by a treaty of mutual assistance will find various model treaties under which they can enter into obligations with other States as regards non-aggression and the pacific settlement of disputes only. The provisions of these treaties on these two latter points are the same as those embodied in the draft collective treaty of mutual assistance.

(b) MODEL TREATIES.

DRAFT COLLECTIVE TREATY OF MUTUAL ASSISTANCE.

(Treaty D)

(List of Heads of States)

.....
Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals ;

Recognising that the rights of the several States cannot be modified except with their own consent ;

Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure allows of the settlement of all international disputes ;

Desirous of establishing on a firm basis relations of frank co-operation between their respective countries and of securing additional guarantees for peace within the framework of the Covenant of the League of Nations :

Have resolved to conclude a Treaty for these purposes and have appointed as their Plenipotentiaries

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER I. — NON-AGGRESSION AND MUTUAL ASSISTANCE.

Article 1.

Each of the high contracting parties undertakes, in regard to each of the other parties, not to attack or invade the territory of another contracting party, and in no case to resort to war against another contracting party.

This stipulation shall not, however, apply in the case of :

- (1) The exercise of the right of legitimate defence—that is to say, resistance to a violation of the undertaking contained in the first paragraph ;
- (2) Action in pursuance of Article 16 of the Covenant of the League of Nations ;
- (3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

Each of the high contracting parties undertakes, in regard to each of the others, to submit to a procedure of *pacific settlement*, in the manner provided for in the present Treaty, all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

Article 3.

Should any one of the high contracting parties consider that a violation of Article 1 of the present Treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

As soon as the Council of the League of Nations has ascertained that such a violation has taken place, it shall at once advise the Powers which have signed the present Treaty, and each of these Powers undertakes in such a case to give assistance forthwith to the Power against which the act complained of has been directed.

Article 4.

1. Should one of the high contracting parties refuse to accept the methods of pacific settlement provided for in the present Treaty or to execute an arbitral award or judicial decision and be guilty of a violation of Article 1 of the present Treaty, the provisions of Article 3 shall apply.

2. Should one of the high contracting parties, without being guilty of a violation of Article 1 of the present Treaty, refuse to accept the methods of pacific settlement or to execute an arbitral award or judicial decision, the other party shall inform the Council of the League of Nations, which shall propose the measures to be adopted ; the high contracting parties shall accept these proposals.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 5.

1. The following provisions shall apply to the settlement of disputes between the parties, subject to any wider undertakings which may result from other agreements between them.

2. The said provisions do not apply to disputes arising out of facts prior to the present Treaty and belonging to the past.

Article 6.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. Nevertheless, if these conventions only provide for a procedure of conciliation, after this procedure has been employed without result, the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement.

Article 7.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

Article 8.

If the parties agree to submit their dispute to an arbitral tribunal they shall draw up a special agreement ; unless the parties agree to adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, the aforesaid special agreement shall determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the rules in regard to the substance of the dispute to be applied by the arbitrators.

Article 9.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by a simple application directly before the Permanent Court of International Justice.

Article 10.

If in a judicial sentence or arbitral award it is stated that a decision, or a measure enjoined by a court of law or other authority of one of the parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction.

Section II. — Conciliation.

Article 11.

1. Before any resort is made to arbitral procedure or to proceedings before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted to the conciliation procedure laid down in the present Treaty.

2. In the case of the conciliation procedure failing, and after the expiration of the period of one month provided for in Article 28, the dispute may be submitted to the Permanent Court of International Justice or to the arbitral tribunal, as the case may be.

Article 12.

All disputes the settlement of which cannot, under the terms of the present Treaty, be attained by means of a judicial or arbitral award, shall be submitted to a procedure of conciliation.

Article 13.

The disputes referred to in the preceding article shall be submitted to a permanent or special conciliation commission constituted by the parties.

Article 14.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 15.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The contracting parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 16.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding article, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 17.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute or to fill vacancies on a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 18.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 19.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 20.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by the President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 21.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 22.

1. Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable should be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 23.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 24.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 25.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.
2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 26.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it and lay down the period within which they are to make their decision.
2. At the close of its proceedings the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.
3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority, accompanied by a statement of the reasons on which that opinion is based.
4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 27.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 28.

If the two parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Article 11.

CHAPTER III. — GENERAL PROVISIONS.

Article 29.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.
2. If the dispute is brought before a Conciliation Commission the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.
3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 30.

Should a dispute arise between more than two States parties to the present Treaty, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions :

(a) In the case of conciliation procedure, a special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 16 and the following articles of the present Treaty.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.

Article 31.

1. The present Treaty shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. In conciliation procedure the parties may agree to call upon such third State ; the latter shall be free not to intervene.

3. In judicial or arbitral procedure a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun. It shall be bound to comply with this request if it is a party to the present Treaty. It may refuse if it is not a party to the present Treaty.

Article 32.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 33.

The present Treaty, which is intended to ensure the maintenance of peace and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take at any time, and notwithstanding any procedure of conciliation or arbitration, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 34.

The present Treaty, of which the French and English texts shall both be authentic, shall bear to-day's date¹ ; it shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League.

Article 35.

The present Treaty shall be ratified and the ratification shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall come into force as soon as all the ratifications have been deposited.

The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations, and the Secretary-General of the League shall be requested to transmit certified true copies to each of the high contracting parties.

Article 36 (Duration of Treaty).

The present Treaty shall be concluded for a period of years as from its entry into force.

Notwithstanding that the Treaty ceases to be in force all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Committee did not consider it its duty to decide between the various possible systems. It recommends three principal systems :

(The first, on the model of the Locarno-Rhine Pact, not specifying any period but providing for expiry in virtue of a decision taken by the Council ;

(The second, providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period ;

(The third system would be a mixed system, providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice ; failing denunciation, the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council.)

Article 37.

The present Treaty shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Treaty.

DONE at on

DRAFT COLLECTIVE TREATY OF NON-AGGRESSION.

(Treaty E)

(List of Heads of States)

.

Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals ;

Recognising that the rights of the several States cannot be modified except with their own consent ;

¹ Date of signature.

Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure allows of the settlement of all international disputes ;

Desirous of establishing, on a firm basis, relations of frank co-operation between their respective countries and of securing additional guarantees for peace within the framework of the Covenant of the League of Nations ;

Have resolved to conclude a treaty for these purposes and have appointed as their plenipotentiaries :

.
who, having exchanged their full powers found in good and due form, have agreed on the following provisions :

CHAPTER I. — NON-AGGRESSION.

Article 1.

Each of the high contracting parties undertakes, in regard to each of the other parties, not to attack or invade the territory of another contracting party, and in no case to resort to war against another contracting party.

This stipulation shall not, however, apply in the case of :

- (1) The exercise of the right of legitimate defence—that is to say, resistance to a violation of the undertaking contained in the first paragraph ;
- (2) Action in pursuance of Article 16 of the Covenant of the League of Nations ;
- (3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

Each of the high contracting parties undertakes, in regard to each of the others, to submit to a procedure of pacific settlement, in the manner provided for in the present Treaty, all questions whatsoever on which they may differ, and which it has not been possible to settle by the normal methods of diplomacy.

Article 3.

Should any one of the high contracting parties consider that a violation of Article 1 of the present Treaty has taken place, or is taking place, it shall immediately bring the question before the Council of the League of Nations.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 4.

1. The following provisions shall apply to the settlement of disputes between the parties, subject to any wider undertakings which may result from other agreements between them.
2. These provisions shall not apply to disputes arising out of events prior to the present Treaty and belonging to the past.

Article 5.

1. Disputes for the settlement of which a special procedure is laid down in other Conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those Conventions.
2. Nevertheless, if these Conventions only provide for a procedure of conciliation, after this procedure has been employed without result the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement.

Article 6.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

Article 7.

If the parties agree to submit their dispute to an arbitral tribunal, they shall draw up a special agreement ; unless the parties agree to adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, the aforesaid special agreement shall determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the fundamental rules to be applied by the arbitrators.

Article 8.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute, by a simple application, directly before the Permanent Court of International Justice.

Article 9.

If in a judicial sentence or arbitral award it is stated that a decision, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction.

Section II. — Conciliation.

Article 10.

1. Before any resort is made to arbitral procedure or to proceedings before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted to the conciliation procedure laid down in the present Treaty.

2. In the case of the conciliation procedure failing, and after the expiration of the period of one month provided for in Article 27, the dispute may be submitted to the Permanent Court of International Justice, or to the arbitral tribunal as the case may be.

Article 11.

All questions the settlement of which cannot, under the terms of the present Treaty, be attained by means of a judicial or arbitral award shall be submitted to a procedure of conciliation.

Article 12.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 13.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 14.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The contracting parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory, nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 15.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding article, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 16.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute or complete a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 17.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 18.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 19.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by the President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 20.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 21.

1. Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them useful should be heard.

3. The Commission for its part shall be entitled to request oral explanations from the agents, counsel and experts of the two parties as well as from all persons it may think useful to summon with the consent of their Governments.

Article 22.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 23.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 24.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 25.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority, accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 26.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 27.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the League Covenant. This provision shall not apply in the case provided for in Article 10.

CHAPTER III. — GENERAL PROVISIONS.

Article 28.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties of the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 29.

Should a dispute arise between more than two States parties to the present Treaty, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions :

(a) In the case of conciliation procedure, a special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case, the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 16 and the following articles of the present Treaty.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.

Article 30.

1. The present Treaty shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. In conciliation procedure, the parties may agree to call upon such third State ; the latter shall be free not to intervene.

3. In judicial or arbitral procedure, a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun. It shall be bound to comply with this request if it is a party to the present Treaty.

Article 31.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 32.

The present Treaty, which is intended to ensure the maintenance of peace and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take at any time, and notwithstanding any procedure of conciliation or arbitration, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 33.

The present Treaty, of which the French and English texts shall both be authentic, shall bear to-day's date¹; it shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League.

Article 34.

The present Treaty shall be ratified and the ratification shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall come into force as soon as all the ratifications have been deposited.

The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations, and the Secretary-General of the League shall be requested to transmit certified true copies to each of the high contracting parties.

Article 35. (Duration of Treaty).

The present Treaty shall be concluded for a period of . . . years dating from its entry into force.

Notwithstanding that the Treaty ceases to be in force, all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Committee did not consider it its duty to decide between the various possible systems. It recommends three principal systems :

(The first, on the model of the Locarno-Rhine Pact, not specifying any period but providing for expiry in virtue of a decision taken by the Council ;

(The second, providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period ;

(The third system would be a mixed system, providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice ; failing denunciation, the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council.)

Article 36.

As from . . . the present Treaty may be acceded to in the name of any Member of the League of Nations or of any non-Member State adjacent to or in the neighbourhood of the signatory or acceding States.

The instruments of accession shall be forwarded to the Secretary-General of the League of Nations, who shall notify receipt thereof to all the Members of the League of Nations.

Article 37.

The present Treaty shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at. . . . on.

DRAFT BILATERAL TREATY OF NON-AGGRESSION.

(Treaty F)

(List of Heads of States)

Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals ;

Recognising that the rights of the several States cannot be modified except with their own consent ;

Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure allows of the settlement of all international disputes ;

¹ Date of signature.

Desirous of establishing on a firm basis relations of frank co-operation between their respective countries, and of securing additional guarantees of peace within the framework of the Covenant of the League of Nations :

Have resolved to conclude a Treaty for these purposes and have appointed as their Plenipotentiaries ;

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER I. — NON-AGGRESSION.

Article 1.

The high contracting parties mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of :

1. The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph ;
2. Action in pursuance of Article 16 of the Covenant of the League of Nations ;
3. Action as the result of a decision taken by the Assembly or by the Council of the League of Nations, or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

The high contracting parties undertake to settle by peaceful means and in the manner laid down in the present Treaty all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy.

Article 3.

If one of the high contracting parties considers that a violation of Article 1 of the present Treaty has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 4.

1. The provisions which follow shall apply to the settlement of disputes between the parties, without prejudice to any more comprehensive engagements which may derive from other agreements between them.

2. These provisions do not apply to disputes arising out of events prior to the present Treaty and belonging to the past.

Article 5.

1. Disputes for the settlement of which a special procedure is laid down in other Conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those Conventions.

2. Nevertheless, if these Conventions only provide for a procedure of conciliation, after this procedure has been employed without result the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement.

Article 6.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have recourse to a special arbitral tribunal.

Article 7.

If the parties agree to submit their dispute to an arbitral tribunal, they shall draw up a special agreement ; unless they adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, they shall in the special agreement determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the rules to be applied by the arbitrators.

Article 8.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute directly before the Permanent Court of International Justice by making an application.

Article 9.

If in a judicial sentence or arbitral award it is stated that decision delivered or a measure enjoined by a court of law or other authority of one of the parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction of another kind.

Section II. — Conciliation.

Article 10.

1. Before any resort is made to arbitral procedure or to proceedings before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted to the conciliation procedure laid down in the present Treaty.

2. Should the attempt at conciliation fail, the dispute may, after the expiration of the period of one month provided for in Article 27, be submitted to the Permanent Court of International Justice, or to the arbitral tribunal as the case may be.

Article 11.

All disputes which cannot, under the terms of the present Treaty, be settled by judicial or arbitral award shall be submitted to a procedure of conciliation.

Article 12.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 13.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within three months.

Article 14.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The contracting parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The other three Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace the Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 15.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding articles, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 16.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 17.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 18.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 19.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 20.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 21.

1. Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that, all persons whose evidence appears to them useful should be heard.

3. The Commission for its part shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Governments.

Article 22.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 23.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 24.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 25.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority, accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 26.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 27.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Article 10.

CHAPTER III. — GENERAL PROVISIONS.

Article 28.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 29.

1. The present Treaty shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. In conciliation procedure the parties may agree to call upon such third State ; the latter shall be free not to intervene.

3. In judicial or arbitral procedure, a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun.

Article 30.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 31.

The present Treaty, which is intended to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations shall not in any way affect the rights and obligations of the Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take at any time, and notwithstanding any procedure of conciliation and arbitration, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 32.

The present Treaty shall be ratified, and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall come into force as soon as the ratifications have been deposited.

The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations and the Secretary-General shall be requested to deliver certified true copies to each of the high contracting parties.

Article 33.

(Duration of Treaty.)

The present Treaty shall be concluded for a period of . . . years as from its entry into force.

Notwithstanding that the treaty ceases to be in force all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Committee did not consider it its duty to decide between the various possible systems. It recommends three principal systems :

(The first, on the model of the Locarno-Rhine Pact, not specifying any period but providing for expiry in virtue of a decision taken by the Council ;

(The second providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period ;

(The third system would be a mixed system, providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice ; failing denunciation the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council.)

DONE at . . . on

(c) RESOLUTION ON THE SUBMISSION AND RECOMMENDATION
OF MODEL TREATIES OF NON-AGGRESSION AND MUTUAL ASSISTANCE.

The Committee on Arbitration and Security recommends that the following draft resolution be submitted for the approval of the Assembly :

- “ The Assembly ;
- “ Having noted with satisfaction the model treaties of non-aggression and mutual assistance prepared by the Committee on Arbitration and Security ;
- “ Fully appreciating the value of these model treaties ;
- “ And convinced that their adoption by the States concerned would contribute towards strengthening the guarantees of security :
- “ Recommends them for consideration by States Members or non-Members of the League of Nations ; and
- “ Hopes that they may serve as a basis for States desiring to conclude treaties of this sort. ”

(d) RESOLUTION CONCERNING THE GOOD OFFICES OF THE COUNCIL.

SECURITY.

The Committee on Arbitration and Security recommends that the following draft resolution be submitted for approval to the next Assembly :

“ In view of the resolution adopted by the Assembly on September 26th, 1926, requesting the Council to offer its good offices to States Members of the League for the conclusion of suitable agreements likely to establish confidence and security,

“ The Assembly,
“ Convinced that the conclusion between States in the same geographical area of security pacts providing for conciliation, arbitration and mutual guarantees against aggression by any one of them constitutes one of the most practical means that can now be recommended to States anxious to secure more effective guarantees of security ;

“ Being of opinion that the good offices of the Council if freely accepted by all the parties concerned, might facilitate the conclusion of such security pacts ;

“ Invites the Council :

“ To inform all the States Members of the League of Nations that should States feel the need of reinforcing the general security conferred by the Covenant and of concluding a security pact for this purpose, and should the negotiations relating thereto meet with difficulties, the Council would, if request—after it has examined the political situation and taken account of the general interests of peace—be prepared to place at the disposal of the States concerned its good offices which, being voluntarily accepted, would be calculated to bring the negotiations to a happy issue. ”

V. Articles of the Covenant.

(a) RESOLUTION CONCERNING M. RUTGERS'
MEMORANDUM ON ARTICLES 10, 11 AND 16 OF THE COVENANT.

The Committee on Arbitration and Security,

Having taken note of the memorandum on Articles 10, 11 and 16 of the Covenant,
Appreciates the great importance of the work accomplished in regard to the application of these provisions ;

Considers that the data regarding the criteria of aggression collected in this memorandum constitute a useful summary of the Assembly's and the Council's work in regard to this matter and of the provisions of certain treaties ;

Draws particular attention to the fact that the action which the Council, under Article 11 and the other articles of the Covenant, is called upon to take in case of conflict will provide it with valuable indications to enable it to form an opinion and decide who is the aggressor if war breaks out in spite of all endeavours to prevent it ;

Considers that the examination of Article 11 of the Covenant, which lays down that the League "shall take any action that may be deemed wise and effectual to safeguard the peace of nations", forms a useful corollary to the enquiry undertaken by the Committee of the Council and approved by the Council on December 6th, 1927, on the recommendation of the Assembly, and at the same time clearly demonstrates—without in any way detracting from the force of the other articles of the Covenant—that the League must in the first place endeavour to prevent war, and that in all cases of armed conflict or threat of armed conflict of any kind the League should take action to prevent hostilities or to bring hostilities to a standstill if they have already begun ;

Notes the suggestions contained in the memorandum with regard to Article 16 ;

Recommends these studies to the Assembly as a valuable contribution in that they do not propose any rigid and detailed procedure to be followed in times of crisis, and do not add to or retract from the rights and duties of the Members of the League, but constitute highly instructive indications of the possibilities inherent in the various articles of the Covenant and the manner in which those articles can be applied without prejudice to the methods of application which an infinite variety of circumstances may demand.

(b) RESOLUTION CONCERNING COMMUNICATIONS OF THE LEAGUE.
IN CASE OF EMERGENCY

The Committee on Arbitration and Security,

Considering that, in case of emergency, rapidity and security in the matter of communications between the Secretary-General, the Members of the Council, the States concerned or the special missions of the Council are of particular importance with a view to ensuring efficacious action by the League ;

Noting that the importance of this was recognised by the last Assembly in Resolution No. III, adopted on September 26th, 1927, on the proposal of the Third Committee ;

While gratified at the results of the initial efforts of the Committee for Communications and Transit to make the best possible use of existing means of communication ;

Directs attention to the following passage in the Report of the Committee for Communications and Transit, dated March 1927, which was submitted to the Council and the Assembly :

" . . . that at a time of general emergency—for example, immediately before mobilisation and, above all, during the actual period of mobilisation—the total or partial taking over by the State of the means of communication must inevitably mean that, in many cases, communications of importance to the League might be rendered less rapid or less certain despite the successful application of the measures laid down in the report approved by the Council at its December session, unless some special means, independent of the general system of national communications, . . . "

Considers that the systematic study of the means to be employed by the organs of the League to enable Members to carry out the obligations devolving upon them in virtue of the different articles of the Covenant requires that communications for the purposes of League action in case of emergency should have every guarantee of independence and should be as little affected as possible by the disturbance which a state of emergency will necessarily produce in the regular working of the communications controlled by the different Governments ;

Trusts that the supplementary technical studies undertaken by the Transit Committee, at the request of the Council and in conjunction with all the authorities concerned, with a view to providing the League of Nations with independent air communications and a radio-telegraphic station enabling it to communicate direct with as many Members of the League as possible, may be rapidly completed ;

And emphasises the desirability of enabling the next Assembly to take steps to put these schemes into effect, more particularly as regards the establishment of a radio-telegraphic station.

(c) DRAFT RESOLUTION REGARDING FINANCIAL ASSISTANCE.

The Committee on Arbitration and Security,

Noting that the Joint Committee responsible for examining the scheme of financial assistance to States victims of aggression and which consists of members of the Committee on Arbitration and Security and members of the Financial Committee, has thought it advisable to refer the technical consideration of this scheme to the Financial Committee ;

Considering that a report cannot be submitted to it by the Joint Committee until its next session ;

Decides to postpone the examination of the question until that session.

VI. Resolution regarding the German Delegation's Suggestions. ¹

The Committee on Arbitration and Security,

Having taken note of the suggestions submitted to it by the German delegation with a view to reinforcing the methods of preventing war; and

Appreciating the great importance of these suggestions:

Considers that they should be thoroughly examined and that Governments should be enabled to study them in detail; and

Decides to place them on the agenda of its next session and to appoint a Rapporteur, who will report to the Committee in the light of the Committee's discussion and of any observations which may be forwarded by Governments.

VII. Resolution concerning the Future Work of the Committee.

The Committee on Arbitration and Security, on the conclusion of the work of its second session, decides:

(1) To authorise its Chairman to convene it for its third session not later than the end of June 1928;

(2) To proceed, at its third session, with the second reading of the model treaties drawn up at its second session;

(3) To examine at its third session the suggestions of the German Delegation on the basis of the memorandum prepared by M. Rolin-Jaequemyns;

(4) To study at the same session draft model bilateral treaties;

(5) To continue the examination of the Articles of the Covenant in accordance with the resolution of the Assembly of 1927.

The Committee on Arbitration and Security further expresses the hope that the results of its second session will be communicated to all the States in time to be discussed at the next Assembly.

Appendix.

SUGGESTIONS OF THE GERMAN DELEGATION

With a view to preventing war the Committee on Arbitration and Security might examine the following possibilities:

I.

In case of a dispute being submitted to the Council the States might undertake in advance to accept and execute provisional recommendations of the Council for the purpose of preventing any aggravation or extension of the dispute and impeding any measures which might be taken by the parties and which might have an unfavourable effect on the execution of the settlement to be proposed by the Council.

II.

In case of threat of war the States might undertake in advance to accept and to execute the recommendations of the Council to the effect of maintaining or re-establishing the military *status quo* normally existing in time of peace.

III.

In the case of hostilities of any kind having broken out without, in the Council's opinion, all possibilities of a pacific settlement having been exhausted, the States might undertake in advance to accept, on the Council's proposal, an armistice on land and sea and in the air, including especially the obligation for the two parties in dispute to withdraw any forces which might have penetrated into foreign territory and to respect the sovereignty of the other State.

IV.

The question should be considered whether the above obligations should be undertaken only in case of a unanimous vote of the Council (the votes of the parties to the dispute not being counted), or whether the majority, simple or qualified, might suffice in the matter. Furthermore, it should be considered in what form the obligations would have to be drawn up in order to bring them into conformity with the Covenant.

V.

These obligations might constitute the subject of an agreement or of a protocol which would be open for signature by all States Members and non-Members of the League of Nations, and which might come into force separately for the several continents, in a way similar to that provided for in the draft Treaty of Mutual Assistance of 1923.

¹ See Appendix.

II.

**MINUTES OF THE FIFTH SESSION
OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT
CONFERENCE**

Held at Geneva from March 15th to 24th, 1928.

(With Annexes.)

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LIST OF MEMBERS OF THE PREPARATORY COMMISSION
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<i>Argentina</i>	His Excellency M. PÉREZ.
<i>Belgium</i>	His Excellency Baron MONCHEUR.
<i>Brazil</i>	
<i>British Empire</i>	The Right Honourable Lord CUSHENDUN.
<i>Bulgaria</i>	His Excellency M. Bogdan MORFOFF.
<i>Canada</i>	Dr. W. A. RIDDELL, M.A., Ph.D.
<i>Chile</i>	His Excellency M. J. VALDÉS-MENDEVILLE.
<i>China</i>	M. CHUAN CHAO.
<i>Colombia</i>	Dr. Efraim GAITAN-HURTADO.
<i>Cuba</i>	Major D. WHITMARSH.
<i>Czechoslovakia</i>	His Excellency Dr. F. VEVERKA.
<i>Finland</i>	His Excellency M. R. HOLSTI.
<i>France</i>	His Excellency Count CLAUZEL.
<i>Germany</i>	His Excellency Count BERNSTORFF.
<i>Greece</i>	His Excellency M. N. POLITIS.
<i>Italy</i>	His Excellency General A. DE MARINIS STENDARDO DI RICIGLIANO.
<i>Japan</i>	His Excellency M. N. SATO.
<i>Netherlands</i>	Dr. V. H. RUTGERS.
<i>Poland</i>	His Excellency M. SOKAL.
<i>Roumania</i>	His Excellency M. C. ANTONIADE.
<i>Kingdom of the Serbs, Croats and Slovenes</i>	His Excellency M. L. MARKOVITCH.
<i>Spain</i>	
<i>Sweden</i>	His Excellency M. Einar HENNINGS.
<i>Turkey</i>	His Excellency Dr. Tewfik ROUCHDI Bey.
<i>Union of Socialist Soviet Republics</i>	M. M. LITVINOFF.
<i>United States of America</i>	The Honourable Hugh GIBSON.
<i>Uruguay</i>	

PROVISIONAL AGENDA.

1. Progress of the Work of the Committee on Arbitration and Security.
2. Examination of the Proposals submitted by the Delegation of the Union of Socialist Soviet Republics on November 30th, 1927 (see Minutes of the Fourth Session of the Preparatory Commission).
3. Progress of the Work of the Preparatory Commission for the Disarmament Conference.

FIRST MEETING (PUBLIC).

Held on Thursday, March 15th, 1928, at 11 a.m.

President : M. LOUDON (Netherlands).

1. Opening of the Session.

The PRESIDENT. — I am very glad to be back among you and to find that the number of States represented has been increased by the presence of a new delegation, namely, that of the Turkish Republic, which was invited by the Council and is provisionally represented by the Turkish Minister at Berne. It is both an honour and a pleasure for me to bid him welcome to our proceedings.

I am also glad to be able to state that some work of considerable importance has been accomplished since our last session, not indeed by the Preparatory Commission itself, but by the Committee on Arbitration and Security, which was created by our Commission and includes the majority of its members.

The results of the Committee's work were, as its Chairman, M. Benes, stated at the end of its proceedings, of a very satisfactory nature. No fewer than six model treaties were drawn up in addition to several draft resolutions. These texts were adopted at the first reading. On the occasion of the second reading, which is expected to take place in June, it will be necessary to decide whether these model treaties shall be submitted, as M. Politis has proposed, to the States for such action as they may think suitable, or whether they shall take the form of conventions, drawn up in the name of the League of Nations, and opened immediately for the signature of the different States.

Three of these model treaties deal with the pacific procedure for the settlement of disputes—in other words, arbitration and conciliation. They are characterised by their flexibility, and particularly by the latitude which they allow for reservations, a feature which will render them if not more effective, at any rate more adaptable to the different situations which they are designed to meet.

Three other model treaties deal more especially with security, and are on the lines of the Locarno Agreements. The most complete of them is the Treaty for Mutual Assistance, which reproduces—subject to certain exceptions which again were introduced for the sake of flexibility—the principles of the Rhineland Agreement. In drawing up these model bilateral or plurilateral treaties, the greatest care was taken to avoid giving them the character of collective measures of protection against other States Members of the League not parties to the treaties, for this would have placed them in the same category as the unhappy alliances of past times, or of those partial treaties which the draft Treaty of Mutual Guarantee of 1923 mistakenly recommended.

The Committee realised that, in the present situation of the League of Nations, it was not possible to fill the gap in paragraph 7 of Article 15 of the Covenant, which leaves the parties to a dispute free to take such action as they deem necessary if the Council fails to arrive at a unanimous recommendation for the solution of the dispute. Obligatory arbitration would manifestly be the best means of filling that gap; but certain countries which are convinced supporters of arbitration and which have practised it in a number of cases are nevertheless unable to undertake a general and formal engagement of that kind, for reasons which we are bound to respect.

The aim of the Committee on Arbitration and Security was not to seek to impose measures which would make for security but to recommend their application, and to open the path to the establishment of that security, which plays so important a part in the problem of the reduction of armaments.

M. Benes has emphasised the political importance of the work of the Committee, and indeed it has marked out the course in which the Governments must shape their policy with a view to progressive disarmament.

The detailed study of the problems of security and arbitration, as it has been undertaken by the Committee, its effort to draw up definite rules and to find means, not of a theoretical but of a practical character, for the maintenance of security, and the prestige which the authority of the Assembly will confer upon this work, constitute so many guarantees for the gradual and progressive application of the rules and means which the Committee has recommended.

The Committee has furnished us with a review of its work, but it is not a final report, since the first stage is not yet concluded, and it proposes at its next session, in June, not only to give a second reading to the six model treaties to which I referred just now but to give its opinion regarding the suggestions of the German delegation for strengthening the machinery to prevent war, and also regarding the scheme for financial assistance to States victims of aggression, which, as you are aware, has been referred to a Joint Committee. The result of its two or three sessions will then be communicated to all the Governments in order that they may be discussed at the next Assembly.

I am sure that you will all agree that it behoves us to pay a sincere tribute of gratitude to the Committee of Arbitration and Security for the valuable work which it has just accomplished and for the energy which it has displayed. And this tribute, not only of gratitude but of admiration, is specially due to the Chairman and the three Rapporteurs of the Committee.

M. Benes is unfortunately not among us, but I am sure that M. Politis, M. Holsti and M. Rutgers will be most willing to furnish any information you may require regarding the work of the Committee.

The second item on our agenda is the examination of the proposals submitted on November 30th last by the delegation of the Union of Socialist Soviet Republics.

Our Commission will be called upon, with that sense of realities which is one of its characteristics, to consider whether the proposals of the Soviet delegation pay sufficient regard to existing circumstances and to the psychology of human society to be capable of application in practice. But, apart from the question of how far they fulfil that condition, it will be very desirable to subject them to a careful examination.

In regard to the third point on our agenda—the progress of the work of the Preparatory Commission—I have no fresh information to give you. I deeply regret that it should be so, for I would have wished to be able to say that we are in a position to continue our work effectively. I am faced with this difficulty, that I do not know whether the Governments—which I fervently appealed to more than once at our previous meetings to seek to reconcile their different standpoints in regard to certain questions of primary importance to our draft Convention—have been engaged in conversations or what may have been the result of such conversations. I shall be grateful if the representatives of those Governments are able to give us some information on that matter.

I hope that these brief observations on the three headings of our agenda may serve as an introduction to your discussions, which I now have the honour to declare open.

MUNIR Bey (Turkey). — Mr. President,—I desire to express my sincere thanks to you for the cordial welcome which you have extended to the Turkish delegation.

The Turkish Republic, which is following a sincere policy of peace, attaches the greatest value to every effort and every action which may help to bring about the consolidation of a general peace. For that reason, the Turkish Republic is very glad to be able to participate in the work of the Preparatory Commission for the Disarmament Conference.

May I add that, owing to the very short time which the Turkish Government had at its disposal after receiving the telegram of invitation from the Council of the League of Nations, the chief Turkish delegate and his experts will not be able to arrive at Geneva until midnight on Sunday, and will be unable to attend the meetings of your Commission until Monday. I trust that, in view of the great importance of the questions on your agenda, which will certainly require careful examination and considerable discussion, you will be able to give the Turkish delegation an opportunity of addressing the Commission and presenting its observations on each of these questions.

Count BERNSTORFF (Germany). — The delegate of the Turkish Republic has just told us that the Turkish Minister for Foreign Affairs cannot be present at our meetings until Monday. I warmly support the Turkish delegate's request, and would urge that we should give the Turkish delegation every opportunity of discussing all political questions with us, and that we should therefore adjourn these discussions until Monday. As this is the first time that we have had the pleasure of seeing a Turkish representative among us, I think it is our duty to show the Turkish delegation this courtesy.

M. LITVINOFF (Union of Socialist Soviet Republics). — I should like to second the proposal made by Count Bernstorff, the first delegate of Germany. It is owing to the initiative of the Soviet delegation that we have the pleasure of seeing the Turkish delegation among us to-day.

We attach the greatest importance to the question of disarmament, which is the chief question before the Preparatory Commission, and we think it necessary that as many countries as possible should take part in its discussion. I therefore wish to propose to the Commission that the discussion on disarmament should not be undertaken until the chief Turkish delegate arrives in Geneva.

M. SOKAL (Poland). — I need not say how cordially the Polish delegation welcomes the presence of the Turkish delegation among us. As you are aware, it was on the proposal of the Polish representative, M. Zaleski, that the Council decided to invite the Turkish Republic to be represented on the Preparatory Commission. In these circumstances, we see no objection to the proposal that any political discussion in which Turkey is interested should be adjourned until the chief Turkish delegate arrives at Geneva. We are therefore glad to second the proposal which has just been made, more particularly because, besides the Turkish representative, there are, we think, other delegations, such as that of the United States of America, which also have not participated in the work of the Committee on Arbitration and Security, and which, therefore, may not have had time to examine the documentation.

2. Adoption of the Agenda.

The PRESIDENT. — The agenda before the Commission is a provisional one. As no new proposal has been received by the Bureau, I propose that we regard the agenda as definitive.

The agenda was adopted.

3. Order of Work.

The PRESIDENT. — I think it is very desirable to meet the wish expressed by the last speakers. Indeed, it is, I think, only a matter of courtesy that we should accede to the Turkish Minister's request and postpone till Monday the discussion of the principal items of our agenda.

That need not prevent us, however, from beginning as soon as possible a discussion of the first item, *i.e.*, "Position of the Work of the Committee on Arbitration and Security". I understand, however, that some of the delegates desire to examine more fully the document circulated this morning containing an account of the work of the Committee from its first establishment until the end of its second session, and the texts which it has drawn up.

In these circumstances, I propose that the discussion should begin to-morrow afternoon.

Count BERNSTORFF (Germany). — I, for my part, quite agree that the discussion of the question of security should be held to-morrow afternoon.

I should like, however, to raise one point. The third item on our agenda is "Progress of the Work of the Preparatory Commission". I think I am right in assuming that on this third point any question connected with disarmament may be discussed. I should like to be certain on this point, because I am submitting to the Commission a proposal regarding publicity which is about to be circulated (Annex 1).

The PRESIDENT. — I can reply at once to Count Bernstorff that there is no objection to the discussion of any question relating to disarmament in connection with the progress of our work on disarmament.

The Commission rose at 11.55 a.m.

SECOND MEETING (PUBLIC).

Held on Friday, March 16th, 1928, at 4 p.m.

President : M. LOUDON (Netherlands).

4. Progress of the Work of the Committee on Arbitration and Security.

The PRESIDENT. — Gentlemen,—You have all had an opportunity since yesterday of studying the report of the Committee on Arbitration and Security (Annex 7 to Minutes of the second session of the Committee).

I desire to know whether anyone wishes to speak or to ask for explanations which the Rapporteur will be ready to furnish.

M. HOLSTI (Finland). — I should like to suggest that during this discussion M. Politis, who was one of the Rapporteurs, should be appointed as a Rapporteur-general. He was a member not only of the full Committee and the Drafting Committee but also of the Committee of Three, and, consequently, I think he would be the most suitable person to furnish any further information that may be required.

M. POLITIS (Greece). — I am really overcome by this honour, which carries with it so heavy a responsibility; but I should be loath to encroach upon the special province of any of my colleagues, so that I trust that, if any very special point were raised, my colleagues, with whom it has been a pleasure to collaborate, would be ready to support me.

The PRESIDENT. — I will not venture to ask M. Politis to make a general statement, as he has already done so at the last meeting of the Committee on Arbitration and Security. I think that it would be preferable to wait for questions, which M. Politis and, if necessary, his colleagues will be prepared to answer.

Dr. RIDDELL (Canada). — During the last session of the Committee on Arbitration and Security I proposed that the words "Treaties of Non-Aggression and Mutual Assistance" should be substituted for the words "Security Treaties", and I understood that this suggestion was accepted by the Rapporteur, as well as being supported by the representatives of the British Empire and Germany and approved unanimously by the Committee. I see, however, that the general heading of Section IV is "Security Treaties". At that time I pointed out that all the treaties were security treaties, that it was the opinion of the Canadian Government that treaties of arbitration, conciliation, investigation and of judicial settlement were just as much treaties of security as those involving non-aggression and mutual assistance, and I understood clearly that the Rapporteur accepted my amendment. I should be glad, therefore, if this Commission would agree to substitute the words "Treaties of Non-Aggression and Mutual Assistance" for "Security Treaties", which, as Lord Cushendun said, had a more general application.

Count BERNSTORFF (Germany).— Mr. President,—As my friend and colleague, M. von Simson, supported Dr. Riddell's proposal the other day, I may perhaps be allowed to add a few words on the subject.

It would, in my view, be a very great mistake to allow it to be thought that pacific procedures for the settlement of disputes bear no relation to security. Germany has always been of opinion that arbitration and conciliation are among the most efficacious means of increasing security. In consequence, treaties bearing on these questions come under the category of "Security Treaties" just as much as treaties of mutual assistance or non-aggression.

This view was approved by the Committee on Arbitration and Security at one of its last meetings. If, then, in the Committee's report, only the three Conventions on Mutual Assistance and Non-Aggression are included under "Security Treaties", this must be due to an error which it is essential to remedy.

M. POLITIS (Greece). — Mr. President,—I think that there can be no difficulty in complying with the request of the delegate for Canada. It is perfectly true that, during the discussions of the Committee, it was observed that all the treaties drawn up, including the Treaties of Arbitration and Conciliation, constitute, though in different degrees, a guarantee of security. It was no doubt owing to some error in copying that the heading of Chapter IV was kept as "Security Treaties", for it would be more correct to have "Treaties of Non-Aggression and Mutual Assistance".

What I wanted to say, however, was that, while all the treaties in varying degrees possess the character of security treaties, in the current language of the League the term "security treaties" has hitherto been used more particularly for treaties providing for mutual assistance and non-aggression. These, if I may say so, are security treaties *par excellence*.

However, in view of what was agreed to in the Committee on Arbitration and Security, I think that there can be no objection to altering the title of Section IV or amending the text of the draft resolutions proposing that the Assembly should recommend the States to adopt the models drawn up.

The PRESIDENT. — I think that the Commission is prepared to accept this proposed modification. The simplest method would be to attach the Minutes of this meeting to the document which the Secretariat is to send to the different Governments. In this way, the necessary explanation will be given and the correction can be made without its being necessary to reprint the document.

M. LITVINOFF (Union of Socialist Soviet Republics). — The Soviet delegation has already expressed its opinion at the fourth session of the Preparatory Commission as regards the bearing of the questions considered by the Committee on Arbitration and Security upon the problem of disarmament. The findings of this Committee are before the Preparatory Commission, in which the Soviet delegation is taking an active part.

I should like to say a few words lest our silence should be construed as signifying agreement with the decisions and report of the Committee on Arbitration and Security. Without entering into a detailed discussion of the Committee's proposals, I will confine myself to a very short summary of our previous statements on this subject.

We still believe that the problem of peace cannot be solved, or its realisation brought any nearer, by solving the questions now before the Committee on Arbitration and Security. We believe that the path which this Committee is following cannot result in general security, but would merely increase the security of individual countries or groups of countries, while involving a menace to the independent existence and territorial inviolability of other countries or groups of countries. Moreover, owing to the lack of exact criteria as to what constitutes an offensive and what a defensive war, the system of regional guarantee pacts based upon mutual assistance, as proposed by the Committee, may end in something perilously akin to the pre-war system of alliances and other military and political combinations.

That very system, which was one of the causes of the great world war, itself may be a menace to peace. Nourishing and supporting, as it does, the aggressive temper of bellicose and quarrelsome Governments, this system may turn any local war into an Armageddon. In the opinion of the Soviet delegation, the decisions of the Committee on Arbitration and Security, without diminishing the likelihood of future wars, are calculated to extend the arena of future wars and aggravate their terrible consequences.

At the last session of the Preparatory Commission, the discussion on disarmament was adjourned in the expectation that the findings of the Committee on Arbitration and Security would create some degree of security for individual countries and thus establish the preliminary conditions for disarmament. The Soviet delegation at the time opposed the adjournment. If other delegations now consider the decisions of the Committee satisfactory and the questions of security of particular moment to them as more or less settled, we, for our part, while maintaining our former attitude towards the Committee, can only express our satisfaction at the removal of an illusory or artificial obstacle to the realisation of the chief work of the Disarmament Commission.

The Soviet delegation regards complete and speedy disarmament as the most solid guarantee of security for all countries and all peoples, and the most effective means of preventing war. It therefore appeals to the Preparatory Commission to proceed as soon as possible with its main task, the discussion and adoption of resolutions on disarmament, without further delay.

M. POLITIS (Greece). — I must ask permission to intervene in this discussion, as the remarks which we have just heard appear to me to involve some doubt and confusion as regards the painstaking work of the Committee on Arbitration and Security.

There is room for very different points of view and everyone is free to maintain his own ideas of what is meant by security. I should like to point out, however, that the two main conceptions which came into conflict before the Committee were finally reconciled in a formula which appeared to be satisfactory to all parties. The supporters of the first theory are of opinion that disarmament should precede security, while those who maintain the second consider, on the contrary, that security should come before disarmament. A formula was found whereby these two theories were reconciled; no one, I think, who took part in the discussions of the Committee on Arbitration and Security will question this. It was agreed

that the two conceptions should keep pace with one another; any steps taken with a view to disarmament, or rather the reduction of armaments, should be commensurate with the existing feeling of security. As this feeling increases, disarmament must also proceed. This point, I think, was established beyond all question during the recent discussions in the Committee on Arbitration and Security.

There is a second point that I wish to emphasise. I am afraid that M. Litvinoff has not been able to study the report now before you quite as carefully as it deserves, because otherwise I cannot understand how he can say that security pacts—or rather the pacts of non-aggression and mutual assistance drawn up by the Committee—tend to restore the old system of alliances and that, if they constitute a guarantee for certain States, they are at the same time a menace to others.

On the contrary, what our report makes abundantly clear is that the type of regional pact recommended by the Committee on Arbitration and Security provides no guarantee against aggression by third parties. It is simply the system of the Locarno Pact adapted to the particular circumstances that may arise in the different parts of the world. As in the Locarno Pact, the models which we have framed provide for mutual assistance only against reciprocal aggression by the contracting parties. We thought that it was not unduly optimistic to hope that all the States in one particular region might agree to conclude such treaties among themselves. Accordingly, we decided to leave out the contingency of aggression by a third party involving mutual assistance. It was in order as far as possible to facilitate the conclusion of such treaties, which we regarded as entirely in keeping with the spirit of the League, that we framed the draft resolution providing that the Council should use its good offices in assisting States desirous of concluding them. This no doubt meant imposing a very difficult and very delicate task upon the Council, but we thought it essential because the conclusion of such treaties will often require careful political preparation and necessitate the moral *rapprochement* of the States which are to become contracting parties. It is therefore incorrect to state that our model treaties for mutual assistance bear a close or even a distant resemblance to the old alliances. On the contrary, we endeavoured to adopt a form as different as possible from those former types and to produce something which would be really in harmony with the true spirit of the League of Nations.

Finally, gentlemen, there is a third point which requires to be emphasised. M. Litvinoff said just now that there are some countries which believe that the inadequacy of their security constitutes an obstacle to disarmament, that the Soviet delegation considers that obstacle artificial, but nevertheless rejoices that it should have been eliminated now that the Committee on Arbitration and Security has drawn up these model treaties.

Personally, I do not think that any member of the Committee on Arbitration and Security was so artless as to imagine that this obstacle could be removed by the mere fact of our having drawn up these treaties. That obstacle will only be eliminated when these treaties have received the approval of all the organs of the League of Nations, when they have been sanctioned by the States and have been given effect by the conclusion of conventions, freely signed and freely put in force. It is only then that we shall be able to say that this obstacle—which the Soviet delegation considers artificial but which other delegations regard as very real indeed—will have been really eliminated.

These, gentlemen, are the three observations which I thought it incumbent upon me to make as Rapporteur, in order that the work of the Committee should regain its rightful value and its true complexion.

COUNT CLAUZEL (France). — Mr. President and gentlemen,—In the absence of M. Paul-Boncour, who, to his deep regret, is unable to come to Geneva or to take a personal share in the work of this session, I feel that I should be failing in my duty if I did not state very briefly and very simply the reasons which lead the French delegation to declare itself well satisfied with the results obtained by the Committee on Arbitration and Security.

I will only draw your attention to two points. In the first place, no matter what criticisms may have been levelled at the League of Nations, these results are of an essentially practical character. I certainly will not venture, after M. Politis's statement, to add any comments; they would be wholly superfluous and out of place. But I desire to state that these model treaties of non-aggression and mutual assistance were not intended to enrich the library of the League of Nations. I repeat: they are of an extremely practical character, because it was found possible, if I may use the expression, to implement them with the help of the two resolutions which were referred to just now by M. Politis, recommending these treaties for adoption and, more important still, inviting the Council to offer its good offices. It is the latter resolution which more especially constitutes a new fact of the highest importance. You know the value which M. Paul-Boncour attached to it, and I desire, as he is absent, to emphasise the importance of this first result.

There is another point which I also desire to urge upon your attention, namely, the link which exists between the results obtained by the Committee on Arbitration and Security and the earlier work of the League. This remark may also serve as a reply to some very interesting observations which were made just now by M. Litvinoff.

Indeed, it may be said that our presence here is the fruit of many years of previous work, carried out within these very walls. We have often heard witticisms in which the labours of the League of Nations were compared to the web of a famous countrywoman of M. Politis, I mean to the web of Penelope. It is true that these methods have the disadvantage of expending, not in this case much wool, but a great deal of paper, besides involving prolonged efforts. But neither the paper nor the efforts have been thrown away, because they have enabled us to reach the conclusions which are now the subject of our congratulations. I would remind you

of Resolution XIV of the third session of the Assembly, which was adopted on the initiative of Lord Cecil and my friend M. Henri de Jouvenel. I would also refer to the Protocol of 1924, which had already laid down the principles which the Committee on Arbitration and Security has at length been able to establish.

Finally, I would point out that it was a resolution of the sixth session of the Assembly, moved by the Spanish delegation, which for the first time established a link between all the so-called security pacts and the preparatory work for disarmament; and, lastly, that a resolution of the last Assembly created the Committee on Arbitration and Security, which has just concluded its session.

Throughout this work it has always been pointed out that arbitration and security must prepare the way for and precede disarmament. That is the reply to M. Litvinoff's observations, and will explain why we attach so much importance to the results which have just been obtained in the direction of arbitration and security.

In conclusion, I will not conceal my regret that the stage which we have just accomplished is not more complete and is not a final stage. The French delegation would have been well satisfied had it been possible—as had, indeed, been expected—for the Preparatory Commission at its present session to transmit the results of the work of the Committee on Arbitration and Security directly to the Council. For reasons of great weight, which the Commission is bound to respect, it was thought preferable first to obtain the views of the Governments; but we trust that this stage will be rapidly concluded and that we shall be able not less rapidly to accomplish the second stage, which is, indeed, the more important, and forms the object of our present meeting: namely, the preparation and limitation of armaments.

Count BERNSTORFF (Germany). — I had not intended to speak to-day, but the discussion has assumed an unexpected scope and has touched on questions which would more fittingly be discussed when we come to examine Item 3 of our agenda. I therefore desire to offer some remarks at this stage, though I shall have more to say on the matter at a later period.

The zeal which the members of the Committee on Arbitration and Security, many of whom are members of this Commission, have displayed in their work and the spirit of accommodation which was so conspicuous in their proceedings are, I trust, a happy augury, and will serve as a useful example for our present labours. I trust that our Commission will display the same resolution to work to a successful conclusion.

In the first speech which my friend and colleague Herr von Simson made at the second meeting of the Committee on Arbitration and Security, he did not fail to emphasise the great importance which my Government attaches to the development of means for the pacific settlement of international disputes. I will not, therefore, lose time in restating the point of view of my Government in all its details, and I think I may refer you to the explanations furnished by Herr von Simson, especially as regards the governing ideas and general principles by which Germany is guided in her policy of active co-operation.

I am glad to note, moreover, that the Committee on Arbitration and Security has in a large measure paid regard to these ideas.

I must particularly express my satisfaction at finding that the Committee has not failed to appreciate the great value of the pacific settlement of international disputes as an important element of security. I congratulate the Committee for having emphasised the immense importance of preventing the outbreak of war and for having drawn attention once more to the very valuable part which can be played by preventive measures.

In connection with this point the German Government has submitted some suggestions which, in its view, would greatly enhance security if they should be accepted in some form or other. It attaches great importance to the further examination of these suggestions, which the Committee has decided to undertake.

In its resolution relating to the Introduction and to the memoranda drawn up at Prague, the Committee has drawn attention to the very considerable measure of security which already exists in virtue of the Covenant of the League of Nations. I think that is a very important point. I draw your attention to it because it brings out once more the great value of the political instrument which we possess in the Covenant and of the effective guarantees of peace which we already enjoy.

This affirmation of the considerable measure of security provided for us by the Covenant—and, in this connection, we must not forget the supplementary security which is furnished by the Locarno Agreements and other treaties of security—must be a fresh encouragement for us all to resume our work and to achieve at length the first stage on the path towards the reduction of armaments.

I must add one remark in regard to the observations made just now by M. Politis. I was very glad to hear him say, as a result of the work of the Committee on Arbitration and Security, that security and disarmament must progress hand in hand. In that connection, I must point out that this has not been the case up to the present time and that the first step on the road towards disarmament has not yet been taken. I trust that it will be taken before long.

The PRESIDENT. — I propose to close the general discussion on the first point on our agenda.

I think that, on the conclusion of this discussion, the Commission would wish to adopt a resolution couched in the following general terms:

The Commission takes note of the progress made by the Committee on Arbitration and Security and of its decisions concerning the continuation of its work. The Commission expresses its satisfaction with the results achieved and its approbation of the general spirit in which the work was carried out.

The report of the Committee, together with the Minutes of the second session, will be communicated by the Secretary-General in sufficient time to allow of their discussion at the next Assembly.

It has been suggested to me that we should not adopt any decision at this meeting on the above resolution, but that the text should be approved at our next meeting. A draft will be circulated in the meanwhile. Nevertheless, I consider that the discussion is closed on the first item of the agenda.

5. Programme of Work.

The PRESIDENT. — I would remind you that yesterday we were requested to adjourn the discussion on the second item of the agenda until Monday as an act of courtesy to His Excellency Tewfik Rouchdi Bey, Turkish Minister for Foreign Affairs, who is coming in person from Angora. In these circumstances, if there is no objection, the next meeting will be held on Monday, March 19th, at 3.30 p.m.

THIRD MEETING (PUBLIC).

Held on Monday, March 19th, 1928, at 3.30 p.m.

President : M. LOUDON (Netherlands).

6. Turkish Delegation Welcomed.

The PRESIDENT. — At our first meeting I had the great pleasure of welcoming the Turkish delegation, which, on the invitation of the Council, promised to take part in our discussions. It is to-day our great privilege to see at the head of this delegation His Excellency Tewfik Rouchdi Bey, the Turkish Minister for Foreign Affairs. I am very glad to extend a welcome to him at the beginning of this meeting, and to say how highly we shall value his co-operation.

7. Adoption of the Draft Resolution regarding the Work of the Committee on Arbitration and Security and Participation of Turkey in the Committee on Arbitration and Security.

“The Commission takes note of the progress made by the Committee on Arbitration and Security and of that Committee's decisions concerning its next session and the programme of work therefor.

“The Commission expresses its satisfaction with the results achieved and its approbation of the general spirit in which the Committee carried out the work.

“According to precedent, the report of the Committee on Arbitration and Security on the work of its second session, together with the Minutes of that session, will be communicated to all Governments. The Commission seconds the recommendation adopted by the Committee that these documents should be transmitted in sufficient time to allow of their discussion at the next session of the Assembly.”

The PRESIDENT. — The draft resolution submitted to you by the Bureau represents the conclusions of our last week's discussion on the first point of our agenda. I believe you are all in agreement as to the formula. If, however, any delegate desires to speak again, I should be happy to call upon him.

G. Tewfik ROUCHDI Bey (Turkey). — I desire, in the first place, to thank the President most warmly for having repeated his friendly welcome to the Turkish delegation. I also desire to convey my thanks to the Preparatory Commission for the courtesy shown to my country when it decided to postpone the discussion of the important questions on its agenda until to-day.

We have only been able to glance hurriedly at the remarkable reports prepared by the distinguished members of the Committee on Arbitration and Security.

I wish to say, at the outset, that the Government of the Turkish Republic highly appreciates the value of all pacific means for the settlement of international disputes.

I consider that, in the existing state of affairs, there are nevertheless certain questions which States cannot submit for arbitral decision. Accordingly, it is highly desirable that there should be a possibility of excluding certain questions from arbitration.

I also wish on this occasion to emphasise the advisability of attempting conciliation procedure before resorting to arbitration. The former possesses the great advantage of securing the consent of the parties and thus giving the solution arrived at a character of cordiality which is psychologically highly desirable and which cannot fail to increase the value and effectiveness of the procedure. The preference which we thus display for conciliation does not, however, prevent us from advocating recourse to compulsory arbitral procedure in many disputes whenever the conciliation procedure has not succeeded in giving the expected results.

As regards the question of security, we are fully aware of the concern which it creates in many States in connection with the examination of the question of disarmament. We hold that it would be desirable, with a view to simplifying the consideration of this highly

complicated question, to draw a distinction between absolute ideal security and that relative security which is practically within our reach at the present time.

The ideal security for nations would certainly be that which, whenever it was in any way threatened, the appropriate means to restore it would be automatically set in motion. In this way, for example, an armed conflict between two countries would be arrested by some combined arrangement, precisely in the same way as a State prevents a contest between two of its provinces.

To establish such a degree of security in international relations would be possible only if a federation consisting of all civilised countries was created. While it would be too much to expect this advanced social and political situation to be achieved at present, we are justified, it appears to me, in being satisfied with a security which is necessarily relative.

We consider that the most appropriate means of attaining the maximum degree of relative security would be found in the conclusion of treaties of non-aggression which would at the same time involve neutrality. By such treaties we understand bilateral or multilateral undertakings not to commit any act of aggression, accompanied by an obligation never to take part in any combination designed to facilitate aggression by a third party against any one of the contracting parties.

From the moment that all States have declared their pacific intentions, the conclusion of such treaties would not, it appears, encounter any difficulty; nor would there be any objection to them on the part of States Members of the League of Nations on the ground that, as they involve the obligation of neutrality simultaneously with that of non-aggression, they would be running counter to the provisions of the Covenant, which prescribe in certain circumstances the application of measures decided on by the Council.

An undertaking of non-aggression accompanied by that of neutrality is indeed just as compatible with the Covenant as the undertaking of non-aggression itself, subject to the application of any Council decisions in regard to repressive measures.

It appears to me that there would be no question of applying the provisions of the Covenant in regard to aggressors to a non-Member State which had given evidence of its pacific aspirations by declaring its readiness to conclude treaties of non-aggression and neutrality with all countries without any distinction.

If we suppose that the State in question violated its undertaking of non-aggression, it follows as a matter of course that the undertaking of neutrality assumed in regard to it by other States, whether Members or non-Members, would become invalid immediately it became an aggressor and thus broke its pledge. From that moment States Members would resume their entire liberty of action and could fulfil their obligations arising out of the provisions of the Covenant.

For these reasons, the Turkish delegation holds that treaties of non-aggression which include a neutrality clause would serve to a great extent, and without imposing any positive contribution on the contracting parties, to banish war in the most effective manner possible at the present time.

The Turkish Republic, which has already concluded more than one treaty of this nature and which is at present negotiating a number of others with various Governments, feels bound to propose that the Preparatory Commission should examine this type of treaty.

It is convinced that if the measure of security, which is already necessarily of a relative character, is still further diminished by eliminating an element which, if it were allowed to play its part, would prevent any assistance being furnished to an aggressor, such action will certainly not serve the cause of peace.

The condemnation of the violation of such an engagement as being an international crime, followed by the penalty which consists in every other State breaking off all relations with the guilty State, would contribute effectively to outlawing war, an aim which is as fervently pursued by non-Member States as by the States which form the League.

In the present circumstances, I consider that it is in the direction I have indicated that the problem of security is most likely to find a practical solution.

Before concluding, I desire to add that the Turkish delegation reserves its right to follow up this declaration by submitting further documents and statements during the subsequent meetings of the Committee on Arbitration and Security and those of the Preparatory Commission.

The PRESIDENT. — I think that you will all agree with me that it is not necessary at present to discuss the declaration made by the Turkish representative. Naturally, his speech will be transmitted to the Committee on Arbitration and Security.

I am glad to note from what he has just said that Turkey desires to take part in the Committee on Arbitration and Security. I would remind you that, according to the terms of the resolution of September 26th, 1927, the Committee on Arbitration and Security consists of all States Members of the League of Nations which already belong to the Preparatory Commission, other States represented on the Commission being invited to become members if they so desire. I note that Turkey desires to become a member and I hereby invite her to join the Committee.

Tewfik ROUCHDI Bey (Turkey). — Turkey will be happy to co-operate in the work of the Committee.

The PRESIDENT. — I believe that the members of the Commission agree to the draft resolution submitted by the Bureau.

The resolution was adopted.

8. General Discussion of the Draft Convention of Immediate, Complete and General Disarmament submitted by the Delegation of the Union of Socialist Soviet Republics (Annex 2).

M. LITVINOFF (Union of Socialist Soviet Republics). — The Soviet draft Convention of Immediate, Complete and General Disarmament, sent by the delegation of the Union of Socialist Soviet Republics to the Secretary-General of the League of Nations a month ago, is entirely based upon the main theses presented by the Soviet delegation at the fourth session of the Preparatory Commission in November last.

I have the honour to draw the attention of this Commission to the fact that the draft Convention provides for land, naval and air forces in all States to be put into a condition, not later than one year from its coming into force, rendering it difficult to employ them for warlike purposes, thus considerably limiting the possibilities of armed conflicts even before the carrying out of complete disarmament.

I consider it unnecessary to dwell in detail on the separate points of our draft Convention, since the latter was accompanied by a special explanatory note, sent to all members of the Commission.

I venture to remind the Commission that no attempts to give serious consideration to the Soviet proposals were made at its fourth session. During the extremely brief discussion of this question, not a single serious argument against the Soviet proposal nor any practical criticism of it was put forward. The Soviet delegation is naturally unable to accept as criticism such remarks as have been heard, namely: that the Soviet draft Convention is "too simple", or that, even if complete disarmament were accomplished, the peoples would all the same fight among themselves in disarmed and disorganised masses with sticks, penknives, fists, etc.

The cautious attitude and the refusal to discuss our proposals, at the fourth session of the Commission, displayed by the other delegations may partly be explained by the novelty and unexpectedness of the Soviet proposals, although attempts were made to cast doubts even upon the novelty of our proposal. M. Benes, I seem to remember, referred to a Norwegian proposal similar to ours supposed to have been made to the League of Nations. Now, I took the trouble to verify this statement, but was unable to find any traces whatsoever among the material of the League of Nations, including those with which the Disarmament Section of the League was so kind as to furnish me at my special request, of any proposals for general and complete disarmament.

At the Third Committee of the Assembly of the League in 1924, the Norwegian delegation mentioned wishes expressed by the Inter-parliamentary Union regarding the reduction of war budgets by one-half in the course of ten years. Even this was qualified by the stipulation that war expenditure incurred by individual States under the Covenant of the League of Nations should not be included in war budgets subject to reduction. There was not a word as to the abolition of the other half of war budgets, nor anything whatsoever about the reduction of armed forces and materials for war. The Danish delegation, referring to the same Inter-parliamentary Union, expressed a desire for the reduction of land armed forces in all countries in accordance with the resolutions of the St. Germain Peace Treaty, *i.e.*, allowing each State the right to keep an army of 5,000 per million inhabitants, and naval armaments in accordance with the Versailles Treaty, *i.e.*, 2,000 or 4,000 metric tons per million inhabitants. According to these calculations, the Union of Socialist Soviet Republics, for example, would be entitled to an army of almost 735,000 men, which would be an increase of 175,000 to its present standing army and 200,000 metric tons to its navy, while China would be entitled to a standing army of something like two millions. Such have been the most drastic ideas with regard to disarmament so far expressed in the League of Nations. I say "ideas", for none of these have been crystallised in the form of proposals or resolutions or made the object of serious discussion. Lord Esher's plan, aspiring only to the reduction of land and air armed forces, had also nothing in common with the idea of complete general disarmament. It may therefore be considered irrefutable that the proposal for complete and general disarmament has been put in a definite form before the League of Nations, and indeed brought into the sphere of international relations, for the first time, and the Union of Socialist Soviet Republics will always be proud to call this initiative its own. If, however, I dwell upon this point, it is from no motives of mere sentiment, but because it seems to me that, in certain League of Nations circles, an erroneous conception exists that the Soviet delegation is wasting the Preparatory Commission's time on proposals already discussed and rejected by the League. Such an erroneous conception, unless corrected, might react unfavourably on the further procedure with regard to our proposal.

The Soviet delegation, anxious as it was to speed up the consideration of its draft Convention and thus bring nearer the beginning of real disarmament, nevertheless agreed to the postponement of the consideration of its proposals until the fifth (current) session, bearing in mind their novelty and desirous to give an opportunity for all members of the Commission and their Governments to make themselves ready for their practical consideration. With this aim, the Soviet delegation provided the Secretary-General of the League of Nations with the draft Convention, accompanied by an explanatory note, a month before the beginning of the fifth session of the Preparatory Commission, for despatch to the respective Governments, and now considers itself entitled to ask for the practical consideration of its proposals without further delay.

The Soviet delegation considers it essential once more to emphasise the fact that nothing but the fulfilment of the Convention for Immediate, Complete and General Disarmament proposed by the Government of the Union of Socialist Soviet Republics is capable of solving in a satisfactory manner the problem of general security and peace. This would also in itself solve a series of other vexed international problems, such as the freedom of the seas, and so

on. At the same time, the execution of the Soviet scheme would not come up against the difficulties inevitably connected with partial disarmament. By way of example, I would cite the matter of control, for it is perfectly obvious that it must be infinitely easier to control total than partial disarmament.

I would further emphasise the fact that the basis of disarmament as proposed by the Soviet delegation, being uniform and applicable to all States, is therefore the most equitable and the least likely to arouse opposition from individual States. It is precisely this, in my opinion, which constitutes the obvious simplicity of our proposal, although, strange to say, some of its opponents have endeavoured to make an added objection of this very simplicity.

The scheme offered for the consideration of the Preparatory Commission represents a single organic whole, which cannot be split up into separate parts. It is wholly penetrated by a single idea and therefore requires, first and foremost, consideration and acceptance of its underlying principles.

The Soviet delegation therefore considers it indispensable that general discussion should result in a reply—not merely theoretical but quite clear and definite—being given to the questions: Does the Preparatory Commission accept the principle of general disarmament during the period mentioned in the Convention? and, Does it accept the proposal as to that rate of disarmament which would make war impossible in a year's time? The Soviet delegation considers that all other delegations and their Governments have had time enough, if they cared to, to study both the underlying idea of the Soviet proposal and the draft Convention in its finished form.

During the three and a-half months which have elapsed since the fourth session of the Preparatory Commission, the Soviet delegation has had ample opportunity to convince itself that the idea of complete disarmament has been met and accepted with enthusiasm by the broadest masses of both hemispheres and by all progressive and peace-loving elements in human society. The innumerable addresses and resolutions of sympathy from labour parties and multifarious organisations, groups and societies from all parts of the world which I am still receiving testify, among other things, to this. I will not take up your time by enumerating all of them, but will venture to read only one—a collective address I received here a few days ago, signed by representatives in thirteen countries of a hundred and twenty-four organisations (chiefly women's) whose total membership runs into many millions. This document, showing as it does the lively response among women evoked by the Soviet proposals, derives special importance from the extension of women's political rights now proceeding in some countries. Their declaration is as follows:

“On behalf of the growing world opinion, embodied in the organisations which we represent, we gratefully welcome the courageous proposals of the Soviet Government for complete and general disarmament, and note with satisfaction that they are to be discussed in detail by the Preparatory Disarmament Commission at its next meeting on March 15th.

“Being convinced that these proposals represent the will of the great mass of people in every country, who are determined to make an end of war, and that where the will exists practical means can be realised for giving it effect, we urge with all the strength at our command that the members of the Commission should examine the Russian proposals with the utmost care and with the determination to place before the International Disarmament Conference, when it meets, some concrete scheme for the complete disarmament of the world within a definite period of time.”

This document bears one hundred and sixty-three signatures of the secretaries of the respective organisations (see Annex 3).

The Soviet delegation entertains not the slightest doubt as to the acceptability and desirability of its proposals for the broad masses of the population, who now look to the Governments and the bourgeois groups and classes supporting them to make the next move.

Mere theoretical discussions and arguments about disarmament no longer meet the case—it is time to take practical steps towards the realisation of disarmament. It seems to me there has been more than enough of discussion of disarmament. I shall venture to furnish members of the Commission with a few data (Annex 4) from which it will be seen that, as well as the general Assemblies of the League of Nations and the Council of the League, the thirty-eight sessions of which occupied themselves with the question of disarmament, no fewer than fourteen different commissions and other League organs devoted over a hundred and twenty sessions—not sittings, mark you, but sessions—to this question of disarmament, on which one hundred and eleven resolutions have been passed by general Assemblies of the League and the Council of the League alone. Turning to the results of this vast quantity of work, the documentation of which has taken reams of paper, we are forced to the conclusion that not a single step of real importance has been taken towards the realisation of disarmament. The Soviet delegation considers that an end should be put to a situation which may discredit the very idea of disarmament. It would be loath for its proposals to serve merely for the multiplication of commissions and sub-commissions or other organs, which would simply add to the existing resolutions with the same negligible results as those so far achieved. The Soviet Government has not sent its delegation to Geneva for this sort of work. Absorbed in the vast problem of rebuilding an enormous State, with a population of one hundred and fifty millions, on entirely new principles, and in the creation of a new social-economic structure in the face of the open opposition of the whole of the rest of the world and in the most unfavourable circumstances, it would never have turned aside from this work if its attitude to the problem of peace were not everything that is serious, practical and sincere and if this problem were not the keystone of its whole policy. In this connection, I may be permitted to mention, by way of illustration

of the Soviet Government's serious attitude to the questions under discussion here, the fact that, although it did not take part in the League of Nations Conference which passed the Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare, only adhering to the latter at the last session of the Preparatory Commission, it was one of the States (three in all) to ratify this Protocol, still unfortunately a deadletter owing to its non-ratification by other States, the majority of which are Members of the League.

We are aware that shallow persons and equally shallow Press organs pretend to see inconsistency between the peace-loving proposals of the Soviet Government and the maintenance and improvement of the Red Army. As a matter of fact, the Union of Socialist Soviet Republics already has a smaller army, not to mention its navy, than any other State in proportion to its population and the extent of its frontiers, while if we consider individual security—the favourite theme of this assembly—it must be admitted that the Soviet Union is in a less favourable position than any other State. It has almost the whole of the world against it in unconcealed hostility to the new State. A glance at the Press of any country on any day—full of attacks, invectives and libels on the Union of Socialist Soviet Republics—will serve to show the extent of this hostility. A number of countries have to this day not recognised the existence of the Soviet Government, already in its eleventh year, and non-recognition can only be construed as an act of hostility. But even those countries recognising the Soviet State not infrequently indulge, with a few exceptions, in hostile manifestations which are often grave tests of the patience and peaceableness of the Soviet Government. The new Soviet State has seen its territory invaded by foreign troops which caused detriment to the State, from the results of which it has not yet recovered. A part of the territory of the former Russian Empire the population of which unmistakably aspires towards the Soviet Union is still occupied by foreign troops, preventing it from exercising its right of self-determination. All this notwithstanding, the Red Army has remained during the ten years of its existence, and will continue to remain, exclusively a weapon of defence. The Union of Socialist Soviet Republics does not require an army or a navy for any other purposes, all aggressive or imperialist aims or ambitions being completely foreign to it.

In any case, the Soviet Government has declared, and still declares through its delegation in Geneva, that it is ready to abolish all the military forces of the Union in accordance with its draft Convention as soon as a similar decision is passed and simultaneously carried out by the other States. The Soviet Government declares once more that it is ready for this, and asks the other Governments represented here if they also are ready.

The Soviet Government expects a reply to this question at the present session of the Preparatory Commission at which all the more important States are represented. No sub-commissions or any other auxiliary organs—in fact, no body of a lesser composition and authority than the Preparatory Commission—can give an answer to this question. The Soviet delegation hopes that this answer will be given quite openly, publicly, in the full light of day and under the control of public opinion. This reply should, of course, be brought up for final sanction by the International Disarmament Conference, an early date for the convocation of which is urged by the Soviet delegation.

The proposals formulated by myself in two questions are so clear as neither to demand nor admit of preliminary diplomatic negotiations and conversations between different countries and groups of countries.

In conclusion, I will venture once more to repeat the two main questions underlying our proposals :

1. Does the Commission agree to base its further labours on the principle of complete and general disarmament during the periods proposed by us ? and
2. Is it prepared so to carry out the first stage of disarmament as to make the conduct of war, if not an absolute impossibility, of extreme difficulty in a year's time ?

Only when unequivocal and affirmative replies have been given to these questions will it be possible to enter upon the detailed consideration of the Soviet draft Convention.

The Soviet delegation considers itself entitled to count upon special support from the delegation of that Government which is now publicly making a proposal for the prohibition of war. The sincerity of this proposal could not be more convincingly confirmed than by the adherence of its authors to the Soviet draft Convention for complete disarmament, pursuing the aim not merely of the moral prohibition but also of the abolition of the possibility of war. Since armed forces have no other *raison d'être* but the conduct of war, and since the prohibition of war would make them quite superfluous, it would appear that consistency and logic must dictate to the Government concerned the support of our proposal.

The Soviet delegation is convinced that all delegations here present realise the responsibility and importance of solving this great question, and realise also its vast consequences for the fate of humanity, and that, therefore, no delegation will refrain from publicly expounding the point of view of its Government.

M. VEVERKA (Czechoslovakia). — I wish to clear up a slight misunderstanding which arises from what was said by M. Litvinoff just now.

M. Litvinoff said that M. Benes had stated at the third session of the Preparatory Commission that the Norwegian delegation had submitted a similar proposal to that of the Soviet delegation.

Now, according to the minutes of the meeting, what M. Benes actually said was : " In 1922, the Norwegian delegation put before us a detailed proposal which was very similar to that of M. Litvinoff."

The most important passage of the Norwegian proposal in question reads as follows :

" The signatory States undertake to decrease the total sum mentioned in Article 2 in the proportion of 10 per cent from the first budgetary year beginning after December 31st, 1927. The said decrease of 10 per cent will be repeated from the first budgetary year beginning after December 31st, 1929, and so on every two years, the total sum mentioned in Article 2 being taken as a basis, until, after a period of ten years, the military, naval and aerial budgets show a total of not more than 50 per cent of the budgetary basis stated in Article 2."

I think it must be admitted that M. Benes was perfectly correct in stating that the Norwegian proposal was very similar to that of M. Litvinoff. I merely wished to make these remarks to remove any possible misunderstanding.

Count BERNSTORFF (Germany). — When the proposals of the delegate of the Union of Socialist Soviet Republics were submitted to us at our last meeting, I had the honour to point out that the governing idea by which these proposals were inspired had been generally approved a few years ago. The reduction of armaments to a level which would only ensure the internal security of States already appears among the fourteen points of the programme which was drawn up by President Wilson and which was accepted by the Allies and by ourselves as the basis of the Treaties of Peace, in accordance with the note of Mr. Lansing, dated November 5th, 1918.

The activities of the League of Nations in the question of disarmament and particularly the activities of this Commission have, it is true, been hitherto pursued within a far more modest and narrow compass. Personally, I maintain the opinions which I have expressed in the past in this Commission and which are based upon the Treaties, the Covenant and the resolutions of the Assembly. But it cannot be disputed, in my view, that the proposals of the Soviet delegate are in harmony with the spirit which inspired our own efforts, and that they are capable of giving a fresh impulse to those efforts. They have brought out with the most perfect clarity the final object which we ought to pursue, and it is from that standpoint that I give the most cordial welcome to those proposals.

I have made a very careful study of the draft Disarmament Convention submitted by the delegate of the Union of Socialist Soviet Republics, and it appears to me that we ought to approach any proposal made to us with the recognition that it is our duty to explore every possibility which might enable us to advance towards the lofty ideal of disarmament, the achievement of which is our common hope. I must confess that I have found in the Soviet proposal some very interesting ideas which appear to me deserving of our most careful attention and which may, in my view, be perfectly useful for the purpose of our work. I should like to emphasise these ideas in a few words.

The proposal of the Soviet delegation provides for a disarmament which would be carried out by stages. That idea was also recommended at the third session of the Preparatory Commission. The point which appears to be particularly worthy of interest is that the proposal of M. Litvinoff endeavours to confine these stages within a fairly narrow time-limit. Without going into any discussion as to the length of the period proposed, I wish to emphasise one point which appears to me of essential importance. If you decide in favour of disarmament by successive stages, it appears to me essential that these stages should follow as closely as possible upon one another, and that the period provided for the effective reduction of armaments should be as short as possible. Do not let us forget, gentlemen, that we are dealing here, as stated in M. Litvinoff's proposal, with measures for the " safeguarding of the general peace ", or, as it is stated in the Covenant, for the " maintenance of peace ".

Moreover, the proposal which is before us shows the aim which has to be attained during the first stage, namely, " the limitation of the possibility of armed conflicts ". That is indeed the decisive point. I have emphasised on various occasions the fact that I could not regard the first stage as an effective first step towards the goal of disarmament unless that first stage includes a genuine reduction of armaments and also the obligation to proceed to further stages which should follow on the first stage. The aim of this first stage must be " to limit the possibility of armed conflicts ". I entirely agree with the Soviet proposal, which aims at eliminating from the very first stage those military factors that can be used for purposes of aggression, and I note with particular satisfaction that the proposal also takes account of the suppression of means of warfare which are capable of being used against civil populations.

If it is proposed, as has been so clearly stated in the Preamble of the British Draft of last year, to diminish the risk of aggressive action by one State against another, we must begin with those factors that can be used for an aggressive war, because it is the apprehension of such a war which has given rise to the need for security ; but the most effective security against a war of aggression consists in the elimination of all those military factors without which a war of aggression would be impossible.

Having regard to the fact that M. Litvinoff's proposal brings out this idea, and that it may, in consequence, contribute to its realisation, I consider that a detailed discussion of this proposal is necessary after the general discussion in the interests of our labours.

For the moment I will confine myself to these general remarks. As regards the details of the Soviet proposals, it would be desirable, in my view, to combine the discussion in regard to them with the second reading of the draft Convention, which we are called upon to draw up. I would remind you, if the President will allow me to touch on this point at this stage, that the second reading has to take place during our present session, as our President declared to us in the course of the last session with the unanimous assent of the Commission.

In the very interesting statements of M. Litvinoff, there is one point to which I wish to draw your very special attention. It refers to the convening of the Disarmament Conference. That idea corresponds entirely to my own point of view which I had the honour to express at the last session, and it is for that reason that I am perfectly prepared to support it at the present moment. It is, indeed, the case that the scope of the first stage of disarmament can only be fixed by the Conference itself. It is therefore only logical for M. Litvinoff and also myself to ask that the convening of the Conference should be fixed at the earliest possible date. I have still to submit a proposal in regard to that subject. I will therefore return to that question in a more detailed manner when we come to discuss the third item of the agenda.

Tewfik ROUCHDY Bey (Turkey). — The delegation of the Union of Socialist Soviet Republics, in making proposals of so wide a scope, have shown their attachment to the ideal of peace. It is true their proposals may appear very radical, but they added that they would, however, be prepared to discuss all measures of a practical nature which might conduce towards real disarmament. That fact is evidence of the importance which they attach to this ideal of disarmament.

I desire to congratulate the delegation of a neighbouring and friendly country upon the attitude which it has thus manifested in regard to the question of peace. It is hardly necessary to add that the aim of the Turkish Republic—as, indeed, of all other countries—is to obtain the entire abolition of the scourge of war.

As regards the question whether the Soviet proposal should be referred to a special committee or should be discussed by the Preparatory Commission, it may be argued that that is a question of procedure. Nevertheless, in view of the general interest which is felt by public opinion in regard to this question, I submit it is desirable that the proposal should be discussed by this Commission.

The meeting rose at 5.20 p.m.

FOURTH MEETING (PUBLIC).

Held on Tuesday, March 20th, 1928, at 4 p.m.

President: M. LOUDON (Netherlands).

9. General Discussion of the Draft Convention of Immediate, Complete and General Disarmament submitted by the Delegation of the Union of Socialist Soviet Republics (Annex 2) (continued).

General DE MARINIS (Italy). — The draft Convention submitted by the delegation of the Union of Socialist Soviet Republics constitutes an organic and logically built whole, so that it would be superfluous to discuss the separate parts with a view to deciding what could and what could not be accepted. It appears to me that we can only accept it or reject it as a whole.

The various articles of this draft simply represent the logical application of one ruling idea, namely, that war can only be abolished by the total and simultaneous abolition, in all the countries of the world, of all those instruments without which it cannot be carried on.

This postulate having been laid down in the Preamble to the draft Convention, the sixty-three articles which follow simply represent the technical exposition of a scheme for disarmament which, we must admit, has been studied with great care and intelligence and worked out in all its details with the utmost thoroughness.

You will note, gentlemen, that this scheme is designed not only to do away with war in the future but also to efface it from history, for the Soviet delegation even proposes that the memory of war should be obliterated from the minds of men by prohibiting all works on military history.

Now, gentlemen, I think that, among all those who have witnessed war, there is not one who could, without a shudder, contemplate the possibility of a renewal of the horrors and scourges which accompany it. In any case, I can assure you, in all sincerity, that no one would be more ready than myself to accept the proposals now before us if I could only feel convinced that the scheme for disarmament submitted by the delegation of the Union of Socialist Soviet Republics is really calculated to establish the peace of the world: I am speaking of genuine peace, the only possible peace, peace founded upon justice.

I would ask nothing better than to be convinced of this, but for the moment I must confess to feeling some doubt on the subject.

In the first place I would point out that, supposing that complete disarmament had been carried out all over the world, we should be faced with the following situation: there would be

some countries which, owing to their wealth, the organisation of certain industries and the extent of their population, could—if at any moment they so decided—arm again much more easily and much more rapidly than other poorer, smaller countries not so well endowed from the industrial point of view. I wonder, in such a case, what degree of security this second class could really count on.

But, even setting aside this doubt, there is another aspect of the problem to be considered.

We have always spoken of security here in relation to disarmament; we have always regarded guarantees of peace from a strictly military point of view. But, gentlemen, if we are to have real guarantees of peace, we must provide the nations with another kind of security, with a wider and more comprehensive security: a guarantee that they will be allowed to live and develop in perfect liberty. There is such a thing as military security, but we must also have social and economic security, for, without it, complete, general and immediate disarmament would not ensure what I have just described as genuine peace—that is, peace founded upon justice.

Gentlemen, I have no intention at the moment of submitting any scheme which would provide for economic and social security. I have mentioned this point simply as leading up to the conclusion which I desire to place before you, namely, that I should be prepared to accept the Soviet delegation's proposal if M. Litvinoff could supplement it in such a way as to satisfy these doubts.

Count CLAUZEL (France). — As General de Marinis has just said, the proposal of the Government of the Union of Socialist Soviet Republics on which M. Litvinoff spoke yesterday is undoubtedly in keeping with the ideal which we all have in view, namely, the establishment of real peace with the least possible delay. M. Litvinoff has set before us a comprehensive scheme to be put into effect at once and we have studied it with all the care it deserves. It provides for stages to be completed within a period of four years.

As the representative of Italy very rightly pointed out, we cannot but ask at the outset whether the realisation of such a programme is actually consistent with the present world situation and more particularly with the geographical, economic and social aspects of security. And the Preparatory Commission is bound to raise this question, since it has to act in virtue of very precise instructions, namely, the resolutions passed by the Assembly of the League of Nations; these resolutions are perfectly explicit, referring as they do to an article of the Covenant of the League which has often been mentioned, that is Article 8, and laying down specifically in terms now familiar to us all the conditions under which the question of the reduction of armaments is to be examined.

Now that we are about to embark upon a discussion in response to M. Litvinoff's invitation of yesterday, we are bound to consider the question before us with the closest attention and to deal with it within the compass of our terms of reference.

The question is not a new one; the principles set forth in the draft Convention communicated to the League a few weeks ago by the delegation of the Union of Socialist Soviet Republics were announced at our last session. A number of replies were submitted on that occasion which M. Litvinoff has just criticised, perhaps with undue severity. I might mention an argument brought forward by M. Paul-Boncour, an argument imbued with the soundest common-sense, to the effect that it was a mistake to change horses while crossing the stream when intent on arriving at the point which all of us are equally desirous of reaching without delay.

There is another question, however, that we have to consider in view of the very explicit text now before us. The position to-day is different from what it was in November, when we were discussing a general proposal: we now have before us a text very different, it is true, from the texts discussed at such length here—the texts of the British and French delegations—which formed the subject of lengthy and exhaustive examination. It is a thousand pities that this new proposal could not have been discussed along with the others. In this connection, may I venture to express my regret—a feeling which must certainly be shared by all the other members of the Commission—that the delegation of the Union of Socialist Soviet Republics should not have seen its way at the time to accept the invitation extended by the League of Nations and that its proposals could not be discussed at the outset under the same terms and on the same footing as the other proposals.

At the stage which we have now reached, however, we could hardly agree to abandon our prolonged and careful work, which was the fruit of so much mature deliberation and was at times carried on under conditions of almost painful intensity in view of the gravity of the problem confronting not only the Commission but world opinion. If the Commission were to reply immediately and categorically “yes” or “no” to the question put to us yesterday, would it not also be replying “yes” or “no” to the question of whether it has fulfilled its mandate or faithfully carried out the very specific task entrusted to it? That is the serious problem now before us. And, in view of this problem, the Commission might perhaps consider whether, instead of giving a radical reply such as this, it could not examine the new proposals submitted to it at the last minute, on the same footing as those already examined—that is to say, under privileged conditions due to the fact that they could not be studied from the same aspect at the very start.

I simply mention these points, but at the same time I would indicate the doubts which most of my colleagues must be feeling when they have to consider whether the immediate reply for which they have been asked can really be given at once and whether it does not raise a number of subsidiary questions, questions which I have just indicated, relating both to the earlier work of our Commission and to its terms of reference. We have very definite texts to work under, particularly Article 8 of the Covenant, to which I have already referred as forming the basis of all our deliberations.

Lord CUSHENDUN (British Empire). — I agree with what has just been said as to the necessity for examining these proposals in relation to the draft Convention on which we have hitherto been working.

I listened with great interest to the remarks of the honourable delegate for Italy and with a great deal of agreement with what he said, but in one particular I confess I am not entirely in agreement with what he said, though it concerns only a matter of procedure. He declared he thought it was unnecessary to examine the articles in this draft Convention in detail, and he appeared to me to accept the proposition of the honourable delegate of the Soviet Government that it was a question of either acceptance or rejection as a whole. He went on to indicate that, in his opinion, the proposition should be rejected as a whole for the reasons which he gave.

Well, I confess my own view is different. I think it is necessary to examine these articles in detail and I must say I was very much surprised, seeing what a complicated subject this draft Convention with its sixty-three articles is, that the honourable delegate for the Soviet Republics, who is responsible for it, did not think it necessary yesterday to give us any explanation of the proposals or any examination of the question as to how far these articles do in fact, in a satisfactory manner, give effect to his own principles.

Everyone who has had any experience of drafting legislation knows that there are few things more difficult than to put into precise language general principles which it is desired to express, and therefore it appears to me to be essential, unless we are to reject these proposals at once, that in some way we should go through them carefully to see how far they give effect to the purpose which they profess to have in view.

I must say I was also surprised that so experienced a man of affairs as Count Bernstorff, in speaking yesterday, did not appear to perceive the necessity for this examination. It is quite true that he told us—and I agree—that they must be taken in conjunction with the draft Conventions which are already before the Commission; but I do not think he indicated that in his view it was necessary to see how far these proposals actually in fact carry out the principles which M. Litvinoff said underlay them. The first of those two principles is one which I imagine everybody, not only in this room but everyone everywhere, would accept as a general principle—that is, as an ideal: Are we or are we not in favour of complete and immediate disarmament for all the world? As an ideal, is there anyone prepared to give a negative to that proposition? Complete and general disarmament has been the ideal of mankind since the dawn of history, and, as I say, as a general proposition I certainly am in favour of it. But if it comes to the question: Is it practicable? Can it be done now, in the existing condition of the world and having a view to realities?—then I am bound to express very profound doubt, and I say that that is a question which deserves and must have examination in detail.

The Soviet delegate said that there were only two questions which we had to decide. If I recollect rightly, those two questions were, first: Are we in favour of immediate disarmament? and, secondly: Are we prepared to take the first step within one year, as proposed in these articles, and the remaining steps at a later period? Well, with all due respect to the Soviet delegate, I entirely dissent from the view that those are the two questions which we have to decide. I think we have two very different questions to decide, and I will submit them to the Commission. The two questions that we have to decide, in my view, are these: first, Do these proposals *prima facie* offer a practicable scheme which makes it desirable for us to give them detailed examination? The second question is, if we answer that one in the affirmative: If we are to examine these articles in detail, how are we going to carry out that examination? As neither the author of these proposals nor the two delegates who gave them general support yesterday have made any observations on the articles themselves, I will ask the Commission to bear with me while I make some reference to one or two of these articles.

I would like to say, before I embark upon that part of my observations, that while I, of course, intend to observe the utmost personal courtesy to the honourable delegate of the Soviet Republic, I will ask him to be good enough to allow me to speak with perfect frankness and freedom, because unless we do that when matters of worldwide importance are before us—unless we can speak our minds quite freely and frankly—I submit that there is no use in our coming here at all, and I hope that M. Litvinoff will not imagine that I have any personal disrespect for himself in what I am about to say.

Now, the first thing, very relevant to the discussion as a whole, to which I think we ought to direct our minds is the question. In what spirit have the Soviet Government sent a representative to take part in our proceedings? We must bear in mind how this whole world movement for disarmament arose, and how it has hitherto been sustained. It arose, as we all know, out of the horror which all mankind has conceived for the bloodshed and the abominations of war, which we learnt from the experience of the great conflict which ended ten years ago; and it was in order to make any recurrence of those horrors as nearly impossible as may be, and to establish on a newer and surer foundation the peace of the world, that the League of Nations was brought into existence. Except for that purpose, except for the establishment of peace, though in its subordinate organs it may do useful work, the League of Nations has no real *raison d'être* at all. That has been the purpose of the League. For seven years the League, through various organs and committees of which we are one, has endeavoured to pursue its labours to that end—to establish peace. Some may think that the progress has been slow, and that no very great result has been achieved. Nevertheless, for seven years it has been working to that end. Throughout those seven years the League of Nations, for whatever reason, has received neither assistance nor encouragement from the Government of Russia, and not only so, but the Government of Russia have thought it right to lose no opportunity of reviling the League of Nations, and overwhelming it, so far as they could, with scorn and derision. Well, in those circumstances, it is at least remarkable that a few months

ago—really only a few weeks ago—suddenly, to the surprise of the world, the Soviet Government sent an intimation to Geneva that they would like to accept an invitation to send a representative to the Preparatory Commission. They did not accompany that intimation by any indication that they wished to join the League of Nations. They gave no indication that they had in any way changed their attitude in regard to it, and I do not think there is anything unreasonable, in those circumstances, in our expressing some interest and curiosity as to why this wholly unexplained change of policy in a great country like Russia has taken place. We are entitled to ask how this sudden change of policy is to be accounted for, because, of course, if we are to examine these very far-reaching and drastic proposals, it is surely not only our right but our duty to scrutinise the spirit in which they are put before us, so far as that is possible. Now, Mr. President, on this point some light is, I think, thrown by an article which appeared a few days ago in the official organ of the Soviet Government—the newspaper *Izvestia*, extracts from which I have seen in an English translation. This article appeared only last week, long after an invitation had been sent and accepted by the Soviet Government to be represented here. This article speaks with all the old scorn and contempt of the League of Nations; it speaks of what it calls the “absolute futility” of the discussions at Geneva, and it is only just to the Soviet delegate to recall that he used very similar language himself yesterday with regard to the futility of the discussions here. This article then goes on to tell us that the scorn which they express is shared by the Soviet delegates, and this is significant. It tells us that their purpose in coming here is to unmask the capitalist States. That, as we all know, means the whole civilised world outside their own frontiers. They have come here to unmask the capitalist States and—notice these words—“to disclose the sabotage of the Soviet proposals for disarmament” which, of course, is to be expected from these capitalist States. Now, Mr. President, I submit that that article amounts to the clearest possible intimation to us that the purpose of the Soviet delegates is not really to give us any genuine assistance in the work upon which we are engaged, but that, as this paper clearly shows, there is an ulterior motive, and I think we are entitled to know what that ulterior motive is.

So far as I am concerned, I am afraid I must in one respect disappoint the Soviet delegate, because I am not prepared to be a party to any sabotage of their proposals, and I do not myself believe that there is any delegate in this room who is prepared for any such conduct as that, and it is for that very reason (because I should resist, if it were necessary, any attempt at sabotage of these proposals) that I think they merit the most careful, laborious and detailed examination at our hands, and I am prepared to support them.

But there is another point that arises in this connection, and I think I shall be able to show the Commission in a moment that what I am saying is founded upon evidence. If there is any question of sabotage at all, it is sabotage of the League of Nations by the Soviet Government, and I intend to show the Commission that that appears in the articles themselves. That, among other reasons, is why I think it is so important that we should very carefully examine them. We are an organ of the League, and we are bound to consider any proposals brought before us in relation to the work of the League and to the constitution of the League. We should not be doing our duty if we passed over a consideration of that sort. If the Commission would have the patience to do so, I should like it to look at this draft Convention, and it will be found that, from the first word to the last, there is nowhere any mention of or even an allusion to the League of Nations in any way whatsoever. Its authors pointedly refuse even the most humble homage to the League, for they do not even suggest that the Convention, if signed and accepted, is to be registered with the League. It is an established European practice, and even more than European, that all countries which are Members of the League have undertaken that any agreements or treaties which they may make are to be registered with the League, and therefore, even though the Soviet Government is not itself a Member of the League, it might have been expected, when presenting these proposals to the Preparatory Commission, that they would at least pay that harmless homage to the League, knowing our practice, by inserting in these articles that registration should be with the League of Nations.

In the same way, there is no suggestion that the ratifications are to be deposited at Geneva. There seems to be a fixed purpose of avoiding or, if I may use an English slang word, of boycotting the League of Nations and Geneva and all its works.

I would ask the Commission to look at Article 63 of the draft Convention, and I submit that that article justifies the observations which I have just made. It would have been so simple, and would not have committed them to anything, to have said, knowing the position that Geneva as the seat of the League of Nations now holds, that the ratifications should be deposited there. Not at all! According to these proposals, “the instruments of ratification shall be drawn up in five copies and shall be deposited in the capital of one of the States in the five Continents”. That is a proposal which shows imagination, but, as a practical proposal, what possible advantage can there be in having these ratifications in five copies and depositing them in some capital of some continent without specifying what they are to be?

I say that it is not a matter which has anything whatsoever to do with the principle of these articles. It is not necessary to insult the League of Nations in that way or to neglect it in that way. It has no bearing whatever upon general disarmament. You get general disarmament just as well by sending your ratifications to Geneva as if you were to send them to Timbuctoo. I go on; let us look at Article 60. Now, Article 60 is one where one might very well expect that the functions of the Council of the League would be invoked. It says there: “All disputes between States shall be settled”—not by the Council of the League, as we have proposed in many other draft treaties—“all disputes between States shall be settled by the Permanent International Commission of Control”. That is an entirely new body which it

is suggested shall be created by this Convention, in some respects to carry out similar functions⁴ to those now performed by the Council, and, at any rate as far as this article is concerned, I can see no purpose in giving to this new body the right and the power—if it can get it—of settling disputes. I can see no purpose in that piece of machinery unless it is, as in the former article that I have cited, a resolve that under no circumstances shall any sort of recognition be given to the League of Nations. But even more significant than that is Article 58, and here I would very seriously call the attention of all members of the Commission to what it means. Article 58 lays it down that : “ Within one year of the entry into force of the present Convention . . . all acts of national or international importance which are contrary to the above-mentioned clauses shall be repealed or amended ”. No one will deny that, under certain contingencies which are specified, military action is sanctioned and even enjoined by the Covenant of the League of Nations ; therefore the Covenant of the League of Nations is contrary to the above-mentioned clauses in the Russian draft, from which it follows that, if this Article 58 were accepted, it would require within twelve months the repeal of the Covenant, on which I make this first observation, that anything which involves the repeal of the Covenant is beyond the competence of this Commission ; the Covenant can only be repealed by the machinery which is contained in the Covenant itself, even if one could suppose for one moment that this Commission or any organ of the League would accept an international agreement, such as this clause involves, even recommending to the Council and the Assembly the repeal of the Covenant. I mention that because it is only one of many other clauses. I cannot, of course, detain the Commission while I go through them all, to show how necessary it is for this Commission to examine these clauses with the greatest possible closeness and care, and I wish to add that it by no means follows that because this clause or other clauses are manifestly unacceptable, therefore the whole of this draft Convention is to be cast aside. That is where I differ from my honourable colleague, the delegate for Italy. I do not think, for the reasons I am endeavouring to give, that it is necessary to reject the whole of this Draft, because, so far as I am able to see, there are parts in it which at all events are worth discussing and which might possibly supply valuable suggestions for the work which still lies before us. Now, Mr. President, the honourable Soviet delegate yesterday indicated that he desired this Convention either to be accepted or rejected as a whole, and I think he went so far as to intimate that something of that sort must take place, and he indicated that we were not at liberty to take it to pieces and accept a part of it and reject other parts of it, but that it must be taken as a whole. Well, if that is the position which he takes up, it is contradictory to his own words, because, if the Commission will turn to the front page of this draft Convention, it will find there, over the signature of M. Litvinoff himself : “ The documents mentioned ”—that is to say, this document, the draft Convention and the Explanatory Memorandum—“ The documents mentioned are intended to serve as a basis for the discussion of the proposal of the Union of Socialist Soviet Republics ”. Therefore, when this Convention was put in our hands, it was with the most direct notice by its author, or at all events by the gentleman who is responsible for it before us, that it was only intended for a basis of discussion, and with that notice I submit it is perfectly impossible to maintain now the position that we are not to discuss it, that we must accept it or leave it, and I repeat that, in my humble judgment, it is very necessary that we should neither accept it nor reject it but submit it to careful examination.

I have another point to refer to with regard to the spirit in which these proposals come before us. I think the point I had in mind was alluded to at least by the honourable French delegate, and I think also by the Italian delegate. Admittedly our objective is to establish, if we can, the peace of the world on a sure basis, and I assume that the desire of the Soviet Government is also to establish peace. But, Mr. President, what kind of peace ?

There are two kinds of war and where there are two kinds of war there are two kinds of peace. The two kinds of war are, of course, international war and civil war, and, of these, civil war is the more horrible. It is a fair question to ask, I think, whether the Soviet Government set their face against civil war as resolutely as against international war. I refer to civil war not only in their own country—with which we are perhaps not concerned—but in other countries. That is a perfectly fair and legitimate question to ask because—I am only speaking of things that are notorious to the world—for years past the whole basis of the world policy of the Soviet Government, as expressed both by their leading men and by their Government-owned newspapers, has been to produce, by some means or other, armed insurrection—which amounts to civil war—in every country where they can exercise any influence. If that is so, therefore, I think, before we proceed much further, some assurance should be given us by the Soviet representative that in that respect there is to be a complete change of policy. We ought to be told whether the Soviet Government have now decided, in contrast with their recent policy, no longer to interfere in the affairs of other nations and to leave to all other nations complete liberty to maintain and develop their own institutions in any way they like. Unless they are prepared to give us some such assurance as that, we are faced with the unpleasant fact that they themselves and their policy will be, as they have been recently, the largest obstacle to the carrying out of any such far-reaching proposals as they themselves have now put before us. I submit that is a very important point for the Commission to decide.

There is another point which is rather different from but still cognate to it. There are some nations, of whom my own country is one, which are in different parts of the world in close relations and contact with peoples which are not on the highest level of social organisation and who, as we have experienced, are sometimes very troublesome neighbours. Now, these people are not Members of the League of Nations ; they are not amenable to any influence by the League of Nations ; they will not under any circumstances be contracting parties to the Soviet draft Convention or any similar agreement, and, as I say, they are sometimes troublesome neighbours and might at any time, in the complete absence of any sort of armament,

be a danger to the good order and the lives of the people in adjoining countries which are either under the sovereignty of Great Britain or for which Great Britain is responsible as Mandatory under the League of Nations. There are other nations represented in this room which have similar responsibilities. I think they will agree with me that it requires the most careful consideration whether even the most enthusiastic and ardent lovers of disarmament would be doing right in depriving themselves of any sort of control over those other peoples to which I have referred.

Now, there is a general proposition contained in this Draft which is very often assumed to be true, and which has very far-reaching importance in relation to these proposals, to which I should like to call the attention of the Commission. I find in the Preamble of the Russian Draft the statement: the signatories to this Draft "solemnly acknowledge that the only true method which can contribute to the safeguarding of peace is the general and complete abolition of all armed forces". If that means—I am not quite certain that it does necessarily mean it—that the complete abolition of all armed forces would make war impossible, then I think it is a proposition which is very open to criticism. One of the two delegates who spoke before me—I do not remember at this moment which—very pertinently draw attention to what I believe would be the natural consequence of accepting that proposition. If we were to-morrow to abolish all the implements of war in the world and to disband all the trained forces, both on land and sea, as is proposed by these articles, one result would certainly be to give supreme power to those nations which could most quickly improvise armed forces and manufacture implements of war. The result of that would, of course, be that other States, and especially small States which were the neighbours of larger Powers with great industrial capacity, would more than ever before be at the complete mercy of those States which had the resources which they themselves lacked.

The Soviet delegate, as he must be, is evidently aware of this particular objection which can be raised, and in his Draft he attempts to deal with it by Articles 30 to 36. I think it is very doubtful whether those articles would really be effective for the purpose for which they are designed and do anything to remove the danger that might be caused to other States by the assumption that the mere absence of arms would make war impossible; but at any rate I call attention to that as a further reason for maintaining that we must give all these articles the most careful consideration.

A similar observation applies to those parts of the proposal which deal with local police, and which are contained in Chapter III under the heading of "Organisation of Protection". I am not quite sure I fully understand how paragraph 2 of Article 38 would work out in practice. I understand from that paragraph that the strength of local police to be permitted should bear a ratio to the population of the country concerned. That, of course, is reasonable enough, and I do not raise any objection to it, but I do not quite see why it should be also related necessarily to the length of the means of communication. In a rough-and-ready way I do realise that, but if it is to bear any fixed proportion to the length of means of communication, I think it is open to the greatest objection, and I do not at all understand the meaning of the words that the local police shall be related also to the "existence of objects which are deemed by the State to require protection". I do not know what sort of objects the draftsman had in view when he spoke of these "objects which are deemed by the State to require protection". These clauses may be open, probably are open, to a perfectly reasonable explanation, but—and that is another reason for examining them—we cannot pass over and accept offhand articles like this which require not only examination but explanation as to the real meaning that underlies them. But what is clear, at all events, in these articles dealing with local police is this, that while, after four years, no armed forces of any sort or kind are to be allowed for national defence, yet local police, armed with rifles, are to be allowed in a strength in some way related to and dependent upon the length of communications in the country. How would that work out? There are very long communications from the Polish frontier to the Bering Sea! The result would be that a country of enormous area like Russia, while nominally abolishing all armed forces, would, under the title of local police, be in command of a very powerful army, whereas her neighbours of very much smaller area and very much smaller population would be dependent upon quite a small force really proportioned only to internal matters. In my country we have no local police armed with firearms at all. These articles lay down that all the local police are to be armed with modern weapons. In my country there is no local police which has any sort of arms more lethal or more serious than a truncheon, and there is no local police force which is either recruited by or under the control of the Government at all. We do not want it. Our police force is quite sufficient for the duties it has to perform, and we have no need for an armed police force at all. Is it not rather anomalous that no account at all is taken of national conditions of that sort? I have not enough knowledge whether similar conditions obtain in any other country, but I would suggest that, if the local police is really desired only for the necessity of repressing crime and maintaining order, the Soviet delegate should consider an amendment to his proposals by which those in his own country and elsewhere who accept these articles would give up the idea of a local police with firearms in their hand, and accept instead the model of the British police! In a similar connection, may I call the attention of the Commission to Article 15? There we are told that revolvers as well as sporting guns are to be permitted under licence, and that the revolvers are intended for personal defence. Is not that rather a curious provision for a civilised country in the twentieth century? Bear in mind that there are to be no means of national defence. That would be a most sinful thing! That would be incompatible with the great ideal which is the principle underlying these proposals—no sort of defence of your country, but carry your revolver to protect your own life! Therefore it appears that even the local police, armed with rifles, are not sufficient to give protection to the citizen. I submit

that, whereas a provision of that sort may possibly be required in parts of the world where human life is not very adequately protected, it is wholly unnecessary in countries like those with which I am most familiar, where the citizen does not go about his daily work in constant fear of his life. I think that in these days it is the duty of the State to protect the life of the citizen, and I must say I am surprised—among other causes of surprise—that from the Soviet Government should come this provision of exaggerated individualism in which the defence of the private citizen, elsewhere committed to the State, should be placed in his own hands, and that he should be armed with revolvers at the very moment when all other sorts of armament are to be abolished.

There are many features, as I have endeavoured to point out, in these proposals which appear to me to be quite unsuitable for highly civilised countries; but the particular point I want to make in connection with them is that, whether they are desirable or not, they are not in any essential connection with a scheme of disarmament. You may have disarmament without having any of these clauses to which I have referred, and there are many alternative ways in which the same objects might be subserved; but there are some of these articles which are not merely objectionable on those grounds as being unsuitable for civilised countries, there are some of them which could not be accepted by any Government of a constitutional country. If you search through these articles you will find several places, among others Article 3 and Article 9, which provide that within a single year a certain whole category of legislation is to be repealed. No representative of a Government which has a parliamentary system can pledge a Parliament to repeal a quantity of Acts in advance. It is quite certain that, if any such proposal were made in Great Britain, Parliament would resent it extremely. I am sure the same is true of any country under a constitutional system. You would probably find it highly resented by the representatives of the people that they had been pledged in advance in matters of this sort by the executive Government. Take, for instance, Article 10. Article 10, which has already been referred to, appears to me one of the most astonishing proposals that has ever been put before an assembly of this sort. Let me refer to its terms. "Immediately after the entry into force of the present Convention, the following shall be prohibited by law." There again, I say that no member of the executive Government can give a pledge that anything shall be prohibited by law. Legal enactments in my country and in many others are the prerogative of a free Parliament; it would be idle to expect any of us to put our signature to proposals of this sort in which we declare that within a year we will make a number of prohibitions. Speaking for my own country alone, there is no liberty which the Parliament of Great Britain more tenaciously maintains than the freedom of the Press and the freedom of study of all sorts, and in this Article 10 we are actually asked to declare that, immediately after the entry into force of the Convention, we are to have prohibited by law scientific research and theoretical treatises. There is no definition of what sort of theoretical treatises or what branch of scientific research, and until that is explained we must presume that it covers scientific research of practically all kinds. But not only that—there is to be prohibited by law works on military history. What would that mean? It would mean that it would be an offence against law to publish a new translation of Cæsar's *Gallic War* or of Xenophon's *Anabasis*. It would be an offence against law and you would be liable to prosecution and penalty if you were to write and publish a new life of Frederick the Great or of Napoleon. It is all very well for the Commission to laugh, but I think it is a very serious matter. We have these proposals before us, as M. Litvinoff has told us, to accept or reject. There is no liberty to examine them, no liberty to take out that proposal dealing with military history and to maintain some other part of the Draft. It appears to me that we are bound to subject all these matters to the closest scrutiny, and I think that scrutiny should in the first place be by the Preparatory Commission in some form or other; I do not say by the whole Commission—it might be referred to some smaller body, but, at all events, the Preparatory Commission must make itself responsible for a close scrutiny of these proposals, and when it has done so I think it will be very necessary that the Governments which we represent should also be given an opportunity of expressing an opinion in detail, accepting some articles and rejecting others if they think fit.

Now, as a representative of a naval Power, I, of course, scrutinise particularly the articles dealing with naval armaments. I am not prepared summarily to reject them; some of them, I think, could obviously not be accepted in their present form, and to the full extent of the Russian proposals, but, without going so far as that, it is quite possible that these articles may be found to contain some valuable suggestions. For example, the British Government has already announced that it is quite prepared, in agreement with other Powers, to agree to the total abolition of submarines. That is one of the proposals in the Soviet Draft. We have declared already that we are quite prepared for that, and I think it is quite likely—though I cannot say definitely—that my Government might agree also to the total abolition of some of the categories of war material which are appended to Article 11.

It is surely very unfair, when the honourable delegate for the Soviet Republic comes here and speaks in the very scornful way that he has done of the work hitherto accomplished by the League, to leave out of account altogether the very considerable progress that has been made. I could not help asking myself, when I listened to his words yesterday, whether he has ever heard of the Agreement that was arrived at Washington very shortly after the war. I shall be borne out by representatives of other Powers which took part in that Conference that very considerable progress was made, falling short, of course, of what is now proposed by the Soviet Republics but still, as compared with previous conditions, gratifying progress in the direction of naval disarmament, and even more recently my Government has let it be known that they are quite prepared to carry the Agreement there come to a little further. The enormous ships of modern times known as "capital ships" were at Washington agreed to be

limited, or, at any rate, it was agreed to prevent a further growth of these enormous vessels. The British Government have said that they are quite prepared—in agreement, of course, and only in agreement with the other signatories of the Washington Conference—to take a further step in the direction of reducing the size of these enormously costly and powerful vessels, and also to increase the period which must elapse before they are replaced by new ships, and we are willing to do that at any time when the naval Powers concerned think that the time is opportune for some such move as that.

All those things may not be very rapid progress; it may very well be that ardent enthusiasts may get impatient because we do not go quicker and do more, but what we have already done and what we have intimated our willingness to do does represent—as I think, at any rate—a very important advance along the road to disarmament. The articles in this Draft under the heading “Protection at Sea” certainly have the merit of both originality and imagination, but to determine whether they are suitable for the purpose for which they are designed requires more technical knowledge than I have. The professed object of the maritime police mentioned in Article 40 is to deal with pirates and slave-traders on the high seas. I am speaking now from advice that has been given me on these proposals by competent naval officers. I am told that for that purpose, the very purpose for which they are designed—dealing with pirates and slave-traders—the police vessels must be capable (it is common sense to see that it must be so) of overhauling any vessel that can take the sea, and they must carry sufficient armament to force any such vessel to bring to if required. The naval advice I have received is to the effect that the type of vessel specified in Article 43 would be entirely unsuitable for this work, that it is impossible to build a vessel of the necessary sea-keeping qualities for work on the open ocean in all weathers within the tonnage limits laid down. If that is so—I only give that on advice which has been given to me—clearly that is a point which the Soviet delegate himself would desire to amend. It cannot be that he wants the clauses he has got in his Draft to nullify the intention which he has with regard to protection at sea. The same criticism applies still more obviously, I think, to Article 44, vessels intended for Customs supervision. I think the draftsman of this clause appears to be under the impression that territorial waters are always smooth waters, which is very far from being the case. It is difficult to understand why any officers and men who are to be employed on Customs duty should be condemned to take the sea in little boats of 100 tons without any armament capable of arresting high-speed vessels engaged in smuggling.

I apologise to the Commission for the length of the draft that I have made upon their patience, and I can only, by way of reparation, assure them that I shall not occupy their attention much longer, but there are one or two more salient features of this draft Convention which I think it is necessary to keep in view. The Commission will have observed that there are a great many clauses in which the actual operation of the clause is deferred until we can arrive at a special convention. A very large portion of the actual operation of this draft Convention depends upon the arrival at an agreement with regard to the special conventions, and I think those who scrutinise them—and there are no fewer than eight enumerated in one of the articles—will see that it will be impossible to arrive at any ultimate decision upon the Convention as a whole until those special conventions are either finally agreed upon or, at all events, until much more detailed information has been given to us as to what is the intention of the Draft with regard to them. Another very significant feature in these proposals, as the Commission will have observed, is that no sort of sanction, no real sanction, is suggested for ensuring compliance with any part of this Convention in case of its being violated by any contracting party. Article 60 is significant in this connection. That article evidently contemplates that there may be a direct breach of this Convention. I do not know exactly what is the distinction between a direct and an indirect breach, but I will not lay stress upon that point, because no doubt we might have an explanation as to what a direct breach is. In any case, what is interesting to observe is how it is proposed to deal with these direct breaches. We are told in that article that representatives of the contracting States shall be summoned as expeditiously as possible by the Permanent International Commission of Control, but we are not told to where the contracting States are to be summoned, and, having regard to the studied avoidance of any use of the machinery of the League, it is a matter of great interest and importance to us to be told to what part of the world—whether to one of the capitals in one of the States in the five continents, as we have already brought it in in another connection—the representatives are to be summoned. I can see no reason why it should not be specified, though we may take it for granted that, wherever may be chosen for this purpose, it will certainly not be Geneva. Then, what is to happen when these representatives have been called together to some unknown place? What is their duty with regard to the direct breach? We are told that it is to decide upon the steps to be taken. Well, that in itself is tolerably wide and vague, and lends itself to a great number of interpretations. Whether the particular clause will be acceptable or not might very well depend upon what is meant by the steps that are to be taken. There is only one particular given, and that of a negative character. We are told that the steps to be taken are to exercise pressure but must not be of a military character. I think it would have added very much to the clarity of the article if at least some suggestion had been made as to how it is possible to exercise pressure and how States are to exercise pressure of a non-military character upon a State which, *ex hypothesi*, has committed a direct breach of agreement to which its signature has been attached.

I hope that the criticism of these proposals which I have ventured to address to the Commission will justify what I set out by saying, that it is very necessary to give them examination. The criticism is, of course, very far from being exhaustive, but it has, I hope, been sufficient to show how numerous and complex are the questions which might very well be raised without in any way touching the principle of complete disarmament.

I wish now to say a word about the second question which I mentioned at the outset of my observations. The Commission may remember that I said the first question was whether these articles should be examined in detail. If that question is answered in the affirmative, the second question is: How should that examination be conducted? We must not lose sight of the fact that up to the present our work has been based upon two Drafts, which we have endeavoured by a synoptic text to bring into co-ordination with a view to arriving at an agreed Convention. The next item on the agenda of the Commission is to proceed with the discussion of the second reading of these Drafts. It appears to me to be absolutely essential that, if we are to examine these Soviet proposals, as I suggest we should, there are two points we must keep in view. The first is to decide whether they can conveniently be brought within the framework of these two draft Conventions and discussed in relation to them, or whether it may not be necessary to discard those Conventions and take up this Draft as an entirely fresh and independent mode of approach to our work. I am sure that we should all feel very great regret if it were necessary to come to that decision—we should feel that a great deal of time had been spent not, I think, entirely without profit and without hope of result—and that we should now entirely cast it aside. The second point, the necessity of which I tried at an earlier stage to make clear, is whether these proposals of the Soviet Government can be harmonised with the League of Nations and with the terms of the Covenant, because it is quite clear, as I have already pointed out, that, unless they can be harmonised with the Covenant of the League of Nations, it is beyond our competence, whatever our wish may be, to deal with them.

Lastly, I would say that must also, as I have already intimated, be submitted, before a final decision is taken, to the Governments which we represent. The honourable delegate of the Soviet Government yesterday appeared to think that ample time had been given to this Commission to examine these extremely complicated proposals and to arrive at a final decision. Well, they only bear date about a month ago, February 15th; I never saw them until after I had arrived at Geneva for the purpose of taking part in the Committee on Arbitration and Security, and I think there are probably other delegates in exactly the same position. I therefore have had no opportunity up to the present, no possibility, of consulting my Government as to their view of this Convention, and the Government of Great Britain have therefore had no opportunity, as is very essential, of taking the opinion of the various technical departments upon them, and I cannot understand the view that a month is ample for deciding a matter of this great difficulty and complexity. After all, let us realise that the proposals before us are a sudden attempt to realise an ideal that has long been before the world, making most far-reaching proposals affecting every department of the Government of every State, and I certainly should not have thought a few months, even six months, would have been an excessive time to give Governments and their representatives for examining so complex a problem. I therefore dissent altogether from the idea that we can here and now at this session give a decisive answer one way or the other to this draft Convention. I repeat that, so far as I am concerned—and I think my Government will take the same view, though I have not been able to consult them—my view certainly is that these proposals should be given the most serious and careful examination, without which it is utterly unreasonable to expect any body of business men, representatives of a number of different States, to arrive at a decision either for rejection or for acceptance.

Mr. President, I should not be candid with the Commission if I professed to be sanguine that any large proportion of this draft Convention would be found, when fully examined, to lie within the boundaries of practicable policy. But I can say with complete sincerity that I very much wish that the opposite were the truth. The planet upon which these Russian proposals could be put into practical operation would be a better and a happier world than that which we at present inhabit. I have already said that, almost from the dawn of history, mankind has held before its eyes the ideal future when swords would be beaten into ploughshares, when disarmament would be complete and when war would be no more. But through the long centuries until our own time no man has ever attempted in any real and practical way to bring that ideal nearer to reality, and we may be thankful that upon us it has fallen to take the first step forward towards that ideal. To some it may appear that that step is feeble and hesitating. For myself, I think the very fact of this generation for the first time making practical proposals of any sort, or even taking them into consideration, is an immense progress towards that ideal. But, Mr. President, progress is the work of evolution, and evolution is slow. I see no ground for pessimism; I see no ground for regarding our discussion on this question as contemptible futilities; I believe we have made great progress; but do not let us make the mistake of imagining that we can reach the goal more quickly or more easily or more effectively by taking wild leaps at intervening obstacles instead of setting to work with perseverance and patience to level them into a practical road before our feet.

M. SATO (Japan). — I should be failing in courtesy, both in my personal capacity and as representing the Japanese delegation, if I did not ask to be allowed to make some observations in regard to the draft Disarmament Convention submitted to us by the Soviet delegation.

Without going into a detailed examination of that Draft, I should like to point out that the principle upon which it is based is the idea that general and complete disarmament would necessarily confer absolute security. That conception is contrary to the conception which the Japanese delegation has hitherto maintained. We have always considered that it is first of all necessary to have a certain measure of security, and that you can then proceed, simultaneously if you like (I am willing to go as far as that), to a reduction of armaments, which must, however, go hand-in-hand with the increase of security. We have taken that point of view because that is the basis upon which the Covenant itself has placed the question. You will remember that the first paragraph of Article 8 of the Covenant lays down that:

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

That paragraph therefore recognises the justification of a minimum degree of armaments necessary to ensure the safety of any State Member of the League of Nations.

In this connection, I should like to offer a personal illustration in order to explain my own conception of security. I do not carry arms for my own defence, whether at Geneva, which I have visited on so many occasions during the past two years, or in Paris, where I enjoy the hospitality of the French Government. I have never felt any need to carry a weapon, for the simple reason that I have never been molested, and I feel the greatest confidence in the security which is provided for me by the excellent national police service. Three years ago it was my lot to visit Moscow, where I had the honour of being the first representative of my Government after the resumption of diplomatic relations between the Union of Socialist Soviet Republics and Japan. My mission was a very brief one, as I was soon afterwards replaced by an Ambassador, but during my stay in Moscow I again felt no need to carry any weapon for my personal defence. I was not aware at that time that Article 15 of the draft Convention submitted by the Soviet delegation, the importance of which has just been emphasised by Lord Cushendun, would one day see the light, but even had I known of the existence of that article, which authorises individuals to carry a revolver for their personal defence, I should not have carried arms, because I felt just as safe in Moscow as I have done in Paris, Geneva or other European countries. But that was not the case with all my friends. I have known people who considered that it was inadvisable for them to move without weapons for their defence; in spite of the excellent order which was maintained in those towns, they did not get the sense of security. On the other hand, I myself, if I were to go to some tropical country overrun with wild beasts, should feel it necessary to carry a weapon, possibly a rifle.

I think this illustration shows that security is really subjective, and also shows the relation which exists between the sense of security and the question of disarmament. It is not sufficient to tell a person that he has no cause for fear. He must feel convinced that he is safe before he agrees to part with his weapon. It is not the throwing away of his weapons that will endow him with a sense of security. That is more likely to have the opposite effect. It is the fact of feeling secure that will induce him to lay down his arms.

That, in my view, applies just as much to States in their international relations as to individuals, and it is the opinion of my Government with regard to the interdependence of security and disarmament. I now pass on to another point.

I would draw your attention to the fact that the Covenant does not require absolute disarmament, but refers to a reduction or limitation of armaments. The fourth paragraph of Article 8 says:

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

That confirms the view that the Covenant has authorised the maintenance of a minimum degree of armaments, which countries shall undertake not to exceed, and that was also the view taken by the sixth session of the Assembly (1925), in its resolution of September 25th, which created the Preparatory Commission for the Disarmament Conference. According to that resolution, the work of the Preparatory Commission was to be the study of plans for a conference with a view to the reduction and limitation of armaments, this Conference to be convened when satisfactory conditions of general security had been established. The Preparatory Commission itself made a declaration in the same sense, stating that the work entrusted to it by the Council would have to be undertaken from the point of view of enabling every Government to make clear and quantitative proposals as to the extent to which it would be prepared to disarm, basing those proposals on the degree of security prevailing at the time the Conference was convened.

Those texts appear to me to lay down very definitely the limits of the competence of our Commission, and I think that is a very important point. If we are to have a discussion on a draft Convention which modifies to a very appreciable extent the terms of reference to the Preparatory Commission, I fear we should be transporting the discussion on to a new basis, and that we should be going outside our terms of reference. That is why I think we are faced with a very difficult and delicate question, both from the legal and from the practical point of view.

Taking first the legal point of view, I maintain that it is not for us to modify the limits of our competence as established by our terms of reference. To do that we should have to get the authorisation both of the Assembly and the Council. Moreover, the draft Convention now before us contemplates complete and total disarmament, which is not provided for in the Covenant. Therefore, if we were to adopt the standpoint of the Soviet delegation, it would be necessary, in the first place, to modify the Covenant.

As regards the practical point of view, any detailed discussion of the draft Convention submitted by the Union of Socialist Soviet Republics appears to me to involve the necessity of making a fresh start and doing all the work already undertaken by the League in connection with the reduction of armaments over again. I admit that this might, as an extreme case, be justified, but I confess to having grave doubts as to its advisability in the present case, and I remind you of what was said on this subject by M. Paul-Boncour and by M. Benes at our last session. At the meeting of November 30th, 1927, M. Paul-Boncour declared that the Soviet proposals “represented a conception of disarmament which the League of Nations had renounced on the very day it was founded”, and M. Benes spoke in the same sense.

For those reasons, I have grave doubts as to the expediency of submitting the proposals of the Soviet delegation to the Assembly, which long ago refused to accept such a conception of disarmament.

In conclusion, I desire to add that the States Members of the League of Nations, including my own country, have subscribed to the provisions of the Covenant, which imposes certain obligations and confers certain rights. It also lays down certain lines of conduct and certain methods of procedure from which the Member States cannot deviate. From that point of view, the Union of Socialist Soviet Republics is not in the same situation as States which are Members of the League, because Russia has not signed the Covenant. It is quite comprehensible, therefore, that the Soviet delegation should feel at liberty to draft a Convention which is not in harmony with the Covenant and perhaps to carry out disarmament by methods which differ from those which Members of the League have been attempting to carry out in the past.

While I am quite prepared to recognise that the attitude of the Soviet delegation is explained by the special situation of the Union of Socialist Soviet Republics in regard to the rights and obligations arising out of the Covenant, I trust that that delegation will realise the special obligations and duties of States Members of the League of Nations.

If the point of view of the Soviet Government is not identical with that of the Members of the League at the present moment, I nevertheless cherish the hope that our co-operation will continue, so as to enable us one day to reach results which may be acceptable for all of us. The freedom of the situation which the Union of Socialist Soviet Republics enjoys in regard to the League of Nations allows it to make proposals which may prove to be a very useful contribution to our work, and I express the fervent hope that the Soviet delegation will continue its co-operation with the League and endeavour, with us, to smooth away the difficulties and to find some common ground for agreement.

Dr. RIDDELL (Canada). — Mr. President,—I am sure the Commission is greatly indebted to the honourable representative of the British Empire for his masterly analysis and criticism of the draft Convention submitted by the Union of Socialist Soviet Republics, as well as to the honourable representative of Japan for his further amplification of this analysis. Their timely remarks, I believe, have shown how extremely necessary it is that we should make an exhaustive study of these proposals. The Canadian delegation has followed the present discussion with keen and sympathetic interest and agrees that the proposals of the Soviet delegation should be given full and careful consideration, which implies their careful and exhaustive study by the Government which we have the honour to represent. We cannot, therefore, quite understand how it could be expected that we should be prepared to discuss intricate and comprehensive proposals which have been circulated so recently as February 21st. The Canadian Government has not had time to examine them with that thoroughness demanded by their far-reaching importance, still less to transmit any instructions to its representative here. It will be evident, therefore, to the Commission that, however much we might desire it otherwise, it would be exceedingly difficult for us to consider these proposals at the present moment.

The meeting rose at 7.30 p.m.

FIFTH MEETING (PUBLIC).

Held on Wednesday, March 21st, 1928, at 10.30 a.m.

President : M. LOUDON (Netherlands).

*10. General Discussion of the Draft Convention of Immediate, Complete and General Disarmament submitted by the Delegation of the Union of Socialist Soviet Republics (Annex 2) (continued).

M. RUTGERS (Netherlands). — When studying the draft Convention submitted by the delegation of the Union of Socialist Soviet Republics, I asked myself, as we all do when a proposal is submitted to us, how far I could agree with it. As regards the principle underlying this proposal, viz., total disarmament, I reached a conclusion not far removed from that of Lord Cushendun. When I try to conceive to myself an ideal human society and to conjure up the picture of that perfect human community, I see no armaments, no aggression, no defence, no police, no crimes and no correctional courts. Like Lord Cushendun, I believe that this is an ideal shared by the whole human race, whether we expect it to be realised through evolution leading to the gradual improvement of humanity, or whether we base our hopes upon divine promises which speak of a new heaven and a new earth where justice shall reign supreme. Total disarmament is one of the essential features of an ideal. So far, I am in agreement with the proposal before us, but when it comes to the realisation of this ideal I must part company with the authors of this proposal. We cannot expect it to-day from the men, nations and Governments making up the human community, whose imperfections, errors, mistakes, cupidities and rivalries, not to mention their hatreds, recur on every page of history and are experienced daily. The moment has not arrived when countries can lay down the arms they carry in the defence of justice. While there are many people in all countries with good intentions but blind to realities who applaud the proposals we are discussing, Governments have other responsibilities and cannot allow themselves to be deceived by a mirage.

Unless I am mistaken, two arguments are adduced in favour of total disarmament.

The first seeks to show that the armaments race contributes more than anything else towards increasing distrust between States, which is the real cause of wars. If armaments are removed, this distrust will disappear and with it wars also.

According to the second argument, the removal of armaments will make war a material impossibility and will thus solve the problem of general security and peace.

For the moment I will content myself with examining these two arguments, and I must apologise in advance for referring to elementary matters, but there are occasions when it is necessary to repeat elementary truths.

I will leave on one side the questions of detail, however important they may be—such, for example, as the practical value of a draft Convention which, according to its Article 61, will only enter into force “as from its ratification by all the States”, including neighbouring and sometimes turbulent States, of which Lord Cushendun spoke. I will say no more upon the question whether it is desirable to conclude a Convention containing no indication of its duration or possibilities of denouncing it—in other words, a Convention which is intended to be everlasting.

I will therefore revert to the two arguments adduced in favour of the principle of total disarmament. I think we are all agreed in admitting that the armaments race greatly contributes to the distrust existing between States, but the argument that armaments are the sole cause of this distrust and that it will disappear with the removal of armaments seems to me to belong to the realm of fancy, a realm which we all delight to visit from time to time, but which is not entitled to permanent representation on our Commission. The danger of the armaments race is a very real one and it is recognised by the Covenant of the League. The Netherlands Government is fully alive to it, as its delegation on our Commission has proved. We have given our support to a large number of proposals which aim at putting a check upon this disastrous race. I will not mention them individually. Moreover, the military policy of the Netherlands Government has also given proof of these intentions. Our Government, far from taking part in the armaments race, has carried out a limitation of armaments on a scale which very few countries have equalled.

The race for armaments is not the only cause of armed conflicts. The question before us is not as simple as that. A number of other causes may provoke armed conflicts and are all reasons why Governments must take measures for their defence. The Covenant of the League of Nations recognises this in Article 8, which lays down that:

“The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national security and the enforcement by common action of international obligations.”

Thus the Covenant recognises requirements of national security which make total disarmament impossible. The apparent contradiction in this article recurs on numerous occasions and it consists in the fact that, in the same article and in the very same paragraph, armaments are regarded, on the one hand, as being dangerous and requiring to be limited, and that, on the other hand, they cannot be reduced below a certain minimum and have their value. They are recognised as both dangerous and useful, both bad and good. It is this tragic paradox which has so far led to the failure of so many attempts. We find this same apparent contradiction in the Treaty of Versailles, which, while disarming Germany, left her an army intended exclusively for the maintenance of order in the country and for the policing of frontiers.

The same apparent contradiction occurs in the Russian Draft itself, which, when proposing total disarmament, nevertheless leaves us guns and armed forces up to a number which is not mentioned. We shall have to revert to this point, but for the moment I will only point out that the Russian proposal arranges for the retaining of armaments which its authors think necessary.

This apparent contradiction is intelligible when we consider the various causes which may provoke armed conflicts and which are all reasons why Governments should maintain an armed force for the protection of law and order.

I will only deal very briefly with these causes, but I will ask you to note that, even after the adoption of the Russian proposals—supposing for the moment that they are adopted—these clauses will still exist and will even to some extent be aggravated. Apart from ordinary crimes, which do not require military arms, there are organised brigandage and piracy. The suppression of these scourges has in the past called for very large forces, and recent experience in many countries shows that both organised brigandage and piracy are still very real dangers. Any weakening of Governments involves the risk of encouraging the recrudescence of these evils.

Still more serious are the dangers of internal disorders, riot, insurrection and revolution. History furnishes us with examples on every page, but the menace to Governments is very much greater to-day because such movements are prepared more systematically and more scientifically. Then, again, they can be prepared beyond the frontiers of the country threatened. These preparations can be made with the permission and sometimes even with the co-operation of neighbouring or more distant States.

Again, there are the many sources of conflicts between States: different conceptions of right, misunderstandings, errors, cupidities. In the Committee on Arbitration and Security many of us have recently been studying methods which may lead to a pacific solution of disputes. The need of this examination is obvious, for disputes which are not solved by pacific means only too often result in a degree of tension which may even threaten war. I have not yet mentioned the case of a State breaking its word and committing an act of aggression against a neighbouring State with the object of seizing a part of its territory or for some other reason.

Need we add to the number of possible causes of armed conflicts? No doubt the Covenant of the League of Nations gives to States Members a considerable measure of security and there is no occasion to exaggerate the existing risks of war. We must be careful not to throw the world into a state of feverish alarm due to fear of the possible outbreak of wars. Everything must be done to increase mutual confidence between States, which is essential to moral disarmament and which may result in an important limitation and reduction of armaments, but in all this we must also reject the superficial, mistaken and dangerous argument that total disarmament will remove distrust and the danger of war.

I pointed out that the Russian proposal itself to some extent recognises the possible value of armaments. I would add that these proposals only contemplate armaments as a protection against internal dangers. It does not speak of external dangers. Why is it silent on this point? I think I am accurately interpreting the ideas of the authors of these proposals when I say that, in their opinion, there is no need to provide protection against external aggression because if these proposals were applied war would be materially impossible. We thus arrive at a second argument which has been adduced in favour of total disarmament. According to this argument, total disarmament will make war a material impossibility.

If disarmament were total in the strict sense of the term, nations would return to the prehistoric state in which they were when military history began and when the first conflict led to the use of an organised force.

The proposals before us, however, are far from contemplating so total a measure of disarmament. I have already alluded to the paragraph referring to protection. It is obvious that the necessary organisation for internal police would be all the more important, since this internal police force would be the only armed force in existence. We are therefore bound to enquire what these police forces might be if the idea of total disarmament were accepted. We have some indications of this in the Treaty of Versailles. That Treaty leaves to Germany an army intended exclusively for the maintenance of order in the country and for the policing of frontiers. This army includes 100,000 men armed with guns and machine-guns. I do not feel, however, that the experience of Germany has shown that this force for the maintenance of internal order is too large. I do not myself believe that it is. It should also be added that, side by side with this army of 100,000 men, there is the "Schutzpolizei", which contains 150,000 men armed with rifles and equipped with armoured cars. What importance would this police force have if the Russian proposal were accepted? As Lord Cushendun reminded us, this proposal contains no figures. All we have is some indication of the method by which effectives would be calculated. This indication too is very vague and, after mention of necessary elements, such as size of the population, length of communications, objects requiring to be protected, development of forestry, we find the words "et cetera". Now, these words may include anything. It may even be thought—and it would be difficult to deny the justification for this supposition—that these words mean that the force intended for the maintenance of internal order should vary inversely in size with the support which a Government will find among the population. Governments thus situated may require a larger police force than others, and those Governments whose position is more or less shaky—history supplies us with many examples—sometimes have recourse to war in order to find a way out of their internal difficulties.

Even if we confine ourselves to size of population, we must realise that, if a country of 5,000,000 inhabitants were to be left a police force of 20,000 men, a country with a population of 50,000,000 would have 200,000 men, and if a country of 5,000,000 inhabitants were left a force of 40,000 men—which does not seem excessive—50,000,000 inhabitants would require a force of 400,000 men. All these would be armed forces organised and disciplined.

The delegate of the Union of Socialist Soviet Republics allowed himself a few pleasantries with regard to what was said at our November session, namely, that war would still be possible with fists and penknives. But it would be no war of fists and penknives that would be waged by organised armed forces, numbering perhaps hundreds of thousands of men. These forces would be better armed than the barbarians who destroyed the Roman Empire; both in numbers and armaments, they would be superior to the armies of Charles XII and Gustavus Adolphus, to those of Frederick the Great and to Napoleon's armies at Waterloo. They would have behind them the whole of civil aviation. They could make use of explosives (for explosives are necessary not only for purposes of war but also in industry); they would have at their back the whole of that war potential so often mentioned in this Commission. Really total disarmament would place nations at the mercy of brigands, pirates, adventurers and revolutionaries. If we do not wish to plunge into chaos but, on the contrary, to maintain a defensive force, we must realise that, by resisting the dangers to which I refer, we thereby create an armed force which will without doubt make it possible to resort to war, and therefore the argument that the so-called total disarmament proposed to us will make war impossible is devoid of all foundation.

While the arguments adduced in favour of the Soviet proposals succumb to criticism, we must nevertheless take account of the consequences which would arise from their adoption.

I would add the following observations to what I have just said. One of the most obvious results of adopting these proposals would be to disturb the present balance of power. The Netherlands delegation is in no sense of the opinion that this balance is in itself worthy of admiration. The right of the strongest finds no mention in the Preamble of the Covenant,

which enumerates principles which must henceforth inspire the policy of States adhering to the noble idea of the League of Nations. At the same time, there is no denying that the world of to-day rests largely upon the existing balance of power, and this balance would be upset by the proposals now before us. States which to-day do not count among the strongest would suddenly become formidable Powers owing either to the size of the police force which they would be allowed to maintain, or to the resources of every kind at their disposal. Even though we do not admire the system—perhaps it would be better to say, the fact—of the balance of power, we are not necessarily led to the conclusion that it should be replaced by another equilibrium, or rather by a disequilibrium. The disturbance of the present balance would upset things as they are now: an element of stability would disappear and be replaced by forces threatening stability and peace. I am not defending the existing state of affairs, nor am I questioning it, but I am opposed to upsetting it while we have no assurance at all that its collapse will be followed by better conditions, or that its only result may not be to create a state of general uncertainty and instability.

The proposal was submitted to us as forming an organic whole. I cannot acknowledge this description as correct. An organic whole possesses all the organs necessary for life and growth. The proposal before us, on the other hand, is as incomplete as possible. It contains no pledge of non-aggression, no pledge for the mutual respect of frontiers and of the existing forms of government and Governments, nothing on the peaceful settlement of disputes. Perhaps a small observation is called for here. The third paragraph of Article 60 says: "All disputes between States shall be settled by the Permanent International Commission of Control". It may be said that this provides a complete system of compulsory arbitration; but I do not think I am misinterpreting this text in saying that it applies to the case mentioned in the first paragraph, *i.e.*, to a direct breach of the present Convention and to this case only. This being so, I think I am justified in saying that the proposal contains nothing on the peaceful settlement of disputes. It does not form an organic whole, but is rather a detached limb of an organic whole—one might say a truncated head. And what the honourable delegate of the Union of Socialist Soviet Republics said, after informing us that the proposal formed an organic whole, is, in my opinion, much more correct. He said that the whole proposal was permeated by a single idea. This is just what is wrong with it, because, if you set out from a single idea, you will not achieve satisfactory results, since in this world things are complicated.

The proposal before us tends to promote instability; it tends to provoke adventures and revolutions; it tends to place a premium on bad faith; it will not establish security; it will not ensure peace; it will not protect justice.

What, then, are we to do with this proposal? From what I have said, it will be understood that the Netherlands delegation will be unable to concur in the adoption of this proposal; and to the first question put to us by the delegate of the Union of Socialist Soviet Republics: Does the Commission agree to base its further labours on the principle of complete disarmament during the periods proposed by us? The Commission must, in my opinion, reply in the negative. Perhaps at the end of this discussion it will be possible to conclude with certainty that the proposal has not been adopted, and that it is no use discussing it at a second reading, which would only provide a repetition of the arguments already submitted.

I think that, before forming a definite opinion, we must all wait and hear what the delegation which submitted the proposal has to say. I should not be surprised if the Soviet delegation came to the conclusion that, after this first discussion, it was no use going on. This would not surprise me, in view of this delegation's severe criticism of the number of pages already filled by the discussions of the organs of the League on disarmament, and of the barrenness of these debates. We shall then be able to resume our work where we left it, and we shall be able to resume it with the co-operation promised us in advance by the Soviet delegation, for, at the meeting of November 30th last, this delegation said that, "whilst insisting upon the views just stated, the delegation of the Union of Socialist Soviet Republics is *nevertheless* [which seems to me to mean if its views are not shared] ready to participate in any and every discussion of the question of the limitation of armaments whenever practical measures really leading to disarmament are proposed."

In the draft Convention which we drew up last year, we endeavoured to embody measures of this kind in accordance with the meaning given to the word "disarmament" in our Commission's title, *viz.*, "the reduction and limitation of armaments".

For my part, I cannot entertain the proposal which we are discussing to-day.

M. HENNINGS (Sweden). — May I venture to explain in a few words my own views and those of my Government in regard to the scheme for immediate, complete and general disarmament submitted by the Soviet delegation?

In so doing, gentlemen, I feel it my duty to speak perfectly frankly, especially as I represent a small country whose policy for over a century has been so essentially pacific and whose armaments are so exclusively defensive in character that not a shadow of doubt can exist as to the sincerity of her desire to see these international efforts for the consolidation of peace, on a basis of justice to the exclusion of force, crowned with early and complete success.

In the first place, I should like to point out that, during the discussions which have taken place these last few years, both in this Commission and in the Committee on Arbitration and Security and in the different sessions of the Assembly of the League with its various Committees, the interdependence of disarmament and security has been found to occupy a foremost place.

Divergent opinions have, it is true, been expressed as regards the extent to which the solution of these two problems is and should be influenced by their interdependence.

Some have maintained that the present position as regards security is not sufficiently stable to admit of any measures of disarmament and that consequently the first step must be to strengthen the international system of security.

Others, including the Government which I have the honour to represent, have held that the first step in reducing the international standard of armaments and the national burdens resulting therefrom could be taken on the basis of existing security, which in its turn would thereby be strengthened and might be still further strengthened by the gradual development of the pacific settlement of international disputes.

Now, although there may be differences of opinion as regards the nature of the interdependence which exists between disarmament and security and the conclusions to be drawn from it, when we consider the practical steps for the solution of these problems everybody is agreed, so far as I have been able to ascertain, in recognising that this interdependence does exist. It seems, indeed, just as impossible to find any final solution for the problem of disarmament without at the same time taking into account the necessity for extending the system for the pacific settlement of international disputes as it is to arrive at a system of perfect security based upon principles of law and equity without taking into account the question of disarmament.

The scheme for complete disarmament submitted by the Government of the Union of Socialist Soviet Republics represents an attempt to solve the problem of disarmament immediately and outright, independently of the mass of difficult and delicate questions connected with the pacific settlement of international disputes and the general security of States. In seeking to understand how this idea should have been submitted here in the concrete form of a draft general Convention, we need only recall all the difficulties which have invariably arisen in the course of our work whenever we have attempted to take even the smallest step forward in the direction of the international reduction of armaments, with reference at the same time to the problems of law and security. This scheme may perhaps have the effect of speeding up the work of the Preparatory Commission, and in this way exercise a useful influence upon disarmament in general.

However this may be, I am bound to say that, in the opinion of my Government, as stated most clearly and specifically by the Swedish Minister for Foreign Affairs in a speech on March 13th before one of the Swedish Chambers, the Soviet scheme does not at the moment enter into the domain of practical politics.

I shall confine myself to a few general observations, without examining the scheme in detail.

The scheme is evidently based upon the conception that military armaments constitute the sole danger that threatens the peace of the world and international understanding. This conception, I fear, is not in accordance with realities. Certainly no one can deny that military armaments, if carried beyond a reasonable limit, imply a very formidable menace, and consequently the idea which appears to have inspired the authors of the Russian scheme contains a truth deserving of attention. But, on the other hand, it must not be forgotten that disarmament in itself is not sufficient to eliminate the causes and sources of international disputes. Even in a world completely disarmed, it is not only possible but, unfortunately, extremely probable that serious disputes may arise between the nations. In face of such a contingency, it seems only natural that States should not feel able to dispense with even the relative security afforded by the national means of defence adapted to the peculiar circumstances of each one of them until such time as they are absolutely certain that any disputes arising between them will be submitted to some form of objective and impartial judicial settlement and that the awards given by such a tribunal will in all cases be accepted and scrupulously observed by the opposing party. It is very important that every State should be perfectly sure that the opposing party, although it has signed the Convention for complete disarmament, will not decide in certain circumstances to take the defence of its interests into its own hands.

However great the importance we attach to disarmament as an element of peace, we always come back, as it were, to our starting-point, that is, to the conclusion that in the existing circumstances disarmament requires as an indispensable complement a perfect and infallible system for the pacific settlement of all international disputes. It is true that the authors of the Russian scheme considered that, in regard to this point, it is sufficient to rely upon the goodwill of the States. I am far from under-estimating the sincere desire of the Governments to maintain peace and to strengthen the good relations between the States, but I feel myself impelled to ask whether humanity has really arrived at such a state in the pacific settlement of international disputes that goodwill can replace an effective and perfected system of international jurisdiction.

But if I am right, and if the realisation of the Russian scheme in the present state of affairs seems hardly practicable, does it follow that we have come to a deadlock and that there is no way out? Is it absolutely impossible to move forward in the direction of a solution of these two problems which form such a vast and inextricable complex? In this connection,

I would venture to refer to the words spoken by M. Sandler, the representative of Sweden in the Third Committee of the last Assembly :

“ If there could be no disarmament without security and no security without disarmament, how was it possible to escape from the vicious circle ? In view of the complexity of the problem, it must be attacked from several sides at once, and, according to circumstances, the most practicable way must be followed in the conviction that each step forward in one direction would facilitate progress in another direction, and the most certain way of putting this idea into action was to take, in the first place, a firm, though perhaps modest, step forward along the path of disarmament.”

This, gentlemen, is the gradual parallel scheme of advance with a view to the solution of the problems of security and disarmament which I would once more recommend on behalf of my Government, while stressing the fact that one of the essential conditions to enable us to take such a step is that the principal military and naval Powers, whose divergence of view in regard to certain questions of primary importance necessitated the adjournment of our work in April last, should consent to those mutual concessions without which any agreement in regard to disarmament appears quite impossible.

Needless to say, I confidently hope that in the work which awaits us we can rely on the collaboration and the assistance of the Soviet delegation.

The Hon. Hugh GIBSON (United States of America). — Mr. President,—A considerable number of delegates have already stated their views regarding the proposals now before us and have treated the subject more or less exhaustively. I do not propose to deal with the matter at length, but feel that it may be desirable for me to make a brief statement as to the views of the American delegation.

To begin with, I should like to touch upon one remark that was made in the course of the debate on Monday afternoon, to the effect that, in the opinion of one of the delegations, sincerity, consistency and logic should impel the country which had proposed a multilateral pact against war to support the proposals now before us for immediate and complete disarmament. Mr. President, I do not feel warranted in taking up the time of this Commission with a lengthy statement on this point. However, in order that there may be no possible room for misunderstanding, I venture to trespass on your time to the extent of saying that it is precisely on grounds of sincerity, consistency and logic that my Government supports the idea of a multilateral pact renouncing war as an instrument of national policy, and at the same time finds itself unable to support drastic proposals for immediate and complete disarmament which we do not believe are calculated to achieve their avowed purpose. Any other attitude on the part of my Government, Mr. President, would be lacking in sincerity, consistency and logic, for my Government believes in the one project and disbelieves in the other. We believe that the idea behind the proposal of a pact for renouncing war can be made effective as an articulate expression of an almost universal will for peace. We believe that such an expression is more effective at this time than any scheme, however drastic, for doing away with weapons. We have always stated our conviction that, as we build up the will for peace and confidence in peaceful methods for settling international disputes, through regional agreements or otherwise, our need for armaments will automatically decrease. We have never believed that the converse was true and that the suppression of armaments would alone and by itself have the effect of creating that confidence which is essential to the successful conclusion of our task.

To turn now to the aspect of the problem which is more immediately before us, we have been told that one compelling reason for adopting the project for complete disarmament is that public opinion throughout the world is impatient of less drastic measures and insists upon immediate and comprehensive action. I submit, Mr. President, that if public opinion were as clamorous as we have been told for action upon drastic schemes such as the one now before us, it is inconceivable that this should not have become apparent to us and to our Governments. It is to be remembered that in most countries the expression of public opinion is free and unfettered, that Governments are responsive to the will of the people, and if the people were convinced of the effectiveness of such drastic schemes there is no doubt that they would make their wishes so clearly and unmistakably known that no Government could ignore those wishes and survive. In the course of the debate, a number of my colleagues have expressed the belief that we need more time for a careful analysis and consideration of the proposals now before the Commission. Inasmuch as the draft Convention was placed in our hands only about a month ago, I venture to point out in this connection that the essentials of the present scheme, of which the Convention is merely an elaboration, were placed before the Commission at its November session, and that we and our respective Governments have therefore had more than three months in which to consider them. To my mind, however, this is neither here nor there. So far as I can recollect, it has never been the practice of our Commission to assign committees to study proposals or to refer them back to Governments for examination if, in the first general discussion, it became evident that they were not acceptable in principle. I see no reason in the present instance for deviation from this sound and time-saving practice. For our present purposes, it would seem sufficient to point out that the proposals are not only a radical departure from the work we have been engaged on so far, but are totally irreconcilable with the Draft which is the basis of our discussion. We are engaged upon a study of how to effect a limitation and reduction of armaments by agreement.

We are now asked to scrap this work, which is the result of several years of negotiation, and to accept in its place the total and immediate abolition of armaments. I will confess that the American delegation is unable to see how the two can possibly be reconciled and discussed simultaneously. The question before us is whether we shall continue with the task entrusted to us according to the method approved by our various Governments, or whether we shall suddenly scrap what has been done and embark upon an entirely different enterprise on the basis of proposals of a type which has frequently been considered in the past and invariably rejected as unworkable. Incidentally, if it is felt that some of the points suggested in this draft Convention would be of assistance in the preparation of our final draft, certainly it is to be expected that the representative of any country will in the second reading introduce such amendments to the clauses as they now stand as they may see fit. However, it would certainly seem a cumbersome and unprecedented procedure to give further exhaustive study to the whole of an elaborate scheme presented by a single delegation in order to get the possible benefits of certain clauses therein. For the reasons I have stated, the American delegation would not feel justified in asking for a delay in order that these proposals might be given further detailed study.

So far as we are concerned, I think we have only one problem, and that is to find and to follow the path best calculated to lead us expeditiously to the conclusion of our labours. We are convinced that that path is to be found in the continuation of our previous endeavours, and that we are not justified in abandoning or unduly delaying our efforts in order to embark on another task which we honestly believe cannot facilitate the reduction and limitation of armaments.

M. SOKAL (Poland). — After the very interesting speeches which have thrown such light on the subject under discussion, it may perhaps appear superfluous for me to embark upon any exhaustive discussion. I should be sorry, however, if, as the representative of Poland—which is a neighbour of the Union of Socialist Soviet Republics and is on good and friendly terms—my silence should be interpreted as a sign of indifference towards a question of the highest importance. I propose to confine myself to a few observations of a general character.

Disarmament, which is our common aim, is one of the essential conditions for the maintenance of peace. But disarmament in itself is not the whole object of the League of Nations, which has a more general purpose—the maintenance of universal peace. The maintenance of peace requires the limitation of armaments, but, at the same time, if it is to be in harmony with the spirit of the Covenant, involves the establishment of such conditions as will ensure international security. The three terms Arbitration, Security and Disarmament are indissolubly bound up with one another in the minds of all Members of the League of Nations. This is one of the most positive results already accomplished by the League; it is one of those fixed points of which we must never lose sight and it is only by working in this spirit that the different organs of the League have been able to achieve the remarkable results which it would be unfair not to estimate at their full value.

M. Litvinoff himself does not deny the need for security, but he considers that complete and immediate disarmament constitutes in itself a sufficient guarantee of security.

When all our armies have been disbanded, when the ammunition depots have been destroyed, when the archives of the recruiting officers have been burned and the great fleets have been sent to the bottom of the sea, the Soviet delegation considers that peace will be guaranteed once and for all—for is it conceivable that the nations, fired by bellicose frenzy, would fall upon one another armed with kitchen knives or sporting guns, using light craft or pleasure boats to transport their troops? No doubt, viewed in this light, the Soviet delegation's idea may appear at first sight very attractive. Upon reflection, however, I do not think that it can be regarded as a correct view of the matter. If, by evil chance, war should break out, the peoples, especially those whose technical industries are highly developed, would have no difficulty, within a very short space of time, in replacing those inoffensive—I might say those domestic—weapons mentioned by M. Litvinoff and substituting for them the most highly perfected engines of modern warfare. Penknives, sticks and other weapons of this sort would soon be replaced by long-range guns, machine-guns and asphyxiating gases.

Disarmament, then, desirable as it may be, cannot take the place of a system of security based upon the principles which underlie the pacific settlement of all disputes in conjunction with obligations in regard to non-aggression and mutual assistance, as the representative for Sweden has just made so abundantly clear.

As regards the technical aspect of the matter, I would venture to point out that the Preparatory Commission has carried out exhaustive studies, that it had the assistance of the most able military and economic experts and that, after consulting them, it framed a preliminary draft Convention. Would it be expedient, gentlemen, to abandon the results of our past work and adopt as an exclusive basis for discussion a scheme of an entirely novel description which does not appear to take into account the work already accomplished.

Naturally, we do not claim that our work is perfect and the Commission doubtless does not intend to ignore what may be practicable and capable of realisation in the Soviet scheme. This might form the subject of our future deliberations after the Soviet Draft has been submitted to careful and exhaustive examination. •

Personally, I am inclined to take from the Soviet proposition whatever can be amalgamated with the results of our past work, always provided, of course, that we continue on the lines which we have adopted hitherto and keep in mind simultaneously with the requirements of disarmament the claims of security.

Our Commission, in its anxiety to succeed in its purpose, has avoided attacking insoluble problems, realising that the most ambitious plans are not always the most practical. The Soviet delegation has not exhibited the same diffidence and has not hesitated to launch a radical and immediate claim for disarmament. In appearance, nothing could be simpler, but in actual fact, what could be more difficult? Here we have been working for several years surrounded by the most able technical advisers. Whatever the difficulties may be with which we are confronted, our determination to succeed prevents us from giving way to discouragement. Has anyone thought what would be the effect on public opinion of submitting so radical a scheme of disarmament, a scheme so incapable of realisation in the immediate future? Perhaps some ingenuous people, perhaps the man in the street, might be led away at first sight by the apparent simplicity of the plan, and, not realising the almost insurmountable difficulties which stand in the way of its immediate realisation, might hold the League of Nations responsible for its failure, and the League, we must remember, despite its shortcomings, is still the only guardian of the world's peace.

Does anyone wish this? We have the duty of frankness towards public opinion, and this duty, in the fulfilment of which we must never be found wanting, prevents us from holding out false hopes. The best way to achieve our object is not to put forward schemes which no one can deny are essentially radical in character but to continue with the more modest, but at the same time more fruitful, efforts on which we have decided. Above all, gentlemen, it is our duty to defend the League, in which our hopes are centred, against the resentment of which it could not fail to be the object if, after having aroused such fair hopes, it were to prove incapable of realising them completely in the immediate future.

The Commission rose at 12.40 p.m.

SIXTH MEETING (PUBLIC).

Held on Wednesday, March 21st, 1928, at 4 p.m.

President: M. LOUDON (Netherlands).

11. General Discussion of the Draft Convention for Immediate, Complete and General Disarmament submitted by the Delegation of the Union of Socialist Soviet Republics (Annex 2) (continued).

M. ROLIN JAEQUEMYS (Belgium). — When I was instructed by my Government to take part in your work, I naturally took pains to acquaint myself as fully as possible with the voluminous documentation resulting from your labours.

In reading these documents, I was particularly struck by a statement by Viscount Cecil made at the meeting of September 22nd, 1926, during your second session. He said:

“The little Powers cannot disarm the world. That must be done by the Great Powers”;

and he added:

“Though I do not wish to put the great Powers in control of this matter, I am quite certain that, without their assent, you will not do anything.”

The impression I received from those words was that it was the first duty of the delegate of the Belgian Government to listen and keep silent. But I do not think that this passive attitude can be maintained indefinitely. After the speeches made by the delegates of the great Powers, my silence might surprise you and, in any case, I am sure that, unless I were to speak, I should not be interpreting public opinion in my country. It seems to me that Belgian opinion, especially after learning through the newspapers of the way in which an olive-branch, looking more like a cudgel, has been brandished in front of you or, as I may say, over our heads, would be exceedingly surprised if the Belgian delegate said nothing, since his silence might be interpreted as approval or acquiescence.

I could say a great deal on the principle of total disarmament and on the articles which make up the Draft, but you need have no fear; I will not abuse your patience, for I may declare at the outset that I am entirely in agreement not only with the arguments of the British delegate with regard to the meaning, tendencies and confusion of this Draft, but also with his conclusions. After carefully examining the articles in the Draft and bearing in mind what was said by the Netherlands delegate this morning, I believe, with Lord Cushendun, that this Draft is essentially an act of sabotage against our labours, our draft Convention, against the League of Nations and the work of peace which it is our duty to pursue.

I should have been less surprised if I could have believed that we were encountering a feeling which I have met often enough, and which may be described as scepticism. A certain scepticism still prevails among many well-intentioned persons in our midst, and as we progress we ought to be able in our wisdom to overcome this sentiment. In the case in point, however, all of you know what feelings have inspired this Draft, and the authors themselves would not deny it, for I cannot accuse them of any desire for concealment. The feeling with which they are inspired is, as they have said, hatred of our civilisation, hatred of our institutions. Therefore, gentlemen, we have before us a Draft framed by its authors under the influence of hatred of all that we love and of all that we represent. In the face of this evidence, which results from everything that our Soviet colleagues have said and from all the statements which we read in their newspapers, I naturally came here with feelings of profound mistrust. The Draft before us and the subsequent explanations have done nothing to diminish that feeling.

The conclusion I draw, therefore, is that at first sight I cannot recommend the Draft or wish for anything else but its rejection pure and simple, on the grounds that it is obviously dangerous to the work which we are pursuing, and contrary to the object we have in view.

We may reject the Soviet proposals at once, as the French delegate seemed to have indicated, by simply moving the previous question; another solution would be to declare that they are directly contrary to the aims we are pursuing and therefore reject them in principle without raising the previous question at all.

Lord Cushendun, however, in stating conclusions which I found exceedingly well argued, and which were supported by the delegate for Canada, declared that, in his opinion, there might—I might almost say by chance—be certain provisions in the Draft which we have not yet had time to appreciate and which it might be well to retain.

That being so, I think that there is no objection to our referring the Draft to our Governments, which, after studying it, would furnish us with the necessary instructions with a view to a further session.

In this connection, I would point out to the Commission, and especially to the Bureau, that it might perhaps be well if Governments would give to those of their delegates who have not yet received them—and I think this applies to some—all the necessary instructions and information before the second reading.

I would like to go a little further still. In order not to waste too much time doing little or nothing, I would ask whether, pending final resolutions, it would not be possible to adopt certain provisional resolutions as soon as possible. I recommend this aspect of the question to our President and to the Bureau.

Major WHITMARSH (Cuba). — The draft Convention submitted by the delegation of the Union of Socialist Soviet Republics reached me in its present form only a few days ago, so that my Government has not had time to study it and send me its instructions. I will therefore ask the honourable delegate of the Union of Socialist Soviet Republics to be so kind as to postpone for two months his request that this problem should be decided in one sense or the other on the spot.

I also suggest that the Soviet proposals should be studied and discussed in all their details and in all their aspects, for the following reasons :

This draft Convention gives us the point of view of the Union of Socialist Soviet Republics and—naturally enough—approaches the question from the standpoint of the great Powers. I think, however, that there are other aspects to the question and other special considerations with which it is important to be made acquainted.

In my country, for example, the inhabitants of which are mainly agricultural and industrial, and where there are no frontier problems—Cuba's neighbours laying no claims to any part of our territory on historical, geographical or ethnical grounds—we have no need of a large army; accordingly, our military forces are reduced to the lowest possible figure. However, we have a rural guard to maintain order in country districts and it is part of our army. If we were to adopt the Soviet scheme in its entirety, we should be compelled to disband this force and substitute for it a non-military police force. This is a very delicate question, which might react unfavourably upon the situation in our sugar plantations, for a very small number of evilly-disposed persons could ruin them by setting fire to them during the dry season.

I will mention a second case peculiar to my country. During the second half of last century, the Cuban people, both peasants and landowners, fought for its independence. The most effective and the most deadly weapon employed was the *machete*, an implement used by the workers and peasants in agriculture. That weapon was our principal and almost our only arm in our Wars of Independence. It enabled us to hold in check the largest army which crossed the Atlantic before the great war. Even to-day, in a slightly modified form, it is part of the military armament of our cavalry and rural guard.

I think that these few observations show how important it is to study the Soviet proposals most carefully. I have made these remarks because I am sincerely anxious for effective peace at home and abroad—a peace which will allow the productive forces of a country to develop, and which will ensure to men of goodwill that prosperity which they are entitled to enjoy as the fruit of their labours.

M. MORFOFF (Bulgaria). — Mr. President and gentlemen,—It is not my intention to support the disarmament scheme submitted by the delegation of the Union of Socialist Soviet Republics, for I think, like the speakers who addressed us yesterday and again to-day, that it is impossible at present to carry out the ideas upon which that scheme is based.

At the same time, as a country which is now completely disarmed, Bulgaria obviously desires that the other Powers should reduce their armaments in order to establish an equal level of security, and the reasons for this I will now set before you.

In 1925, as the result of a frontier dispute which admittedly was not provoked by Bulgaria, we were painfully surprised to find a part of our territory invaded by a whole army. I say painfully surprised, because on that occasion houses were burned to the ground and people were killed. It is true—and this I must gratefully acknowledge—that, thanks to the intervention of the Council of the League, no graver results ensued and the dispute was settled in the most impartial and equitable manner. But this affair still left us with an unsatisfactory feeling. We cannot help thinking in Bulgaria that, if there had not been so many armed forces arrayed on the other side of the frontier, this painful incident could never have occurred, and we feel that the inequality of armaments which at present exists between the different Powers exposes certain States to great humiliation, which must be avoided if we are to promote good understanding between the peoples.

We realise that general disarmament cannot be brought about outright. We do not ask the Commission to provide for measures incapable of application. All we desire is that a programme for the reduction of armaments should be drawn up without delay, with due reference to the political, geographical and economic situation of the different States and their internal and external security, and with the sincere intention of achieving practical results in the cause of peace. What we really desire is that the dream of perfect equality between the peoples should become a living reality, particularly as regards questions connected with the security of the States, as provided in Article 8 of the Covenant of the League, of which we are Members.

M. MARKOVITCH (Kingdom of the Serbs, Croats and Slovenes). — Mr. President and gentlemen,—After the discussion which has just taken place and which has thrown such light on the various problems before us, I will not abuse your patience but will endeavour, as briefly as possible, to explain the views of the Serb-Croat-Slovene delegation and to reply to the Russian delegation's invitation to express an opinion on its proposals.

I should like first to revert to M. Litvinoff's allusion to the States which have not yet recognised the Soviet Government, the Serb-Croat-Slovene State being among the number. M. Litvinoff declared that such an attitude represented an act of hostility or proof of animosity towards the Soviet Government. I feel it my duty to correct this view, so far as my own country is concerned.

It is not necessary for me to dwell on certain facts that are common property or to emphasise the feelings of gratitude and unswerving attachment which the Serb-Croat-Slovene people feel towards the great Russian nation, nor need I recall the precious support and assistance which Russia afforded Serbia in her struggle for independence. If the Belgrade Government has not yet found it possible to resume regular diplomatic relations with the Soviet Government, the sole responsibility for this state of affairs rests with the representatives of the Union of Socialist Soviet Republics. It is due to their general attitude, the methods which they employ in international relations, the new principles which they are endeavouring to introduce into international politics and their manifest intention of exercising an influence over social order in countries other than their own. These are the reasons which have dictated the attitude of the Belgrade Government.

Having submitted these preliminary observations, I now come to the main question before the Commission, namely, the consideration of the draft Convention submitted by the Soviet delegation. The Serb-Croat-Slovene delegation, true to the practice which it has always followed of examining with the most scrupulous care any suggestion calculated to ensure peace, has duly examined the scheme drawn up by the Union of Socialist Soviet Republics. But I feel it my duty to say at once that, to my infinite regret, I have not found in that scheme any really practical element calculated to promote the cause of disarmament or of peace. On the contrary, I consider that the basis adopted by the Preparatory Commission, the basis on which it has hitherto been working, is far superior to the somewhat ingenuous basis proposed by the Soviet delegation. The Preparatory Commission views the problem as a whole and aims at organising international peace with due reference to all the factors on which it depends, whereas the Soviet scheme appears to confine itself to the abolition of the purely material elements of warfare. The Soviet scheme takes no account of the fact that in international relations armaments are simply a means of ensuring definite political objects, while the League of Nations aims at achieving these objects by pacific means. The League has envisaged all the factors in the problem and is endeavouring to arrive at the pacific settlement of international disputes by arbitration, conciliation and judicial settlement, at the same time endeavouring to promote internal and external security for the States. But the Soviet scheme, as the British representative demonstrated yesterday in so masterly a fashion, takes absolutely no account of these essential features of the problem.

Accordingly, in the opinion of the Serb-Croat-Slovene delegation, the Preparatory Commission should continue to work on the basis hitherto adopted and should adhere to its usual methods and examine every aspect of the problem of the international organisation of peace. I should be the last to deny that the work so far accomplished by our Commission is of very

modest dimensions. I might mention indeed that I have often had occasion to insist on the need for speeding up our work. But, while recognising the meagre results obtained, I would point out that the responsibility for this state of affairs devolves to some extent on the Union of Socialist Soviet Republics, because the Soviet Government, which is not a Member of the League, has done its best to discredit and obstruct the League's work. The League decided, very rightly, that it was essential that the Union of Socialist Soviet Republics should be represented on the Preparatory Commission, and we have all hailed the Soviet delegation's arrival with the greatest satisfaction, for we hoped—and still hope—that the Union of Socialist Soviet Republics would tend in its external policy to come into line with the principles of the Covenant, the principles of collaboration and co-operation between the peoples, and that the Soviet Government's collaboration on these lines would produce useful and tangible results. If, then, as the British delegate wondered yesterday, the Soviet delegation has come to Geneva with a sincere desire to contribute towards the work of peace on which we are now engaged, and if its purpose is to arrive at disarmament by stages, it must at all events take into account the various elements which the Preparatory Commission, after exhaustive examination, has thought it necessary to employ as a basis for its work.

In conclusion, I would appeal to the Soviet delegation and urge it, if it does not wish its proposals to be rejected outright, to endeavour to adapt itself to the methods employed by the League organs and the Preparatory Commission, and to agree to its proposals being examined at the second reading in connection with the particular points to which they refer.

The Serb-Croat-Slovene delegation is of opinion that the Preparatory Commission should pursue its labours on the lines hitherto adopted, and hold over any examination of the special points embodied in the Soviet proposal until the second reading. I think that we shall be able to derive a number of practical features from this proposal which will contribute towards a solution of the problem of disarmament.

M. HOLSTI (Finland). — No State could be more devoted to the principles of peace, of international justice and of genuine equality between States than the country on whose behalf I have the honour to speak. Accordingly we regret most sincerely that, as regards any real and tangible limitation and reduction of armaments, there should have been no improvement in the situation since the last session of our Commission. But these very considerations impel me to declare that there could be no object in discussing the radical suppression of armaments or the absolute prohibition of armed forces; we must, on the contrary, take as our basis effective limitation and reduction, provided, of course, that we mean to obtain substantial and tangible results. By all means let delegates submit to us any proposal, no matter how radical, as regards measures relating to disarmament. But let us not forget either the conditions established under the provisions of the Covenant by which the majority of the States represented here are bound, or, on the other hand, certain necessities which are inseparable from any organised community. No one, gentlemen, can guarantee that, even in a relatively perfect international community, the danger of contravention or rupture will be excluded in advance. Nor can anyone guarantee that the exclusion of a Member guilty of violating the Covenant, or the pacific blockade of that Member, would always prove a sufficient means of constraint or a means of imposing respect for the undertakings incumbent upon every Member of the community, whether it be a small State or a great Power. Besides, even as regards non-military measures of coercion, it will not always be possible to take joint action against the guilty State without having recourse to armed force of some sort, no matter how limited in extent and application.

It is from this point of view, in our opinion, that we have to consider whether and to what extent the existence and employment of an armed force or, if you prefer it, of an executive police force, is admissible in a League of Nations which has become universal or practically universal. When we have arrived at this stage of development, we shall have to consider seriously and without prejudice the possibility of consolidating and centralising the forces required to protect the activities of the whole community; then we can discuss the possibility of placing these socially authorised forces at the disposal of the organs of the international community. Now, the League of Nations in its present form—and my country is the first to recognise the need for it—is still defective in more than one respect. Such being the case, would it not be expedient first to consider the bases and conditions appropriate to a more perfect organisation before we raise the question as to whether every description of armed force shall be abolished—at all events on paper? Ought we not to examine exhaustively all possible forms of international solidarity and collaboration, the procedure to be followed in establishing new rules of law, the compulsory settlement of international disputes by pacific means, the execution of judgments and the possibility of joint action against a recalcitrant Member? Should we not come to some agreement in regard to these essential points before considering the categorical prohibition of all armed forces?

When we come to examine these great problems in the light of future universality, we shall find ourselves faced with the serious question of centralising the necessary executive forces and placing them at the disposal of the organs of the community of nations. Then disarmament will present itself in a new aspect. It is most important not to precipitate the course of future developments; we must confine ourselves to what is really practicable. Accordingly, in our view, the only possible method is to pursue in perfect sincerity the efforts already begun with a view to the gradual but effective reduction of armaments.

M. POLITIS (Greece). — Mr. President and gentlemen,—I am not intervening in this discussion with any idea of undertaking a detailed examination of the draft Convention for Immediate, Complete and General Disarmament which is now before us. What has been said already by the great majority of the speakers is so entirely in conformity with my own views that there is nothing for me to add ; indeed, I should risk weakening the force of their arguments.

My only intention is to take up one point which was raised yesterday, a point which is of special importance and which I think deserves your further attention, since I regard it as being decisive in this discussion. Several speakers have asked whether the basic idea of the Draft—that is to say, the idea of complete and immediate disarmament—is in harmony with the principles of the League of Nations, or whether it is not, on the contrary, incompatible with the provisions of the Covenant and, in particular, with Article 8.

This is a question that I desire to examine with all the objectivity that it deserves, and much more as a technical expert than as a politician.

M. Sato, the Japanese representative, has already considered one aspect of this problem yesterday. I now desire to examine another aspect which seems to me of even greater importance.

You are all aware that, by Article 8, the Members of the League of Nations undertake, as a guarantee of peace, to effect a certain reduction in their armaments. This undertaking is limited in two ways : in the first place, in effecting the reductions, regard is to be paid to national security. The States Members of the League are authorised to retain a minimum of armed forces sufficient to preserve order and safeguard that domestic peace of which Lord Cushendun spoke so eloquently yesterday, and to provide for national defence against aggression from without, from which the international organisation could not effectively protect them. The other limitation consists in the fact that the States Members are to be responsible for the enforcement of international obligations by common action. The States Members of the League are therefore bound to retain a minimum armament sufficient to ensure the success of any common action which the League might undertake.

Having pointed this out, I need only compare this essential basis of the League of Nations with the fundamental idea of the Soviet Draft to be certain that you will be convinced, like myself, that that idea is diametrically opposed to the twofold rule laid down in Article 8. The conclusion to which this leads is that our Preparatory Commission, set up for a specific purpose on the basis of Article 8, is not competent to examine this Draft unless its terms of reference are enlarged ; and, as I shall show in a moment, no such enlargement is possible without not merely an amendment to Article 8 of the Covenant but an entire recasting of the general structure of the League.

What would happen if, in a moment of enthusiasm, the States decide to accept the Soviet Draft, or if the national forces which the Members of the League now possess were abolished ? The result would be that the application of the system of sanctions provided for in Article 16 of the Covenant, which is one of the essential foundations of the League organisation, would thus be rendered impossible.

It is useless for anybody to say that, if the Commission wants its terms of reference enlarged, it has only to wait for the next Assembly and ask for what it wants. It is useless to say that a demonstration of goodwill on the part of the Members of the League would suffice to bring about an amendment of Article 8 of the Covenant. That is not a mere question of form ; it is an essential question, because it would not be sufficient to amend Article 8, but the entire system of the League would have to be changed, and the system of sanctions provided for in Article 16 would have to be replaced by some other method which would enable the League to render the services that its Members are entitled to expect.

At what point would this change take place ? At the very moment when the abolition of national forces made it even more imperative for the League to provide that collective protection which its Members expect.

That is why this idea of complete and general disarmament is profoundly and essentially incompatible with the present system of the Covenant. In any organisation, however rudimentary—even if the existence of an organisation is not admitted—the need for sanctions is so plain that it has been felt by the authors of the Soviet Draft themselves. In Article 60 they have had to provide for the eventuality of the contracting States committing some direct breach—I suppose that was intended to mean “grave breach”—of the Convention ; and they have realised the absolute necessity of providing against any such breach. Stopping half-way along the logical path, however, rather following their own species of logic, since the Draft is to abolish national forces, its authors state that non-military measures will suffice. In paragraph 2 of that article it is formally stated : “The steps taken to exercise pressure [upon a State violating the Convention] must not be of a military character”.

When I turn to the conclusion of the memorandum accompanying the Soviet Draft, to see why military measures are thus excluded, I read, with astonishment, the following passage :

“The Draft Convention does not allow of any military pressure being brought to bear on anybody because such measures are apt to give rise to serious international conflicts, and it is hoped that most countries are so genuinely anxious to effect complete and general disarmament that other means will always be found to compel any country seeking to violate the obligations it has assumed to discharge them faithfully.”

You will see, gentlemen, that the greatest optimism, the most profound faith in the efficacy of such a procedure, does not go beyond the stage of hoping. Now, I would ask you in all sincerity whether in such a matter, in a question of such vital importance to all countries, hope, and hope alone, is a firm enough foundation for such a radical reform. Undoubtedly it is not. If the authors of the Soviet Draft had been more logical, not with a desire to do something startling, but more logical in dealing with the inherent necessities of a difficult problem, they would have gone further than what they have actually proposed, and, realising that they were ruining and undermining the present organisation of the League, they would have found themselves forced to consider what other organisation they could put in its place. That other organisation, to be suited to the system they propose, would have had to be based on this profound and eternally true idea of Pascal's: "That justice and force when separated are ineffectual and that they must be united in order that the just may be strong and that the strong may be just." In other words, in an association whose members are disarmed and deprived of all individual means of protection, they would have had to provide as a basis in the hands of the community instruments of justice more powerful than those we have at present—that is to say, compulsory arbitration, compulsory jurisdiction, in all cases, and sanctions much more imperative, much more automatic, much more effectual than those provided in Article 16—sanctions which would be exercised by international forces taking the place of the abolished forces of individual States. As long as the Soviet Government is not prepared to accept this scheme, and even if it does accept it, as long as all other countries are not prepared to accept it also, the Soviet Government will have to be content, as we are, with the programme laid down for us by Article 8 of the Covenant.

This programme is not the last stage on the road to the ideal towards which, long before this Draft was submitted to us, we began to advance in the hope of one day securing for humanity a true peace, which is a disarmed peace. Nevertheless, it is a first stage. It is the only programme at present practicable. Once it has been put wholly into effect, we shall then have to see whether we cannot climb another rung on the ladder to the ideal, but I repeat, and I cannot repeat it too often, that when the reduction of armaments provided for in this text has been genuinely and honestly effected by all countries, we shall be able to go no further unless we strengthen the international organisation both from the point of view of justice and from that of the sanctions by which it must be accompanied.

When will that time come? I think we should be deceiving the public and creating highly dangerous illusions if we ventured to suggest even an approximate date. We cannot have any date in mind, because the realisation of the programme laid down in Article 8, modest as it may seem to the impatient, involves the fulfilment of a whole series of conditions. It involves the extension of peaceful procedures, the strengthening of the moral and material guarantees of security, the development of good understanding and mutual confidence between peoples; it involves also economic stabilisation; it involves further the settlement of those grave problems to which my distinguished friend General de Marinis alluded yesterday—problems which seem for the present insoluble owing to the imperfections and deficiencies of international law. Yet again—and this is not the end of the list—there is another condition to be fulfilled: it is essential that within each country there should be brought about that pacification of opinion, that domestic peace, that cessation of systematic class warfare to which Lord Cushendun referred yesterday. Only when all these conditions are fulfilled can the programme of Article 8 be completely and effectively realised.

What we can say, however, and what we must say in the meantime, is that, although it is not for the moment humanly possible to foresee when these conditions will be fulfilled, the work that we have been engaged upon here for so many years is incontestably bringing that time nearer; for—and I say this with profound conviction to M. Litvinoff—it is taking a very incorrect and supremely unfair view of the situation to say and assert, as he has done, that, notwithstanding its immense volume, our work has not yet produced any useful results in connection with the preparation of disarmament, or rather of the reduction of armaments.

Gentlemen, there is no difficult problem, whether political or scientific, that does not call for protracted preliminary work and patient and detailed investigation. In the world of science that is a well-known fact: anybody could quote countless examples of scientists carrying on the work of previous generations, growing paler year by year in their narrow laboratories, bending over their instruments of chemical analysis to tear some secret from nature and compound a remedy which will relieve mankind of one of the ills that torment it. Nobody to my knowledge has ever dared to laugh at these scientists because they have not yet obtained the expected results. Why should it be otherwise in political problems? Are they any simpler or any less complex than scientific problems? Who dare maintain it? I am sure M. Litvinoff, who realises the fact from the advances made in scientific knowledge by his country, would be the last to venture upon such an assertion.

The ignorant crowds that gather around the tents at a fair can easily believe in the efficacy of elixirs and magical remedies. But intelligent and experienced people know that if they are suffering from a chronic disease—and there is no more painful disease than war, and no heavier burden than that of armaments—it can only be cured by long, systematic and patient treatment.

It is a treatment of this very sort that we are seeking to elaborate here with all the good will and faith which we can command, and we are endeavouring progressively, as we arrive at results, to apply them by all the means which the League of Nations has at its disposal.

This programme cannot be regarded as futile or as useless when we have reached the conclusion—which every thinking man must arrive at—that it is the path by which we must progress in order to attain the loftiest summits of our ideal.

Now, gentlemen, for the reasons which I have just pointed out, owing to the fundamental opposition between the governing idea of the Soviet scheme and the basic principles of the League of Nations, this scheme cannot be accepted as a basis for our discussions—for we should be neither wise nor true to ourselves if, at the very moment when, after so many labours, we are making a trial of a method and applying the treatment to which I referred just now, we were to proclaim the abandonment of this system and to dash off in pursuit of a chimerical solution which we know beforehand is unattainable and which is in the same category as those magical elixirs to which I referred just now. Nevertheless, although this scheme cannot, as I said, be adopted as such as a basis for our discussions, it does not appear to me impossible that certain of its provisions may furnish useful material for amendments to our own draft Convention when we proceed to its second reading.

It is for that reason that I entirely concur with the proposal which Lord Cushendun made yesterday to request the Governments of all countries to submit the Russian scheme to a detailed and careful analysis. Any Governments which, as a result of this examination, may discover any useful material for amendments will no doubt avail themselves of it and will assist us to do likewise when we come to the second reading of our own Draft.

I would, however, urge that, in order that this examination may be thoroughly carried out, we should allow the Governments ample time for the purpose. I venture to hope, nevertheless, that this examination may be completed before the next Assembly, because the Third Committee of the Assembly will be called on, as is usual, to review in detail the progress made by the Preparatory Commission for the Disarmament Conference, and after this examination it will very probably have to give us further instructions for the future course of our work. It is therefore very desirable that, when this Committee meets, it should have before it either the replies of the Governments, or at any rate the representatives of those Governments equipped with precise instructions, as a result of the studies carried out in the interval.

In the same connection, since I am discussing our future procedure, I venture to urge—and I hope the Commission will share my view—that it will be expedient, I would even say prudent, not to fix an exact date at this moment for the next session of our Commission or for the second reading of our draft Convention. I think that we should leave our President to judge, having regard to the circumstances and acting in consultation, if he thinks fit, with the Chairman of the Committee on Arbitration and Security, what will be the most fitting date on which to convene this Commission for another session.

I hope that the Commission will accept this procedure unanimously, since it appears to me—even if it is not pleasing to some of my honourable colleagues—to be appropriate to the facts of the situation and to the sincere desire which we all have—and I beg my colleagues to believe that in any case it is my sincere desire—to bring our work to a successful conclusion.

Gentlemen, if we adopt the procedure which I have outlined and if, when the time comes, we enter on a discussion of our draft Convention at the second reading, having before us the conclusions reached by the Governments as a result of their detailed study of the Russian scheme, I venture to think that the Soviet delegation will be able to give us, and ought to give us, its fullest support, thus assisting us to arrive at practical results. We welcomed it when it arrived here with the same satisfaction as the United States and the Turkish delegations. We did so because one of the governing rules of our programme, a rule which appears at the head of the famous Resolution XIV, is that no scheme for the reduction of armaments in the sense of Article 8 can obtain complete fruition unless it is general. If the assistance of all the States Members of the League is necessary, the support of States which are not Members is no less essential if we are to attain to the realisation of the programme laid down in Article 8.

The Soviet delegation should, I think, be all the more willing to afford us its full and complete support because that will be, I will not say its best, but its only way of hastening the arrival of the time when its scheme, which now appears chimerical, may become practicable. If the Soviet delegation will assist us to complete our present labours, we shall be able, as I said just now, to pursue our upward path towards the ideal state of affairs. It can give us most valuable aid if it will co-operate with us.

In conclusion, may I be permitted, with the same sincerity which has inspired all that I have said, to outline the manner in which I conceive of this co-operation. It may assume manifold forms and may be afforded to us here as well as elsewhere. It may be afforded to us here by stimulating the legitimate impatience which desires to see Article 8 producing its first effects as early as possible, and also even more effectively, by a decision on the part of Russia to co-operate more completely, more wholly, with our efforts for peace by becoming itself a Member of the League of Nations.

This co-operation may also be apparent elsewhere if the Soviet Government will give those sincere and frank assurances—without having recourse to vain fictions of social pacification—which Lord Cushendun so earnestly appealed for yesterday; it can do so more specially if it will conclude with all its neighbours treaties or pacts of non-aggression and arbitration, thus effectively contributing to increase the practical and tangible guarantees of security.

12. Communication by General de Marinis with regard to the Protocol concerning Chemical and Bacteriological Warfare.

General DE MARINIS (Italy). — I have asked leave to make a short statement. The day before yesterday, M. Litvinoff, in referring to the Protocol concerning chemical warfare, stated that this Protocol had only been ratified by three countries. I am not finding fault with what was said by M. Litvinoff, because I think it is very natural that he should be unaware of facts which have taken place very recently, but I desire to inform him that one more country—my own—has now ratified the Protocol concerning chemical warfare. I have just received the news that the instruments of ratification were deposited a few days ago at Paris.

The meeting adjourned at 6.15 p.m.

SEVENTH MEETING (PUBLIC).

Held on Thursday, March 22nd, 1928, at 4 p.m.

President: M. LOUDON (Netherlands).

13. General Discussion of the Draft Convention for Immediate, Complete and General Disarmament submitted by the Delegation of the Union of Socialist Soviet Republics (Annex 2) (continued).

M. PEREZ (Argentine). — Mr. President, Gentlemen—I desire to associate myself with all my colleagues—and their number is legion—who have risen to oppose the scheme submitted by the Soviet delegation.

The Argentine delegation regards international disarmament as a political process the evolution of which is slow and comparable to that of those chronic diseases which progress slowly but surely towards recovery; it is a problem which is essentially complex, and not so much technical as moral in character, being based upon those sentiments of international security which ensure respect for treaties and the protection of the weak and exclude any claim to military intervention which might encroach upon the dignity or sovereignty of the nations. Technical and moral disarmament with the benefits they confer must pursue a parallel course and the first must never be allowed to proceed more quickly than the second. The trilogy of arbitration, security and disarmament remains unshaken. It means that the mind must be disarmed before the hand which holds the weapon, and the weapon itself becomes a danger only when the mind which directs it is already dangerous: The Argentine delegation considers that to abolish war it is essential to bear in mind human realities and the geographical, economic, demographical, financial, social and cultural situation of the different countries, together with their very different political problems, the roots of which, particularly in the case of European nations, have struck so deeply into the soil of history. Mankind cannot be levelled like a high road. If we are to act effectively in the sphere of pacifism it is better to increase the peace potential by multiplying treaties of arbitration and conciliation rather than to reduce the war potential by acceding to conventions which are ideal and hence incapable of realisation, like the one just submitted by the Soviet delegation. Any attempt to alter the sequence of these three factors—arbitration, security and disarmament—would be to condemn ourselves of set purpose to failure and impotence; it would be to deny the world the benefits of lasting peace.

The Washington and Locarno Agreements and the masterly report of the Committee on Arbitration and Security have given a tremendous impetus to international peace and justify our optimistic outlook. This great fact we should accept loyally and in all sincerity. With this report in our hands, the Governments must act without delay, each within the measure of its powers, but all with the same desire to satisfy world opinion, which is so firmly attached to the cause of international peace.

The Argentine Republic will never refuse to accede to any scheme for disarmament that takes into account these fundamental premises which I have just put before you.

M. VALDÉS-MENDEVILLE (Chile). — Mr. President—It is not my intention to prolong this discussion by making detailed observations on the Draft before us. I desire, in the first place, to support the objective part of the important statement made by Lord Cushendun, the representative of the British Empire, and I also agree with what was said by the Japanese delegate and by M. Politis yesterday, more particularly with reference to the obligations assumed by all the Members of the League under the Covenant, obligations which are incompatible both with the principle and with the details of the scheme submitted by the delegation of the Union of Socialist Soviet Republics.

In the second place, Chile cannot deviate from the principles which she has always advocated to the effect that limitation of armaments, must at least progress *pari passu* with security. As you already know, and as I have more than once had occasion to state, security, in our view, has to be considered, for certain countries like our own, under different aspects, and the chief solution must be by means of a system of treaties of arbitration and conciliation.

As M. Rutgers very rightly pointed out, there is no provision whatsoever in the Soviet scheme for such a system. I agree with M. Rutgers that the scheme itself cannot be regarded as an organic whole. Far from it. Further, it disregards one most important point, namely, that human beings are just as important a factor in warfare as rifles and guns.

I have no objection to the Soviet scheme being included in our documentation as part of the material bearing upon the question in general, so long as we adhere to the course which we have hitherto followed and take as our basis the Covenant and the specific mandate conferred on us by the Assembly and the Council.

M. LITVINOFF (Union of Socialist Soviet Republics). — I should like to begin by expressing my gratitude to those delegates who have responded to my appeal and expressed their attitude to the proposals presented by the Soviet delegation. I note with satisfaction that this was done by nineteen of the delegates present. Special gratitude is due from me to the honourable representative of the British Empire for giving the discussion such a wide scope and bringing forward a series of questions of the first importance in connection with our proposals. I welcome the frankness with which he spoke and shall endeavour, while observing the same courtesy and respect, to reply with equal frankness.

The honourable representative of the British Empire, however, introduced into the debate certain questions which I myself might have hesitated to bring up, fearing they might be regarded as irrelevant to the matter in hand. Since the initiative is his, however, I trust he will not take it ill if I express the point of view of the Soviet delegation and my Government with regard to these questions. Lord Cushendun was not content to investigate the draft Convention and our elucidation of it, but went out of his way to look for ulterior motives inspiring the Soviet Government to appear with dramatic suddenness before this Commission and present drastic proposals for disarmament. He also questioned the spirit in which the delegation came here, and why the Soviet Government has up till now taken no interest in or, as he preferred to put it, sabotaged the matter of disarmament. I will not ask the honourable delegate for the British Empire by what right he puts such questions to me, whether he recognises my own right to cross-examine him as to the sincerity of his Government, whether the British Government has sent its delegation here from sheer love of peace or for any other motives, what it has so far done for the cause of disarmament, and whether he would stigmatise as sabotage the fact that his and other Governments have so far done nothing to solve a series of questions and dissensions arising in the sphere of the Commission, thus making it impossible for it to proceed to a second reading of its own draft Convention and get on with its labours on the lines already laid down by the Commission itself. Such questions on my part would be perfectly in order by way of reciprocity, in view of the equal rights of the delegations represented here. I prefer, however, instead of indulging in idle questions, to satisfy his curiosity in reply to his questions.

The Soviet Government has interested itself in the problem of the establishment of peace and the banishment from national life of that scourge of human society, war, ever since it came into power. It was the first Government among the belligerent States to bring to an end the participation of its citizens in the great massacre, appealing to the other belligerent States to follow its example. When the Soviet State underwent a fresh attack from the then Allies, of which Great Britain was one, while continually making proposals for peace, it responded immediately to the invitation to go to the Prinkipo Islands to conclude a truce, being ready to make vast sacrifices for the sake of bringing to an end the fresh bloodshed imposed upon it. Quite independently of the League of Nations, on its own initiative, the Soviet Government suggested, as long ago as 1922, at the first International Conference at Genoa, in which it participated, that the first question discussed be that of general disarmament. Other States unfortunately considered it more important to spend time over the discussion of the question of restoring the private property of certain foreign firms suffering from the Russian Revolution. I do not intend to enumerate the other steps taken by the Soviet Government in regard to disarmament, as I have already mentioned them in this Commission at the November session. During the more than ten years of its existence, the Soviet Government has never attacked any of its neighbours, has declared no war upon anybody and has taken no part in the warlike adventures of other states. On the first invitation of the League of Nations, it agreed to take part in the labours of the latter with regard to disarmament, despite its well-known attitude to the League itself. Had it been a Member of the League of Nations, it would have been bound to do this by its own undertakings, whether it sincerely desired disarmament or not. The fact that the Soviet Government, having no obligations whatsoever towards the League, voluntarily co-operates with you in this Commission seems to me additional testimony to its sincerity and good faith. As I already pointed out at the November session, the responsibility for the non-participation of the Soviet Government in the first three sessions must be entirely laid at the door of the League of Nations. Arriving here, the Soviet delegation made up its mind to take the most active part in the labours of the Commission, showing initiative wherever it considered the initiative of others to be lacking or inadequate, and endeavouring, to the best of its ability, to speed up and stimulate work on disarmament and for the cause of general peace. The Soviet Government, in sending a delegation to the Preparatory Disarmament Commission, was inspired by no other motives than the desire to contribute to the freeing of the peoples from the heavy burden of militarism and the curse of war. In any case, the record of the Soviet Government in the sphere of peace is one qualifying it more than any other Government to come forward with proposals for disarmament.

Having voluntarily submitted to the cross-examination of the honourable representative of the British Empire, I am ready to reply also to his question as to whether our attitude to the League of Nations or, as he prefers to put it, our sabotage of the League of Nations justifies our participation in the discussion of the questions before us here. Now, the Soviet Government has never attempted to conceal its attitude to the League of Nations, even mentioning this in its replies to invitations to take part in this Commission. The Soviet Government has frequently and publicly given the reasons for such an attitude to the League of Nations, pointing out all that it considers inequitable, unacceptable and reprehensible in the Covenant of the League of Nations, the Assemblies and the various decisions of the Council of the League with regard to international questions. I hardly think the prestige of the League of Nations, of which Lord Cushendun is so careful, would be added to were I to recapitulate all this here. Suffice it to say that the Soviet Government sees no obstacle to its own participation in this Commission and the coming Disarmament Conference in the fact that the Commission is assisted by the League of Nations. This does not, of course, imply that the Soviet Government has undertaken to submit to any instructions and rulings emanating from the League or the Council of the League. It will only consider itself bound by acts drawn up by the Commission and the Convention which it may sign together with other Governments. As, however, Lord Cushendun can scarcely fail to be aware, ours is not the only delegation from a Government not belonging to the League of Nations. An excellent illustration of the attitude of such delegations to the jurisdiction of the League is afforded by the declaration made to the third session of the Preparatory Disarmament Commission by the honourable representative of the Government of the United States at present among us, to the following effect :

“ The fact that my Government is not a Member [of the League] imposes certain very definite limits as to the undertakings which it is in a position to give in connection with a Convention of this sort ” ;

And further :

“ Any Convention, in order to be acceptable to my Government, must take full account of the fact that it cannot accept the jurisdiction of the League of Nations. ”

I am unable to understand the exact purpose of Lord Cushendun's question about our sabotage of the League of Nations, for this question does not seem to imply that the Government of Great Britain would really like to see the Union of Socialist Soviet Republics a Member of the League of Nations. Indeed, such a desire would by no means be in accordance with the policy of the present Government of Great Britain with regard to the Union of Socialist Soviet Republics. In any case, in inviting the Union to take part in the labours of this Commission, the Council of the League was perfectly aware that the Soviet Government was not a Member of the League and had no intention of joining it.

Lord Cushendun objected to an article quoted by himself from *Izvestia*, which he considered displayed a sceptical or ironical attitude to the work of Members of the League in the sphere of disarmament. This scepticism was expressed here by the Soviet delegation also ; the writer in *Izvestia* has perhaps merely put it more bluntly. I am, however, unable to understand why this article should worry the honourable representative of the British Empire and the Preparatory Disarmament Commission. It depends upon the Commission itself, by the results of its work, to give the paper the lie. The Soviet delegation would be the first to rejoice if this were done. But it is not only in Soviet circles that scepticism is shown with regard to the disarmament work of the League of Nations. I have before me a Paris paper, of an extremely reactionary tendency, for the 20th of this month. In it I read :

“ The League of Nations could only be harmless if it admitted itself to be what it really is, an academy of pacifism, and if its priests admitted that their anti-war lectures are about as effective as the incantations of negro necromancers against storm. ”

In my opinion, this scepticism and irony might serve as a stimulus for the League and for our Commission, inciting them to do everything possible to show its undeservedness.

The honourable representative of the British Empire tried to imply that the complete or partial solution of the problem of disarmament outside the League of Nations is most reprehensible—indeed, very little short of blasphemy. He went so far as to include among the achievements of the League of Nations the Washington Convention on the Reduction of Naval Armaments, appearing to forget that the League of Nations had nothing whatsoever to do with the Washington Convention. More : the so-called “ Conference of Three ” on naval disarmament, held in Geneva itself, was also not connected with the League of Nations and did not even avail itself of the organs of the League of Nations. If I am not mistaken, the negotiations still going on between the participants in this Conference are being held outside the orbit of the Preparatory Disarmament Commission.

The honourable representative of the British Empire, in passing under survey our draft Convention, pointed indignantly to the lack in it of any reference whatsoever to the League of Nations, to the depositing of ratification papers in Geneva, or the registration of the Convention with the League of Nations. This, however, becomes quite comprehensible if it is borne in mind that the project emanates from a Government not formally recognising the League of Nations. Moreover, the reproaches of the honourable member for Great Britain will appear incomprehensible when I remind you that a series of international documents, in the drawing up of which Members of the League, including the British Empire, took part, have not been deposited with the League of Nations. To the best of my knowledge, the

Straits Convention, for example, drawn up not far from Geneva—in Lausanne, to be exact—was deposited, not at Geneva, but in Paris. Similarly, the acts of the Washington Naval Convention have not been deposited at Geneva. The Protocol on Poison Gases and Bacteriological Methods of Warfare, recently ratified by the Soviet Union and by Italy (but not as yet ratified by Great Britain), is also deposited, not at Geneva, but in Paris, despite the fact that the Protocol was passed at a Conference convened by the League of Nations. The same is true of the Conference on the question of the Trade in Arms, of which the League of Nations was the initiator. Moreover, with the exception of one article, all mention of the League of Nations was omitted from this Convention on the insistence of the United States, whose Government threatened to refrain from ratification unless this was done. In the note of this Government of September 12th, 1923, we find the words :

“ The articles of the Convention which relate to the League of Nations are so closely interwoven with the Convention as a whole as to make it impossible for my Government to ratify the Convention.”

I may also refer to Sir Austen Chamberlain's protest against the registration of the Anglo-Irish Treaty with the League of Nations, although both these States are Members of the League. If non-reference by the Soviet Government, not a Member of this League, is, in the opinion of the honourable representative of the British Empire, an insult to and neglect of the League, how much more ought this reproach to be made by Lord Cushendun to his own Government, participating in the acts I have enumerated which ignore the League of Nations.

In his endeavour to discover specific features in the Soviet Government which might disqualify it from taking part in the work of disarmament, the honourable representative of the British Empire asks the Soviet delegation what is its attitude to civil war—does it condemn it or admit it to be legitimate? If I were to follow the example of the honourable representative of the British Empire and seek out the ulterior motive of this question, I might assume it to have been put with a view to provoking the Soviet delegation to make an open defence here of civil war and revolution, in order the next day to accuse it of propaganda. I am, however, far from imputing such motives. It is nevertheless an entirely superfluous question, since the most cursory acquaintance with our draft Convention (and Lord Cushendun has shown us that he has studied it) would convince anyone that it refers only to international war. It never occurred to us, and we had no grounds for believing, that the League of Nations intended to include under the questions of disarmament and security the prevention of civil war and the class struggle. I may say without the slightest hesitation that the Soviet Government would never have agreed to participate with the British or any other Government here represented in the working out of questions regarding the class war or the struggle against revolution. Indeed, it would be naïve to expect such work from a Government which owes its being to one of the greatest revolutions in history and was called into being to protect the achievements of this revolution. The Governments represented here will apparently have to settle their internal social conflicts without our participation. I confess my entire inability to see the connection of this question with our project for total disarmament. Did Lord Cushendun wish to imply by this question that armies are required not only for national defence but also for the putting down of possible revolutions? Such an argument against our project would be quite inconclusive from any point of view, since it has become common knowledge that both the March and November revolutions took place with the active participation of vast armies, brought up to war-time pitch. In any case, if the honourable representative of the British Empire and other delegates touching upon this point attribute great importance to the question of social security, they will probably, when the time comes, develop their point of view more fully. I apologise to the Commission for touching upon this theme, which it may consider irrelevant, but I would remind it that it was the honourable representative of the British Empire, and not I, who broached the subject.

The honourable representative of the British Empire not only faces us with questions, but also imposes upon us preliminary conditions, and desires to get from us some sort of assurances before he agrees to consider our draft Convention. The Soviet Government is called upon to assure him that it will refrain from provoking armed risings in other countries. The honourable representative of the British Empire appeared at the same time to imply that this was irrefutably the established practice and policy of the Soviet Government. The honourable representative of the British Empire saw fit to use the question of disarmament publicly to accuse the Soviet Government once more (as his own Government has already done times without number) of so-called propaganda. Lord Cushendun apparently does not realise the unreasonableness of persisting in the use of a weapon long rendered innocuous by the exposure in so many countries of scores of offices and bureaux, largely staffed by Russian *émigrés*, for the specific purpose of drawing up forged documents for foreign Governments, proving alleged propaganda by the Soviet Government or its agents in foreign countries. One of these documents has already received the historic nickname of the “Zinovieff letter”, and references have been made to it in the House of Commons even during the last few days. The fraudulency of this document has long ago been established, if only by the fact that the British Government at the time refused the demand of the Soviet Government to have it investigated by any arbitration court. A demand for the investigation of this document made a few days ago by one hundred and thirty-two British Members of Parliament has been rejected by their Government.

A former Prime Minister of Great Britain referred in Parliament to this document on Monday last as follows:

“ This letter was the subject of what was generally admitted now to be a political fraud, a fraud perhaps unmatched in its cool calculation and preparation in our political history.”

Such are the documents on which the British Government bases its accusations of propaganda and internal interference. With regard to interference in internal affairs, I fear the Soviet and the British Governments have not yet found a common language to work out what precisely may be considered as interference. The British Government is inclined to consider a speech uttered or an article printed in Moscow regarding the policy or internal affairs of another country as interference, while not admitting as interference the arbitrary stationing of naval squadrons in foreign ports (Shanghai), the firing on foreign ports and towns with all the consequences entailed to the population (Nanking 1927), the demand that the Government of an independent country cease operations against an insurgent subject (Sir Percy Lawrence's, ultimatum to the Persian Government, 1924) and the demand for his legal reinstatement (note to the Persian Government, 1927), the limitation of the army of this country (note to the Persian Government, 1921), etc. The Soviet Government cannot, of course, agree to such a conception of what constitutes interference in the affairs of others. But, gentlemen, you will ask me what has this ancient Soviet-British dispute got to do with disarmament? I am forced to reply that it has nothing to do with it. It was not I who brought it up, but the representative of the British Government, and I should consider it a mark of disrespect and discourtesy to him to ignore any of his questions.

The delegates of the British, Japanese, French, Netherlands and other Governments wondered if our project for complete disarmament was in conformity with the Covenant of the League of Nations, and, if not, if they had the right or ought to spend the time on its consideration. To this question all these delegates apparently give a negative reply, corroborated by no less an authority than M. Politis. If this, however, is so indisputable, and if complete disarmament is contradictory to the principles and aspirations of the League of Nations, we are unable to understand why the Preparatory Commission did not reject our proposals at the November session, why it decided to investigate them and why it is now spending time over this question. Apparently, however, the delegates I have mentioned are far from sure of the correctness of their replies, from a political point of view, if not juridically speaking. And indeed, we have always been told that the League of Nations was created mainly, if not exclusively, for the purpose of ensuring general peace. Although Article 8 of the League of Nations Covenant only mentions the limitation of armaments, it appears to us that merely minimum obligations were intended and this article should by no means be allowed to serve as an obstacle to further and complete disarmament should this be desired by Members of the League. It seems to me that a better means for discrediting the League of Nations could scarcely be found than the assertion that it is a barrier to total disarmament. Man was not made for the Sabbath, but the Sabbath for man. You are rendering your League a poor service, gentlemen, if you make a fetish of it, and subject to it the entire will of your Governments. The Covenant of the League of Nations is not a law for all time. The League itself, by the way, has several times considered altering its Covenant. It will suffice to refer to the fact that, on the confirmation by the Assembly of the League of Nations at its fifth ordinary session, on October 2nd, 1924, of the Geneva Protocol, the Assembly decided to invite the Council to nominate without delay a Committee for the preparation of the revision of the alterations to the Covenant demanded by this Protocol. If you agree to the principle of total disarmament and appreciate as they deserve all the blessings it would entail, or, let us rather say, the sum total of the ills it would abolish, you will agree, of course, to sacrifice this or that article of the Covenant. Those who say that our project infringes the Covenant of the League inasmuch as, by abolishing armaments, it deprives the League of the power to apply military sanctions forget that these sanctions imply armed attacks by one State on another, which the abolition of armaments would make impossible, so that the article on sanctions would itself become an anachronism. I do not mention the fact that the obligation for individual Members of the League to participate in military sanctions is disputed by Members of the League themselves. The Soviet delegation does not consider itself bound by the Covenant or any rulings of the League, and therefore did not consider it necessary to take them into consideration in its draft Convention. If I venture to comment upon the Covenant of the League or any of its decisions, it is because I am anxious to understand your position and to prove the acceptability of our draft Convention even from the point of view of Members of the League. As for the competence of the Preparatory Disarmament Commission, we are here not as technical experts, and not only as members of the Commission, but also as members and responsible representatives of our Governments. If the Commission is called upon to seek out methods of partial disarmament, and if its members appear before those whom they represent with a declaration that they have found a way for total disarmament, there will hardly be found anyone to censure them for this, the more so as the decisions of this Commission are mere recommendations to the Governments.

My opponents, with the possible exception of the honourable representative of the British Empire, criticised our disarmament project less for what it contained than for what it did not contain. Our scheme, we are told, affords neither economic nor social security; it does not guarantee a just peace, does not destroy international distrust, does not point the way to the solution of international disputes—is, in fact, not a panacea. These reproaches would be just

if we had undertaken to provide a universal remedy against all the ills and defects of human society and to turn this vale of tears into an earthly paradise. We cannot recommend you any such panacea, for we know you would not entertain it for a moment. We are trying to find a means of abolishing one evil—one of the greatest, it is true—the Moloch of war, and we want to try and find a common language with yourselves in so far as you say that you also are endeavouring to rid humanity of this ill. Within these limits—broad, but not infinite—our proposals, in our opinion, meet the purpose for which they were framed.

The gist of the arguments repeated here against the general idea of our project is that either the peoples will “rage furiously together”, both without arms or with primitive weapons, or that the more industrially developed countries will be able very rapidly to substitute for the destroyed armaments new ones, and, in infringement of the Convention, enslave the weaker countries. It seems to me, by the way, that our opponents have already dropped the first of these arguments. I should like to call attention to the fact that the country which I represent has at its frontiers States numerically stronger than itself, such as China and India, with their hundreds of millions of inhabitants, and yet we have no fear of invasion by the organised masses of these countries. Other nations have still less reason than we for this fear. The second argument will also not hold water, for as it is, the weaker States, while obliged to maintain armed forces and resist possible attack by stronger States, are at the same time in complete dependence on the latter for their military supplies, besides being weak both technically and as regards their human resources. Articles 30 to 36 of the Soviet draft Convention propose the abolition of military industry and all elements of military production. The experience of the world war has shown that, even in countries with a powerful industry, like the United States, it required from twelve to twenty months to organise war industry (declaration of the United States delegation to the Sub-Commission on Disarmament). Fresh equipment for armies cannot be created at a moment's notice. Granted the time taken, this cannot go unnoticed, especially if the international and local control provided for in our draft Convention functions well. We know, for example, that the limitation of war industry was carried out as a result of the Versailles Treaty, and that fairly thoroughly, even in the case of a highly developed industrial country such as Germany, while in this instance what was aimed at was rendering innocuous a conquered country. How much easier it would be to control war industry given the complete abolition of the corresponding means of production!

The last-named objections seem to be rooted in profound international distrust, distrust of the mutual readiness to observe international conventions. It can be employed, and with even greater force, against the reduction of armaments, for what would be the good of an International Disarmament Commission, even along the lines of a draft Convention worked out by a preliminary Commission, establishing limits for armed forces and war supplies in every country, if we suspect that this Convention will not be observed and the equilibrium established arbitrarily upset? Here would be real grounds for your fears for the security of individual countries.

The honourable representative of Italy spoke, among other things, of the necessity not only of peace but of a just peace. I must admit I do not quite understand what he means by this. Does he mean that the present peace is not just and should be altered? But peace can only be altered by one of two ways: by war, or by revising the existing peace and other international treaties. As I am quite sure he did not intend to point to the necessity of a violent alteration of the present peace, I should like to tell him that our project by no means excludes the revision of the Peace Treaties, and that he could raise this question in the League of Nations, of which Italy is a Member, or at another international conference equally well after the realisation of our project. If he is not thinking of the violent alteration of the peace, he obviously does not require the preservation of armaments for the revision of the Treaties.

I will now turn to the remarks with regard to individual articles of our draft Convention, returning for a moment to the speech of the honourable representative of the British Empire. He found a multiplicity of technical and other defects in our draft Convention; he found that several articles do not even answer the purposes of its authors, that it is not written in language suitable to a legislative act, and that many of its articles, which he was good enough to enumerate, are open to serious criticism. He asked with astonishment how I could think of imposing such a faulty Draft on the Disarmament Commission, stipulating at the same time for its acceptance wholesale without consideration, or its rejection. Lord Cushendun would have saved himself much time and labour and considerably shortened his speech if he had not built up all his arguments on false premises. I do not know why he made up his mind that the Soviet delegation had decided to present the Commission with something like an ultimatum. The Soviet Government has itself received ultimatums, but, so far, has not sent any to anyone else, and it never entered our heads to do so here. Lord Cushendun himself justly mentioned my covering letter to the League of Nations Secretariat, in which I proposed that our draft Convention be accepted as a basis for discussion. In the speech introducing the draft Convention I referred not less than three times to the conditions in which I considered its study and consideration expedient. It follows that I did not exclude for a moment the consideration

of the Draft as a whole and in detail. I simply insisted that the draft Convention should not be examined until and if the Commission accepted the principles underlying it. After all, what would be the good of discussing the question as to the type of ships to be preserved for coast defence if we had not decided the question of the destruction of other military vessels? What would be the good of our discussing the question of the international defence of marine zones before we had decided what individual naval forces in the various countries were to be destroyed? The examination and consideration of the draft Convention without having established any ruling principles would indeed be an unworthy waste of our time. Valuing the time of the Commission, and anxious to save it from the discredit of fruitless work that could not lead to anything, I warned it against wasting time over the draft Convention before we had agreed upon a working basis. Furthermore, as the honourable representative of Italy remarked, all the articles of our draft Convention were subordinated by us to the basic idea of the complete destruction of armaments. Take away this fundamental idea and the individual articles of the draft Convention lose all value for us. This is why I call the draft a single whole incapable of disintegration. We, of course, claim no copyright for the Draft, and any of its articles may be adopted by anybody for any scheme of disarmament, but this will not be the Soviet scheme, and the Soviet delegation and Government cannot undertake responsibility for any such. The Draft may be found to contain articles answering to the interest of this or that State. Great Britain may consider, for instance, that the article on the destruction of submarines accords with her interests; other States may find articles suitable for themselves, and as a result disputes may arise with which, gentlemen, you are already familiar from the history of the first reading of your own draft Convention. Once, however, we all agree to use complete disarmament as a basic principle, disputes about individual points can have no serious significance. I am quite ready to admit that our draft Convention is not perfect and that, pursuing the common aim of complete disarmament, we might collectively considerably amend and improve it. All those articles which evoked the astonishment and criticism (shall I say derision?) of the honourable representative of the British Empire are not essential and allow of disputation and compromise.

Lord Cushendun aimed most of the slings and arrows of his criticism at Chapter III of the Draft, entitled "The Organisation of Protection". I can assure you, Mr. President, that, in drawing up this chapter, the specific interests of our own country were the last things to influence us. On the contrary, we should rather have ignored entirely the question of police defence. It is not, however, in vain that I am already participating for the second time at a session of the Preparatory Commission, and I am sufficiently imbued with your practical spirit and what you call a sense of reality. I knew the enormous significance attached by the countries you represent to the question of internal safety, the protection of property, etc., and therefore it was with a view to the interests of your countries and their possible desires that I ordered the drawing up of a special article on protection. I have no doubt whatsoever that, if I had omitted to do this, I should have been still more severely criticised, perhaps by none other than the honourable representative of the British Empire himself, for forgetting such an important body as the police. Lord Cushendun concentrated on the question of the arming of the police. He implied that our draft Convention was specially adapted to the conditions of life in the Union of Socialist Soviet Republics, where the police would appear to be better armed than in other countries. As a matter of fact, the militia in the Soviet Union are armed with revolvers precisely as are the police in most European countries. I have an idea that the police in the country in which we are at present are also provided with fire-arms. Lord Cushendun assures us, and I do not for a moment doubt him, that the police in his country are armed only with truncheons, but I do not doubt either that in cases of necessity the troops might be called to their assistance. Moreover, in the *Manchester Guardian* for the 19th of this month, I read, for instance, the following communication from Belfast:

"In connection with the demonstration at Moy, a large force of police was concentrated in the district to prevent a repetition of an outrage perpetrated in August last when a group of nationalists marching in procession along the main street in order to take part in a similar demonstration were dispersed by shots. The principal roads were lined with police, while Crossely tenders full of armed constables were always on the move."

Thus we see that in Ulster, which is a part of the British Empire, the police constabulary are armed. Further, the following information was communicated by Reuter's Agency on February 3rd last from Bombay: "The armed police suffered an attack by the demonstrators and were obliged to open fire"; and I have before me a telegram from Madras to the effect that, "as a result of the firing by the police upon the insurgents . . .", etc. Lord Cushendun will thus see that the police are not armed only in the Soviet Union, and that at least in parts of the Empire represented by him the police are actually forced not only to carry but to employ fire-arms. I trust he will agree that my precautions regarding the police were not superfluous from his own point of view. Lord Cushendun was also amused at the point concerning the protection of means of communication. The British delegate, of course, has no doubt of the necessity to protect sea communications and even control by his Government of countries situated on marine routes. I venture, however, to inform him that, while protection of means of communication may not be required where the railways system is highly developed, in countries with no towns or even large villages within a distance of 100 miles from each other, the presence at railway-stations of only a single police officer, if only in case of crimes being committed in trains, would scarcely be considered by him superfluous. The objects requiring protection mentioned in the Draft are intended to cover such institutions as State Banks,

Treasuries and Mints, requiring, of course, special protection. If, in examining our draft Convention, the honourable representative of the British Empire would like to propose still more drastic reduction of armaments for protection and for the police, the Soviet delegation will do its utmost to meet him on this point.

In this connection, a very legitimate question was put by the honourable representative of the Netherlands, expressing the fear that, in arming the police in proportion to the population the bigger countries might be in possession of a considerably greater armed force than the smaller, which might be used for warlike purposes. The Soviet Government intends to defend the interests of weaker States in the most energetic manner, and the Soviet delegation is therefore ready to change the proportion in the interests of the weakest States. If the Soviet delegation were to present any scheme for partial disarmament whatsoever, it would propose this very principle of a higher degree of disarmament for the bigger countries, including the Union of Socialist Soviet Republics, than for weaker States. I should add that the provision in our draft Convention for forms of protection should not bear the character of military organisation and that, as far as the police are concerned, they should be subjected to local authorities and not concentrated under a central administration, still less command. With regard to the types of weapons for protection forces, this is a technical question to be decided by the experts, since in some cases, such as combating contrabandism, rifles might be required, in others revolvers, and yet others side-arms, as the honourable representative of Cuba points out. The honourable representative of the British Empire did not ignore the question of personal defence of citizens, but implied that only those in my own country, where the State safeguards their lives inadequately, stand in need of such defence. I make so bold as to declare that the citizen of the Soviet Union does not carry arms on his person, and does not need them, for crime statistics there are no higher, if not lower, than in other countries. Lord Cushendun must, however, be well aware that shops trading in arms exist in all countries, and that these arms are bought for some purpose or other by private citizens also. The honourable representative of Japan has told us that it was dangerous to go out unarmed in certain tropical countries. Other dangers exist in other countries. Representatives of the Soviet Government have been attacked and killed in extremely civilised countries. A Soviet courier has been called upon to defend the diplomatic mail, arms in hand, outside the frontiers of our Union, in European countries some of which were Members of the League of Nations. If, however, the representative of the British Empire proposes total prohibition of the carrying of arms by private citizens, including even sporting rifles, the Soviet delegation will not quarrel with him on this point. Our draft Convention provides for a series of legislative measures on the part of every State. Lord Cushendun asked how free legislative assemblies could be forced to submit to the rulings of the Convention. It is now my turn to express astonishment. It cannot be that the honourable representative of the British Empire is not aware that an international convention ratified by the corresponding legislative assembly is law for the given country and that the legislative assembly ratifying the convention by so doing undertakes to carry out the necessary legislative acts provided in such a convention.

All these questions could have been given tranquil and all-round consideration and our delegation would naturally have been happy to have given all the explanations necessary, but, since Lord Cushendun has already broached all the questions and made critical remarks on them, I was unable to leave them unanswered.

I would once more point out that the question of the types of vessels provided under Articles 43 and 44 present no obstacle whatsoever for agreement. I would mention by the way that I am informed by my naval experts that the vessels of the tonnage mentioned in the draft Convention are fully capable of coping with their tasks in the various countries. For example, I have a list of some vessels belonging to Great Britain :

Mersey type trawlers, 665 tons ; 11 knots ; rated as fishery protection gunboats.
Arleux, Arras, Givenchy, 136 tons net ; 10 knots ; fishery protection ; Atlantic and Pacific ; Canadian Government.

In the United States of America there are :

Eagle boats, 500 tons ; 18 knots ; some of them transferred Coastguard.
1st Class cruising cutters (new construction), 2,075 tons ; 16 knots.
Cruising cutters (*Haida, Modoc* and others), 1,780 tons ; 16 knots.
25 Coastguard destroyers ; 1,090 to 1,110 tons ; 29.5 knots.
Ex-submarine chasers, 75 tons ; 11 knots.

All these vessels function in the same way as provided by our draft Convention.

I cannot refrain from pointing out one remark on the part of the honourable representative of the British Empire with regard to Article 10, of which he himself would doubtless admit the unfairness. In mentioning the proposed prohibition of scientific research and theoretical treatises, he did not think it necessary to mention that the reference was to specifically military

publications and not to general scientific ones. He found the article concerning military school-books extremely humorous. I do not know if he is equally derisive of the proposal brought before the Assembly of the League on September 16th, 1925, to the effect that :

“ The League of Nations would propose that its Members take measures, with a view to moral disarmament, for the revision of school histories in such a way as to gradually diminish the number of pages devoted to military events, especially in the case of those pages in which wars of conquest, etc., are glorified. ”

The other articles attracting the attention of the honourable representative of the British Empire, such as those concerning the number of copies of ratification papers, the place for their preservation, the place for the meeting of this International Control Commission, etc., are scarcely likely to provoke serious dissension. On detailed consideration of our draft plan, Lord Cushendun would have the opportunity also of suggesting other wishes and offering proposals with regard to such questions as how to deal with those troublesome neighbours to whom he referred with such feeling. Before, however, going into these comparatively unimportant articles, I should like to know if he accepts in principle the first thirty-six which embody the principle of complete disarmament. On this point he was unfortunately a little evasive. He spoke of complete disarmament as the ideal to which the whole of humanity aspires and for which it has longed since the very dawn of history. We have not, however, met together here to discuss our remote ideals, but to decide which of these ideals, to which humanity has apparently been aspiring for several thousand years, can now be put into practice, and which must be given another thousand years to mature.

The honourable representative of the Netherlands asks if I consider the further discussion of our proposal of any use. Of course, if the majority or a considerable number of the delegations present consider the principle of complete disarmament unacceptable for their Governments, then all further discussion is superfluous. Unfortunately, not all the speakers gave a quite clear answer to this question, and, while criticising our disarmament scheme severely, many speakers nevertheless qualified this by remarks as to the usefulness of its further discussion. Our delegation attributes such vast importance to the idea of general disarmament that it will always be ready to give further elucidation and participate in further discussion of our proposals, but, I repeat, such discussion is desirable and expedient only if the Commission declares its acceptance of the principle of total disarmament. In that case, I shall propose proceeding to the point-by-point reading of our draft Convention. In the case of the rejection of this fundamental principle, I shall not only not insist upon consideration of the Draft, but myself oppose it as a complete waste of time. It is now for the Commission to let me have its decision.

Mr. President, I am aware that, in asking for a decision, I am making a request which, while it is essential, is purely formal, and I cherish no illusions whatsoever as to its outcome. The speeches which have been pronounced here on the subject of disarmament have done nothing to increase our optimism. This time we really did begin our work in the Commission with some degree of optimism. We know that one of the biggest States had come forward with a proposal for the prohibition of war, and, having our own conception of logic and consistency, considered ourselves entitled to reckon on the support of this Government for our proposal, but the representative of this Government did not consider it necessary to lay his point of view before us, unless we are to consider convincing his declaration here that he believed in one scheme and not in another. On the one hand, the criticism of our draft Convention was based on profound international distrust, on the assumption that a solemnly accepted international convention is bound to be infringed, while, on the other, we are assured that when two neighbours, armed to the teeth, give a solemn promise not to attack each other, only then can the preservation of peace be hoped for. But when these neighbours supplement their solemn promise by undertaking to disarm and by actually disarming, we are told that not only will this not increase for them both the existing security, but it will actually decrease it. Thus, we learn, disarmed nations are still more dangerous to each other than armed! *Credo quia absurdum!* Of course, this can be believed, since nothing is too strange to be true, but it is a little difficult to grasp.

I was a little surprised to hear the honourable representative of Poland say that our idea could only be seductive for the average man, the man in the street. But it is this very man in the street, the average man, of whom the honourable representative of Poland spoke so contemptuously, on whom the burden of militarism lies and who is called upon to offer sacrifices to the Moloch of war. We, the Soviet delegation, do not claim to represent the so-called upper circles of society; we are here to represent the workers and peasants, whose interests we understand and value. No manner of doubt exists for our Government that these interests demand the radical solution of the question of disarmament and war. I think I can assure the honourable representative of Poland that the fears he expressed of the advocates of peace placing exaggerated hopes in the present session of the Preparatory Commission are, to say the least, exaggerated.

Whatever may be the fate of our draft Convention in the present session of the Preparatory Commission, we still believe that general and immediate disarmament is the only effective guarantee of peace, corresponding not only to the remote ideals but to the urgent daily needs of humanity.

If at the present moment the indubitable fact that the sympathy of the broad popular masses is entirely on the side of the idea of total disarmament is questioned, we are nevertheless

profoundly convinced that the time is not far distant when this sympathy will penetrate to the consciousness of all the Governments represented here and cause them to take up a very different attitude to our proposals.

Count CLAUZEL (France). — When I had the honour of speaking last Tuesday at the opening of this discussion, I thought it better to confine myself to a few essential questions, not preliminary questions, but questions of principle, to which it seemed to me necessary that a reply should be given for the sake of clearness. Nor was I disappointed in my hopes, for nineteen replies were given by members of the Commission, and a very full and carefully documented answer has now been furnished by the representative of the Union of Socialist Soviet Republics.

These replies, for which M. Litvinoff has had the courtesy to express his gratification and thanks, were, I think, clearer than he seems to suppose. The representative of the Union of Socialist Soviet Republics had placed a ballot-box before the members of the Commission and he had, in effect, asked for voting-papers. Of the nineteen replies, it would seem that eighteen were "Noes" and that their impressive unanimity was not disturbed by a single "Aye". Only one doubtful paper, to use a parliamentary term, was placed in the box. I must apologise to Count Bernstorff if I have misunderstood the exact meaning of his observations; he is, of course, perfectly free to correct me, and his corrections will—still employing parliamentary language—appear in the Minutes.

I found in all these replies, to which I listened with the interest and attention they deserve, most of the objections which M. Paul-Boncour expressed last November. M. Litvinoff dealt with them a few days ago very summarily and did not seem to attach much importance to them. I am sure that his intention was to stimulate the zeal of his opponents. Like all apostles, M. Litvinoff is not content with his apostleship but rather aspires towards martyrdom. He is like some Polyeucte, some St. Sebastian who urges his enemies—as he said just now in speaking to Lord Cushendun—to choose their sharpest arrows so that they may more certainly strike the very visible and obvious target which he offers to us in this hall. I may add that this target is connected up with every listening-post in the civilised world.

We may, however, congratulate ourselves on, and even thank M. Litvinoff for, this, for we were in great need of enlightenment, and this propaganda was particularly necessary at this moment in order that there should no longer be any doubt, especially among the working classes, as to the work which we are undertaking, the genuineness of our efforts, the nature of our discussions, and our desire to study proposals all of which are no doubt submitted to us with the same sincerity.

I will not deal in detail with all the points which have been raised, but I must express regret that certain questions, which I might describe as personal, have been introduced in reply to questions of principle. These personal questions do not come within our terms of reference and, if M. Litvinoff will allow me to say so, this is perhaps hardly the place for levelling accusations against a great country represented amongst us, or at a country whose hospitality we are enjoying.

I am not at all sure that the explanations which have been given will convince the editors of the *Izvestia* any more than they will convince the very subtle and very witty Ulysses quoted by M. Litvinoff, and who is not a compatriot of M. Politis, who would no doubt be very astonished to find himself in such company. However, they will certainly do us the honour of reading the reports of our discussions and they will, at any rate, be compelled to acknowledge their sincerity.

Lord Cushendun felt himself called upon to examine the Soviet Draft point by point, chapter by chapter and article by article, and M. Litvinoff followed suit by replying point by point to most of his objections. I do not think that the time is yet ripe to resume this discussion and, in any case, others are better qualified to do so than I am. I do not think, however, that it is M. Litvinoff's wish, and I will therefore confine myself to two or three points of especial importance in regard to which public opinion should be left in no doubt.

The discussion gave rise to one painful question amongst others, namely, that of civil war, which, it is true, does not come within our terms of reference. It arose out of examination of some of the provisions in the Soviet Draft to which the Soviet Government had not attached the importance that Lord Cushendun and M. Rutgers subsequently attributed to them. If we take away from soldiers their rifles and send them back to their homes, where, as M. Paul-Boncour pointed out last November, they will still remain soldiers even though disarmed, and if we give their rifles to policemen, who are not only local police but may include frontier or forest guards and may represent in very large countries a force of considerable size; if, finally we arm citizens with revolvers with the laudable intention of securing their personal safety (although they may also be tempted to turn them against their fellow-citizens), we shall thereby be creating very serious problems, for there is no denying that action of this kind is calculated to encourage civil war. But when we declare war against wars—and M. Litvinoff will allow me to inform him that we did not await his all-too-long-deferred arrival at Geneva before inscribing this formula on the frontispiece of our preparatory work for limitation of armaments—we were

making war upon all wars, not only on international warfare but on civil warfare, which is the most abominable of all forms of war. What we want is that armed forces should guarantee the security of States and not be used for wars of aggression and that there should be no contraband arms, which are perhaps more dangerous than any others. Finally, we do not wish to leave arms in the hands of those who might perhaps make use of them for purposes of disorder or for civil war. This will explain the importance we have attached to this question and the replies which have been made.

On the question of war material, M. Litvinoff quite rightly emphasised the importance of the work done here in connection with the manufacture of arms and ammunition. Last Monday, an exceedingly important exchange of views took place on this question, under the chairmanship of Count Bernstorff, and a desire was clearly expressed that the question should be resumed as soon as possible with a view to the summoning of a conference on the manufacture of arms, which question is so closely and intimately associated with the traffic in arms. There is a Convention on the latter subject which has so far been ratified by only three countries—including my own—and more general ratification partly depends upon the conclusion of this very convention on the manufacture of arms and ammunition.

Thus M. Litvinoff will see that all the questions which concern him have been studied here in great detail. He is indeed so familiar with all the work of the League of Nations that we can only express our regret that he has not yet considered the time arrived for his Government to become a Member of the League.

On this same question of arms, M. Litvinoff rightly pointed out that it could only be settled effectively by national and international control. I can assure him that the French delegation has examined with particular care the chapter he has devoted to this essential question, for he is aware that M. Paul-Boncour regards it as of vital importance. I hope that this thorough and detailed work will not be wasted, but may be resumed when we have before us the texts to which I am about to refer.

With regard to the other questions raised, particularly the place where treaties have been registered and the surprise which M. Litvinoff expressed that certain treaties, like the Treaty of Lausanne or the Traffic in Arms Convention, were registered in Paris and not at Geneva, I will leave it to others more qualified than myself to reply. I will only say that in some cases the Treaties referred to questions depending upon action by the Conference of Ambassadors, which was established in Paris. These, however, are points of detail and the time has not come to discuss them.

Thanks to M. Litvinoff, we have made a public examination of our consciences and have been able to ascertain exactly where we stand. The results, I think, are very gratifying, for they have shown us that we are not very far from our goal, provided, of course, that we remain within our terms of reference, that is to say within the framework of the League of Nations.

Although not a Member of the League, the Soviet Government has been good enough to take part in our discussions on the same conditions as the representatives of the United States and Turkey. Its delegation will understand that, as I have already said, it is impossible for us to abandon the methods we have hitherto adopted or to go outside our terms of reference. Possibly, if we had not been led to make this fruitful and useful examination of the Soviet Draft, we might have been able to proceed during the present session to the second reading of our own draft Conventions for the limitation of armaments, for which purpose we were convened and for which the French delegation was prepared. As it is, I think that it would be better to adopt the proposal made the other day by the honourable representative of the British Empire and refer the Russian text for the examination of our Governments. The texts drawn up at first reading are not definitive, and could not in any case be adopted without a second reading, since there are certain points on which it was found difficult to reach an agreement, and which were only agreed to on condition that an understanding was reached upon other points.

But while we have been holding these very interesting political discussions, the technical experts of most of our delegations have had a certain amount of leisure which they have turned to good account. They have entered into or continued useful conversations dealing with the treatment of some of these delicate questions to which I have alluded and for which only partial solutions had been found; we hope that some final settlement will be reached as speedily as possible. One of the conditions of such settlement and one of the main conditions of success is an exchange of views not only between technical experts but between Governments. I am glad to say that we are far advanced along this path and there is no occasion to anticipate any very long delay before we arrive at appreciable results.

In these circumstances, I think that we should be wrong to neglect such an important factor of success. Nevertheless, we must not disappoint hopes based upon the result of our work, and, as M. Politis suggested the day before yesterday, when recommending Lord Cushendun's proposal, a practical solution would be to request the Secretariat, with the help of our Bureau, to collate with a view to the second reading the text of the Soviet draft Convention and the texts which we have already framed. Further, if Count Bernstorff has no objection, his new proposal concerning publicity in the *Armaments Year-Book* might be inserted in its place in the corresponding chapter of the first-reading texts, so that all our work will be prepared for us by the time we meet again. As M. Politis suggested, we could leave the date of that meeting to be decided by our President, but I may be allowed, on behalf of the French delegation, to express a hope that in any case we may be convened in time to allow of the second reading being taken before the next Assembly.

14. Procedure.

Count BERNSTORFF (Germany). — In spite of the advanced hour, I should like to ask a question concerning the agenda. Having heard Count Clauzel's speech—and I may be allowed to thank him for his kind references to myself—I am not clear whether we are still discussing Item 2 or whether we have passed to Item 3.

With regard to Item 2, I have already expressed my opinion and have nothing to add, but with regard to Item 3 I have still a great deal to say, and I should like to know when I may be allowed to say it. I understand that Count Clauzel much regrets that we have lost three days in discussing M. Litvinoff's proposal and thought that, owing to this loss of time, it would no longer be possible to take the second reading of our own proposals. I am not sure that we ought to regard three days as a very long time to study a question which we have been discussing for a year. Three days is surely not very long compared with one year.

In any case, I shall be pleased to make my observations as soon as Item 2 is disposed of.

The PRESIDENT: I may be allowed to reassure Count Bernstorff. We are still dealing with Item 2 on our agenda and Count Bernstorff will have time to-morrow or next week to develop his ideas with regard to Item 3. The fact that, during the discussion, certain speakers, such as M. Politis and Count Clauzel, have passed from Item 2 to Item 3 does not make any difference. We shall take Item 3 to-morrow. The Bureau will draft a resolution which will summarise and conclude the discussion of Item 2 of our agenda, and I am sure that you will be willing to entrust the drafting of this resolution to your Bureau.

The Committee rose at 7.25 p.m.

EIGHTH MEETING (PUBLIC).

Held on Friday, March 23rd, 1928, at 10.30 a.m.

President: M. LOUDON (Netherlands).

15. Statement by the American Delegation on Item 3 of the Agenda.

The Hon. Hugh GIBSON (United States of America). — Mr. President—I had not anticipated speaking in regard to the question of the date for our next meeting at the present moment, but, inasmuch as the question has been broached, I feel impelled to rise early in the debate in order to state the views of the American delegation, particularly as I have learned in numerous conversations that a considerable amount of misapprehension exists to the effect that the American delegation is determined that the Preparatory Commission shall remain here to undertake an immediate second reading. Various reasons have been advanced for and against the undertaking of the second reading, and, to my surprise, a number of the arguments both for and against have been attributed to my delegation. I cannot but feel that there should be only one determining factor and that other considerations should be entirely secondary. After all, the essential consideration is to find and follow the path leading most directly to general agreement and to the termination of our labours. At the conclusion of the first reading, there were so many points of disagreement that we felt that nothing further could be accomplished in public meetings until after an effort had been made by direct negotiation between the various Governments and between groups of Governments to find a way, through mutual concession, to eliminate existing divergences. It was felt that only after eliminating a considerable part of the opposing views could we profitably embark upon the second reading with some prospect of drawing up a document so harmonious and so representative of accepted views as to offer a basis for calling a final Conference. Now, here we come to the meat in the coco-nut; have we or have we not by direct negotiation or in any other way achieved a sufficient basis of agreement to justify us in starting a second reading? We should each of us examine the question from that point of view and from that point of view only. If it can be demonstrated that a sufficient measure of agreement has been reached and that no insuperable obstacles are still to be removed, then by all means let us start at once upon a second reading. If, on the other hand, we conclude that no such progress has been made, then the only commonsense course is for us to recognise the fact and to defer the second reading until such time as we are able to undertake it with a reasonable prospect of arriving at a successful conclusion. In connection with this, I think we should all shake off the idea that the only way to advance our work is to sit here in plenary session or in Committee. There are times when this is the obvious course to take, and there are other times when we can advance the work quite as much—perhaps far more—by outside negotiation, and our present problem is to determine which method of work is best suited to the present situation. So far as I can judge from informal conversations with my colleagues, the general consensus of opinion appears

to be that the time is not ripe for a second reading. If my estimate of my colleagues' views is not accurate, the fact will be brought out in the general discussion, but, in any event, I should like at this early stage in the debate to offer an expression of our views as to the method for fixing a date for the renewal of our labours. I do this on behalf of the American delegation only, but I trust that I am at the same time expressing the views of certain other States situated at a considerable distance from Geneva.

I question the wisdom of our fixing a definite date in any arbitrary manner, whether it be May, July or October, since it is impossible now to foresee that the development of our work will reach the desired point at any given date. The meeting of last November was fixed arbitrarily and when it took place it was found that there was little that could be accomplished for the moment. At the November meeting, March 15th was fixed, quite arbitrarily, in an effort to give some measure of satisfaction both to those who wanted to proceed immediately with the second reading and to those who felt it advisable to defer it to the more or less indefinite future. Now that we are here, a considerable number of our members feel it would be unwise to undertake an immediate second reading. If we fix another definite date in the future, I fear there is considerable risk that when we return we shall find ourselves again in the same situation and obliged, after a *pro-forma* meeting, to take another adjournment of the second reading.

Various Governments represented on this Commission are obliged to send most of the personnel of their delegations from a great distance, which means detaching officers from their regular duty for a considerable period of time. This is entirely justifiable at any time that they can be profitably employed, and if an adjournment is deemed necessary, I know we are all disposed to accept the decision in good part; however, I do feel it is hardly right to ask such delegations to come back at some arbitrarily chosen date in the future on the chance that we may be ready to work, particularly as there is another method of choosing the date of our next meeting which would obviate the necessity for these long and unnecessary voyages.

Amid all the questions which still remain to be solved, I feel safe in saying there is one point on which we are all in hearty agreement, and that is that there is no member of this Commission more concerned with the expeditious and effective handling of our work than our President and no one whose opinion and sound judgment we value more highly. I submit to my colleagues that, in the opinion of the American delegation, the sound and reasonable thing to do would be for us to ask our President to keep in touch with developments and that he be requested to convoke the Commission as soon as matters have reached a point where we can embark on the second reading under conditions calculated to promote an early and successful conclusion of our labours.

While we should ask our President to reconvene whenever we can profitably embark on a second reading still we should place a maximum time-limit within which a new session would be obligatory. I cannot but feel that this is a somewhat contradictory solution in that it does not fully meet our difficulties. Suppose we ask our President to convene us when he thinks the time is ripe and at the same time we tell him that, whatever happens, he must bring us back here to work by the month of July or August—with the confidence we possess in his keen interest and his judgment, we know perfectly well that, if the time is ripe, he will convene us by that date anyway. Therefore the provision is entirely superfluous. On the other hand, if the situation is not ripe, on what possible ground should we all be brought back here again, merely to take note of the fact that we are unable to proceed with the second reading? By doing this, shall we not defeat our own ends? We seek to provide that we shall be called only when we can be assured of profitable work, and then say that, even if the President does not think the time is ripe, he must bring us back to a fruitless session. Surely this is taking away with one hand what we give ourselves with the other.

We have already had two experiences of coming back here to consider the state of the work and of reaching the conclusion that a postponement was desirable in the interest of the work itself. It is inconceivable to me that we should not learn something from those experiences. If we are going to ask our President to assume this very large responsibility of bringing us back here when he judges the time has come, we are most heartily in favour of it, but let us give him the freedom which is essential to the proper exercise of that responsibility: Otherwise, I do not think we have a right to impose this duty on him.

I trust that my colleagues will accord their usual friendly consideration to what I have said on this subject. If it is found that we are ready to continue our work, the American delegation will gladly fall in with the wishes of the majority. If, on the other hand, it is felt that, in the interest of the work itself, we can best employ our time in other ways and come back at a later date to be fixed by the President, the American delegation will readily accept the verdict of the majority.

The PRESIDENT. — We will not discuss the point raised by Mr. Gibson until we come to deal with Item 3 of our agenda. We must first conclude the discussion on the second item.

16. General Discussion of the Draft Convention of Immediate, Complete and General Disarmament submitted by the Delegation of the Union of Socialist Soviet Republics (Annex 2) (continued).

Tewfik ROUCHDI Bey (Turkey). — Mr. President, Gentlemen,—In the statement which I had the honour to make the other day, I stressed the connection between security and disarmament and the conditions upon which the realisation of these two phases of security must depend. I also indicated implicitly the views of the Turkish Republic on the question now before us, and I do not propose to revert to them at the present stage of our discussions.

What I do desire to point out is that, after the animated debate which we have witnessed between the supporters of divergent policies, we must remember that the ultimate object—whether the method be total or partial disarmament or combinations designed in the interests of security—the ultimate object, I say, is to strengthen the foundations of peace between the nations in such a way as to make the renewal of war if not impossible at all events extremely difficult.

All the suggestions now before us simply represent means which are regarded as calculated to achieve this common object; there is, for example, the pacific settlement of disputes, the question of security and, lastly, disarmament and the limitation or reduction of armaments.

Still with the same object in view, the supporters of one of the two schools of thought regard security as most likely to produce the conditions which would have this result, whereas those who hold the opposite view envisage security as an automatic result of disarmament, which in its turn may be viewed either as an auxiliary factor of security or as a consequence of security itself.

Considering, on the one hand, the importance of the common aim which we are pursuing and, on the other, the heavy burden of responsibility which the Commission has assumed before humanity, the Turkish delegation is of opinion that schemes starting from either of these two divergent standpoints should be examined and discussed with equal thoroughness, in order to bring out the merits, defects, or any gaps which it may be necessary to fill if they are to be adopted.

Objective study of this sort is both desirable and necessary, as it is the duty of this Commission to examine every aspect of the questions submitted to it and to carry out such preparatory work as may facilitate the task of the Disarmament Conference when it meets. It is impossible as yet to foresee which of these divergent views will secure the unanimous approval of that assembly, but, undoubtedly, valuable time will be saved if different plans can be submitted which represent the various schools of opinion. Was it not in view of these very considerations that the Committee on Arbitration and Security decided to prepare a number of model treaties and conventions corresponding to the moderate and extreme views expressed?

Such being the case, it would certainly be expedient to examine each of the schemes put forward without deciding beforehand whether to accept or reject the principles on which they are based.

In carrying out this examination, we should naturally have to consider whether the scheme is capable of realisation and, if the answer is in the negative, what modifications might be necessary to make it feasible; we should have to consider whether, once it had been carried into effect, it would really be capable of producing the promised results; whether, from the point of view of peace and security, its advantages outweigh its drawbacks; and, lastly, whether, when the situation it has in view has actually come to pass, it would place individual States in a position of equality as regards security.

In view of the conclusions expressed by the many speakers who, despite their criticism of the scheme, have urged that the Soviet delegation's draft should be carefully examined, I have no reason to think that these speakers hold views fundamentally different from those which I have just expressed.

As regards this point, I think that the proposal of the delegation of the Union of Socialist Soviet Republics should be discussed along with the Draft already submitted by the Preparatory Commission.

M. RUTGERS (Netherlands). — In reply to the speech delivered yesterday by the delegate of the Union of Socialist Soviet Republics, I wish to add a few remarks in regard to the draft Disarmament Convention which he submitted. In the first place, I am bound to state, to my great regret, that the Soviet delegate's reply to my objections have by no means satisfied me.

I brought out two main points. The first was that his scheme made absolutely no mention of most of the principal causes which may lead to armed conflicts. I think I may regard this point as agreed, as I have received no reply on the subject.

My second point was that the scheme of disarmament put before us is not complete, and that war is still a possibility. I should like now to say a few words in regard to his reply.

I said that great States which have a large population and long lines of communication could keep organised armed and disciplined police forces out of all proportion as compared with those of smaller States. He replied that, if there were any undue disproportion as between the greater and lesser States, it would be possible to modify the situation in favour of the smaller States. I do not know quite what the favour would consist of. Can it be regarded as a favour if the small State has a police force in excess of its requirements, or if the great States are obliged to be satisfied with inadequate forces?

But my objection did not refer to the question of proportion as between the police forces of large and small States. I emphasised the fact that these numerous disciplined, organised and armed forces could be used for purposes of war. There is no question of men armed with penknives, and this was no fit subject for joking. What was the reply? The delegate of the Union of Socialist Soviet Republics said that this was a concession made to other States which considered that they had things to protect in their countries. But it seems to me that in every State there are things to protect. In every State there is a form of government which it is desired to preserve and to protect against attempts of revolution; there are big estates

and there are factories, whether they belong to the State or to private persons. In every State it is necessary to protect the lives of its citizens and the safety of foreigners. In this connection, I may remind you that, in the League of Nations itself, there have been discussions on the responsibility of States for the protection of foreigners against attacks. The organisation of protection indicated in Chapter III is therefore not an obligation peculiar to a given State but an obligation incumbent upon all States.

But, even assuming this police force to be armed with the simplest arms, it must be in a position to put down brigandage and attempts at revolution, and, I repeat, that this instrument of protection which each State needs can be used for war.

The delegate of the Union of Socialist Soviet Republics also said: "But these are local police forces. They are police forces which will have no military organisation. They will be under the orders of the communal authorities and not under those of the Government". Nevertheless, there will be organised bodies, such as frontier guards, for example, which will have to be under the Government. There will have to be a certain grading in these police forces, and they will have to be at least equal to the forces they will be obliged to oppose. History has shown the danger of communes and decentralised autonomous authorities possessing the only armed forces in the country. It has been shown that the political influence of the civic guards under the control of the municipalities could become an element of destruction in a State. But I leave all these details on one side. I repeat that these police forces essential to each State may be transformed, not in several months but in a few days, into an army which would be the more formidable because there would be no stronger army to bring against it.

I should like to summarise in a few sentences the essential ideas which seem to be still in being after this debate. The kind of disarmament proposed to us will not be in the least complete. It cannot be complete as long as there is still anything to protect. The protection must be stronger than the threat. The protective force can always be used as a war force. War will therefore still be possible. The scheme does not touch any of the principal causes of armed conflict, and therefore it neither leads to disarmament nor provides any guarantee of security or peace. Moreover, as I said yesterday, it would upset the existing balance among the Powers and only replace it by instability and insecurity.

In my view, the best thing we can do is to reject a proposal which can lead to no useful results and proceed to the second reading of the draft Convention we have drawn up. I see no point in continuing the discussion of the draft submitted to us. The honourable delegate of the Turkish Republic has just asked a number of questions. I do not think we ought to close a discussion that has lasted for several days by asking questions. I think we are here to answer them, and, for my part, I have tried to do so. It may seem that the great majority of the members of this Commission have made it clear that they wish to close this debate. If we entered upon a fresh examination, a fresh discussion of the Draft, it seems to me that our work might be compared to a cat playing with a mouse. If I were the mouse and were certain of the inevitable conclusion, I should say: "For heaven's sake, let us get it over!"

General DE MARINIS (Italy). — In his speech yesterday, M. Litvinoff had the courtesy to refer to the statement which I made in reply to his invitation to express our views on the Soviet delegation's Draft. I desire to thank him for his remarks and to reply very briefly.

M. Litvinoff said, in the first place, that he did not understand what was meant by this "just peace" to which I had referred when I said that peace must be such as to furnish all peoples the assurance of being able to live and develop in freedom.

My definition was perforce rather summary, but I thought that it was sufficiently clear for there to be no doubt as to its significance. A just peace, in my view, is one which not only obliges peoples not to go to war with one another but obliges them to take into account in their own interests the needs of other peoples, to appreciate these needs and not to raise obstacles to their satisfaction.

Nature has not treated all peoples with absolute equality. There are rich and poor among nations as among men. I am well aware that the idea of perfect equality among men is a mere Utopia; but I know also that there is such a thing as social justice, which demands that those who are more favoured by fortune should care for those who are not and see that they have a means of livelihood and opportunities for progress.

As, then, there exists a principle of social justice, there must also be an international justice, without which—whether the Soviet scheme is adopted or not—we cannot prevent all possibility of war.

That is what I meant when I spoke of an equitable peace.

M. Litvinoff then asked what relation there could be between my conception of peace and his scheme for immediate, complete and general disarmament. Here he placed me upon the horns of a dilemma which I do not hesitate to state in the crudest terms. M. Litvinoff said in effect: "Either you have at the back of your mind the idea of changing the present state of affairs by force, in which case you have no business to talk about peace; or you have no idea of resorting to force, in which case why do you want to keep your armaments since you can settle your difficulties by peaceful means?"

I am bound to admit that at first sight this dilemma seems irrefutably logical. At the same time, gentlemen, we must not put too much trust in logic, particularly when it is pressed into the service of sophistry. My answer to M. Litvinoff is this: None of us thinks of using armed force to change the present aspect of the world for our own profit; but we do affirm

the necessity of that international justice to which I have referred, and if we are not prepared to accept the scheme of immediate, complete and general disarmament which the Soviet delegation puts before us, it is because we find nothing in that scheme which offers us any hope that, in a totally disarmed world, there will be more justice than there is now and that peace in such a world will be more equitable.

But what is the use of losing ourselves in long discussions which would end by becoming academic and sterile? Far better look things bravely in the face and see them as they are.

M. Litvinoff tells us that armaments are an incitement to war. When I look at the past, however, I see that armaments have been a means of making war, but that the war has generally been provoked, not by a desire to fight for fighting's sake, but by much more profound and complex causes, underlying which in most cases we find economic problems or problems of population. International life is one continual process of development, for the economic, demographic and social factors are constantly changing according to the natural force of development in each people and according to the dynamic power it displays in each successive stage of its history. Now, to safeguard peace on a firm basis there is only one way: to carry out a programme which will keep the international situation always in harmony with the practical needs of all nations. That is the task which the League of Nations must endeavour to accomplish, and which it can accomplish if all its Members are inspired by the same sentiment of international solidarity. It is a difficult task, very difficult indeed, but one which, in my opinion, represents the only possible way to an equitable peace.

That, gentlemen, is why I have said to M. Litvinoff that I doubt whether his scheme, which does not take into account the considerations I have put forward, can secure the peace of the world and constitute a true safeguard against war. I think my doubt is justified. I will say more: for me, this doubt is a certainty.

M. POLITIS (Greece). — Mr. President, Gentlemen—I listened yesterday to M. Litvinoff's speech with the closest attention. You will not be surprised—and M. Litvinoff will bear me no ill will—if I say that the caustic spirit in which it was delivered did not go very far in my view to hide its lack of objectivity.

I do not wish to go over the whole of the discussion. I consider that the very interesting debate which has taken place here has run its course. I merely wish to draw attention to two points. The first is that the objections of principle raised by several of us to the Soviet Draft have not been refuted. The second is that the observations I had the honour to make the day before yesterday as to the incompatibility of this Draft with the Covenant of the League of Nations have only been given an evasive and inaccurate reply by M. Litvinoff.

As regards the first point, I will be very brief. The main idea which has been expressed in the most diverse forms in a long series of speeches is that immediate, complete and general disarmament, while answering to the ideals of humanity, is at present quite impracticable. M. Litvinoff's only reply to that was that he continued to think that such disarmament was necessary, that it was desirable and that it was demanded by public opinion. But it seems to me that he did not make a sufficient effort to show us that we were wrong in thinking, for our part, that this project, however attractive, cannot be put into force at the present time. We have said over and over again that such reform presupposes the fulfilment of a whole series of conditions of justice, trust and security which at present are absent.

M. Litvinoff reproached us with criticising the deficiencies rather than the contents of his scheme, as if it were possible to appreciate the real value of a proposal and to know what its contents are worth without considering its omissions. M. Litvinoff added: "Oh, I could easily have made proposals for transforming this vale of tears into an earthly paradise, but I did not do so because I was sure you would not accept them". But I think that it would have been most useful—I may even say that it was essential—for him to demonstrate the possibility of such a transformation in order to convince us of the possibility of immediately achieving total disarmament.

The second point relates to the observations which I had the honour to lay before you the day before yesterday with regard to the incompatibility of the Soviet Draft with the Covenant of the League of Nations. I said that the idea of total and immediate disarmament ran directly counter to the present structure of the League of Nations. In his reply, M. Litvinoff forgot the adjective "present" and turned my argument against the League of Nations. What he said was more or less as follows: "What! you say that the League of Nations will only permit of a reduction of armaments! Take care! you will discredit it by giving the impression that it constitutes an obstacle to total and immediate disarmament. Luckily for you, this is not true, as the Covenant is not unalterable and you showed by your Geneva Protocol that it was capable of amendments and improvements".

Now, allow me to say in all humility, as one who has always been a friend and supporter of the League of Nations, that I was very much gratified to hear M. Litvinoff showing such unexpected solicitude for our institution. But I could not help remembering the well-known line of La Fontaine and thinking that these scruples really showed too much delicacy. Let M. Litvinoff have no fear. The League of Nations runs no risk of being discredited for saying

that it cannot achieve the impossible. On the contrary, the confidence reposed in it by most of the countries of the world will only be enhanced if it proclaims frankly that it cannot hold out any false hopes. The Covenant is undoubtedly capable of improvement, and when conditions permit of immediate, complete and general disarmament, M. Litvinoff may be sure that the League of Nations will be only too glad to proceed to that step without waiting for any initiative from outside. I think that the Protocol of Geneva is an example that the League of Nations is seeking to improve its machinery and is capable of improving it. After all, what else was the Geneva Protocol but the means of strengthening the machinery for pacific settlement and the procedure for sanctions? To give effect to this double reform, it was stipulated that, as soon as the Protocol had been accepted, its provisions would be converted into a series of amendments to be introduced into the Covenant.

On this point we are entirely in agreement with M. Litvinoff. The Covenant of the League of Nations is not unalterable, it is open to unlimited improvement. But I cannot sufficiently emphasise that, in the successive and unlimited improvements of the Covenant, a logical sequence is necessary. We cannot amend and improve Article 8 without at the same time improving Articles 12, 13, 15 and 16. All these reforms must be inter-related; otherwise the edifice will become lop-sided and that is a danger which we wish to avoid. We desire the League to become more and more rooted in the conscience of humanity and we want the institution to develop with all the vigour of which it is capable.

But here M. Litvinoff is no longer in agreement with us, for he says: "Why are you concerned with the obstacle which total disarmament may place in the way of the application of Article 16? Article 16 presupposes armed strife; but such strife will no longer be possible when the nations have laid down their arms and when armaments have completely disappeared". M. Litvinoff will not be surprised if we are not entirely reassured by these arguments. As my friend M. Rutgers has just pointed out, even if the Soviet Draft is carried out, there will always remain sufficient armaments and, above all, sufficient possibilities of re-armament for the hypothesis of armed strife not to be regarded in future as a mere vain imagining.

But M. Litvinoff's optimism goes further. He says: "Why is it necessary to assume that States will always be mistrustful of one another or that, as soon as a general disarmament convention has been signed, it will be violated?" M. Litvinoff appealed to sentiment rather than to reason in quoting examples of certain countries which had no reason to be alarmed of their neighbours. Unfortunately, perhaps still more examples could be quoted of countries which are not able to repose the same confidence in their neighbours; but why labour the point? M. Litvinoff has too much knowledge of human nature not to know that confidence between peoples, as between individuals, cannot be made to order: either it exists or it does not. This is a fact and no statesman worthy of the name can afford to forget it. I should like to add that, when this confidence between peoples does not exist, it is usually not an aberration on the part of their Governments but the painful result of past experience.

As regards the respect for treaties so confidently proclaimed by M. Litvinoff, I cannot help thinking that his own faith is not so very secure, since, in Article 60 of his Draft, he has provided for the case of breaches of the Convention he has proposed to us, and also, as I explained the other day, he has had to contemplate the necessity of organising measures against a State committing such a breach.

I noticed yesterday, when he was speaking of the necessity of having armed police forces along the lines of communication, that he said that the presence of such a force was necessary if only on account of the crimes which might be committed. But, gentlemen, if it is necessary to provide for the possibility of crimes within a country and to arrange for their prevention and punishment, why is the same hypothesis to be excluded in regard to international relations? Are there not criminals in the community of nations as there are in smaller societies? Are there not criminal States against which it is necessary to organise preventive and punitive measures in the interests of humanity? And as long as there is not an international police responsible for this duty of preventing and punishing international crimes, States will be obliged to make good the deficiency with their national armaments.

As a last resort, at the end of his speech, M. Litvinoff quoted against our opinion—which he no doubt regards as blind obstinacy—the will of the masses of the population, which he thinks are more impatient than we are for complete and general disarmament and will one day force it on their Governments. I know that M. Litvinoff is well acquainted with the popular mind, and I do not dispute that the "man in the street" may be more ready than we are to admit the possibility of immediate, full and general disarmament. But the man in the street is also quite ready to believe that many diseases can be instantaneously cured by some miraculous drug. Fortunately, however, for him and his, we have conscientious men of science and doctors who are able to undeceive him. I think, gentlemen, that our task is a similar one. We, too, by our work must endeavour to enlighten public opinion on present possibilities in regard to the limitation and reduction of armaments. For my part, I am firmly convinced that the debates we have just heard have largely contributed to do this, and have given us an opportunity of rendering this signal service to public opinion and especially to the masses of the population. I think myself, and I am sure the Commission will agree with me, that we owe to the Soviet Government, and especially to M. Litvinoff, the most sincere and cordial thanks for having given us this opportunity.

M. LOUNATCHARSKY (Union of Socialist Soviet Republics). — I should first like to explain in a few words the questions to which M. Rutgers' criticisms were directed. May I be allowed to point out that that criticism goes too far—further, indeed, than he himself intended. Is M. Rutgers really in favour of a still more radical form of disarmament than we ourselves have proposed? Does he desire to make new proposals to abolish not only armies but police forces? I do not think so. And if not, do not his objections lose some of their force when applied to a scheme which only deals with the limitation of armies? M. Rutgers seeks to prove that we are in an impasse and that wars will continue to exist whatever happens. His speech seems to me the most pessimistic of all that we have heard. It is inspired by a complete distrust of humanity—a distrust which extends not only to the relations between nations but to relations between municipalities or between the latter and the State.

For our own part, we still believe that the disarmament we propose goes as far as is possible and that, although it does not perhaps give that absolute security which M. Rutgers is asking for, it does supply a far fuller measure of security than is offered by any proposals which have so far been made or which could be made.

It has been further urged against our Draft that moral disarmament, the disarmament of men's minds, should precede material disarmament. We hold exactly the opposite view. There is no doubt that total disarmament will be accepted with enthusiasm by the great masses of the people and there is every reason to suppose that, when it has been carried out, no Government will be strong enough to return to a militarist system with the object of engaging in a war of rapine.

General de Marinis's lofty ideal of social and international justice is in no way opposed to our proposals. The nations will undoubtedly be quite as capable of working to this great end when they are disarmed. If it is true that there are some nations which are too wealthy and which, from the point of view of international justice, ought to yield something to the poorer nations, we must remember that it is precisely these richer peoples which are the best armed. I do not think, therefore, that these armies as they are to-day will be able to help you in establishing justice and equity between nations.

I must point out that at this morning's meeting discussion has returned to our proposals, which proves that they are not perhaps as unpractical and as easy to refute as was thought, and even if the discussion may be closed in this Commission, that is not the case as regards public opinion.

M. Politis invited us to supplement our previous statements by a discourse on the system we propose for reforming humanity. We should be quite prepared to do this, but I am afraid that M. Politis would find it hardly in harmony with the instructions given to our Commission or with its terms of reference. Therefore we will not prolong this discussion, since what we have said during the debate would seem for the moment to be sufficient.

M. Politis appealed to public opinion. We make the same appeal and we have the same reasons as he to thank our critics. Nevertheless, the interesting discussions that have taken place do not prevent us from declaring that the practical object for which we came here is still unrealised.

The PRESIDENT submitted, on behalf of the Bureau, the following draft resolution regarding the draft Disarmament Convention submitted by the delegation of the Union of Socialist Soviet Republics :

“ The Preparatory Commission for the Disarmament Conference,

“ Having carefully examined the bases of the draft Convention for Immediate, Complete and General Disarmament submitted by the Union of Socialist Soviet Republics,

“ Notes

“ That practically all its members are of opinion that this Draft, while in harmony with the ideals of mankind, is, under existing world conditions, incapable of being carried into execution, that it can only be realised when international organisation is strengthened in respect both of methods of pacific procedure and the systematic organisation of sanctions, and that, consequently, the said Draft cannot be accepted by the Commission as a basis for its work, which work must be pursued along the lines already mapped out ;

“ But that, nevertheless, a large number of members of the Commission are of opinion that the provisions in this Draft might be examined by the various Governments with a view to ascertaining whether these provisions could not furnish valuable material for the second reading of the draft Convention for the Reduction and Limitation of Armaments prepared by the Commission.

“ Decides to pass to the consideration of Item No. 3 on its agenda.”

If you are agreed upon this text, I will consider it adopted ; on the other hand, if there is to be a discussion, I suggest that we postpone it until this afternoon.

M. LITVINOFF (Union of Socialist Soviet Republics). — For my part, I support the second part of your alternative, since the hour is already so late that this sitting is due to come to an end, and we should not lose much time by postponing the final decision until our next meeting.

Count BERNSTORFF (Germany). — M. Litvinoff has proposed the postponement of the discussion of this draft resolution until this afternoon and I am in agreement with him. I would observe, however, that the last paragraph but one in the text before us appears to anticipate our decision on Item 3 in our agenda. For this reason, I think that it would be better to postpone a decision on this draft resolution until we pronounce on our future work. I am aware that the majority of the members of this Commission are not in favour of a second reading at the present session, but there are others who hold that this question was settled at our last session when the Commission unanimously decided that the second reading of the draft Convention should be taken during the present session.

The PRESIDENT. — The last paragraph but one of the draft resolution contains only a statement of fact, not a decision. Nor do the two preceding paragraphs contain any decision, which only appears in the last paragraph and refers to passing on to another item in the agenda.

Count BERNSTORFF (Germany). — I quite understand that the only decision in this draft resolution consists in passing to the consideration of Item 3, but if we decide—as I think we should—to hold the second reading at this session in accordance with the decision taken at the Preparatory Commission's last session, the last paragraph but one of the draft resolution ceases to have any meaning, since it is impossible to refer documents to Governments with a view to a second reading if that reading has already taken place.

M. RUTGERS (Netherlands). — The draft resolution only says that a large number of the members of the Commission are of this opinion. It is true that Count Bernstorff does not seem to be of this number, but it is nowhere stated that he is. If we proceed to the second reading to-morrow or this afternoon, it will be clear that this opinion was not followed, but it will remain a fact that it was expressed.

Count BERNSTORFF (Germany). — I really think it would be very simple to postpone our decision concerning this draft resolution until we have discussed Item 3 of the agenda. If M. Rutgers desires to submit to his Government an opinion which was not followed, he is at liberty to do so.

The PRESIDENT. — If there is no objection on the grounds of principle to the wish expressed by Count Bernstorff, we will pronounce upon this draft resolution after examining Item 3.

This was agreed to.

The Commission rose at 1 p.m.

NINTH MEETING (PUBLIC).

Held on Friday, March 23rd, 1928, at 4 p.m.

President : M. LOUDON (Netherlands).

17. Progress of the Work of the Preparatory Commission for the Disarmament Conference : Item 3 of the Agenda : General Discussion.

Count BERNSTORFF (Germany). — Mr. President,—At the beginning of our discussions you were good enough to say that, when we came to examine Item 3, we should be at liberty to discuss any questions calling for examination in regard to disarmament and the reduction or limitation of armaments. I have repeatedly mentioned in the past that, from the political point of view, we regarded publicity in the matter of armaments as a most important factor ; to-day, however, I do not propose to dwell on this question of publicity, but wish rather to mention a technical point and, if you will allow me, to say a few words on the proposal which has been submitted to you.

On September 21st, 1927, I presented in the Third Committee of the Assembly a statement urging the necessity of enlarging and improving the *Armaments Year-Book*. In so doing, I was acting in accordance with the spirit of the Council resolution of July 1923, that is, I regarded the *Year-Book* as a means of realising the objects laid down in the last paragraph of Article 8 of the Covenant.

Under the terms of this paragraph, Members of the League have undertaken very definite obligations. For them the question of publicity in the matter of armaments appears to have been already decided in principle. They have assumed a perfectly definite undertaking unattended by any restrictions. The only point to be decided is how this undertaking is to be carried out.

But there are other States which, although not Members of the League, are collaborating wholeheartedly in the noble task of effecting a reduction of armaments, and they, I think, would wish that we should all be perfectly clear as to the armaments of the different States. How can there be perfect confidence between the peoples without one State giving another full and frank information as to the scale of its armaments ? How can we achieve national

security as long as the States do not possess information in regard to the armaments of other States which may constitute a menace to their security? How, lastly, can we find a starting-point for any general plan of disarmament unless we know just what armaments exist?

I do not think that I shall be accused of having sprung these proposals upon the Commission. At our meeting on December 3rd, 1927, I spoke without opposition of the necessity of speeding up our work so that the Disarmament Conference might still be held some time in the year 1928. As the result of my proposal it was decided, on December 2nd last, that the examination of Article 8 and more particularly the last paragraph came within the competence of the Preparatory Commission. M. Paul-Boncour supported my proposal in a manner for which I am truly grateful to him.

The proposals which I have submitted are intended to expedite our work and to bring about this exchange of information as soon as possible. I wish to make it perfectly clear that they are not meant to modify the present arrangement of the *Year-Book*. Far from it! This admirable publication is simply to be supplemented by indications some of which could not be obtained from official sources. The indications in question can be furnished by every Government. The introduction to the latest edition of the *Year-Book* contains the following passage:

“With a view to enabling readers to obtain a rapid survey of certain aspects of the military situation in different countries, or in all countries together, some graphs and recapitulatory tables, both statistical and other, have been introduced in the present edition.”

I heartily approve this principle, and my proposal is conceived in the same spirit.

This proposal should, in my opinion, be examined from two different standpoints. In the first place, it is important to know whether all the essential factors in the armaments of any country have been grasped. In the second, we have to decide whether we have found the best way of expressing them. After examining my proposal, you may perhaps wish to supplement or modify it. I would ask you at once to combine any criticisms you may have to make with constructive proposals illustrating your views in regard to the operation of a scheme for the exchange of information, for the essential thing is not to criticise but to get something really practical done. I shall welcome with satisfaction any proposals better suited than mine to determine what are the decisive factors in armaments. My Government is desirous of doing all that lies in its power to expedite our task so that the technical work may be completed as soon as possible.

What we have to consider is *technical* methods and the *technical* solution of the question of the exchange of information. Members of the League of Nations at all events are bound to consider the question from the technical point of view because, in the last paragraph of Article 8, they have already admitted their obligations in this connection. This is perfectly clear and we cannot get away from it.

I am not making any proposal calculated to interrupt the continuity of our work, of which so much has been said in the last few days. On the contrary, my object is to safeguard that continuity. For a long time past the League has been discussing how to give effect to the clause of the Covenant to which I have just referred. At its session from November 25th to December 4th, 1920, the Permanent Advisory Commission framed a “questionnaire to be forwarded to States concerned for the exchange of information regarding armaments”, to which twenty-three tables were annexed. The Council approved the questionnaire at its meeting on December 12th, 1920, but, as you are aware, it has never actually been employed up to the present. I should have no objection, if you think fit, to reverting to this questionnaire which—I should like to emphasise this point—has been approved by the Council. It contains ideas analogous to those which I myself wished to carry out by means of the tables that I have put before you. I would ask you then, gentlemen, to regard my proposal as a means of facilitating our work at the second reading; I would ask you to consider it as a part of the second reading, with which we must now proceed, in accordance with the wishes expressed by the 1927 Assembly and its injunction to conclude our technical studies as soon as possible.

Lord CUSHENDUN (British Empire). — I do not rise for the purpose of offering any sort of opposition to, or even criticism of, what Count Bernstorff has just said. All I venture to suggest is that it may prove very inconvenient if we take up the particular point he has raised and discuss it at the present moment. I do not know whether Count Bernstorff would feel that his purpose was sufficiently achieved by his having made the statement to which we have just listened, but if we were following any strict order of procedure, I should suggest this is really not the moment for this particular proposition.

I have not examined the draft Convention from this point of view, but my recollection is that there is a certain clause or clauses in the synoptic text where this particular proposal would be relevant, and I should have thought the proper time for discussing it was when we come to that point. If his proposal were discussed now, it might lead to a debate of considerable length. Some of us might even have to consult technical departments with regard to the precise form in which this information is to be given, but, at all events, I should have thought that for the moment, unless Count Bernstorff insists on our discussing this point, the last paragraph but one of the draft resolution submitted by the Bureau this morning, to which you have referred, is the one which should now occupy our attention, because, as Count Bernstorff himself has justly pointed out, if the decision of the Commission should be that the provisions of the Soviet Draft are to be examined by the various Governments with a view to

ascertaining whether they will not furnish valuable material for the second reading, it is clear that, if that is accepted, it will obviously be impossible to proceed straight away with the second reading, part of which would be concerned with the point he has now raised.

I think, therefore, it would be convenient, at all events in some form, to discuss the question raised in that paragraph, which was raised in an equally precise form—perhaps in a rather more precise form—this morning by Mr. Gibson and also by M. Politis. Otherwise, we shall get out of order and embark on a number of disjointed discussions which may perhaps make it very difficult to return to the main point which we have to take into consideration.

Count BERNSTORFF (Germany). — I may perhaps answer Lord Cushendun right away in a few words. If the question is now to be decided whether there is to be a second reading at once, or whether it is going to be put off—I do not know, of course, how far—it is clear that I cannot expect that my proposal should be taken up now, because it is entirely bound up with the second reading, for which I may say at once we still have quite a lot of amendments if you are ready to take up the second reading now. Of course, we do not at all object to the discussion of our proposal being put off until the second reading. We brought it up because we had been told that this third item of the agenda was put down so that everybody could bring forward proposals which they thought useful in regard to the question of disarmament. I should be very glad if my colleagues would take up this matter at the second reading, whenever it may take place—a point which we are now going to discuss. But in case the majority should decide to put off the second reading—I do not know for how long—I would certainly take occasion in the Third Committee of the Assembly to return to this question, because, as I said at the beginning of my speech, we consider the question of publicity should be one of the most important in the whole matter of disarmament.

Lord CUSHENDUN (British Empire). — I only want to acknowledge that Count Bernstorff appears to have met the point I have raised in a most reasonable spirit, and I thank him for doing so. I quite acknowledge that, if it should be the decision of the Commission to postpone the second reading until a future date, Count Bernstorff will be extremely well entitled to do as he proposes and bring this particular point in which he is interested before the Third Committee of the Assembly. I wish to make it quite clear that I do not express any sort of opposition to the merits of the point he has raised, which I confess is not really present to my mind; I do not know exactly how it would work out. I am speaking merely of the convenience of the time at which it should be brought forward—as to which Count Bernstorff has met us in such a very reasonable spirit.

The PRESIDENT. — What has just been said by Lord Cushendun and Count Bernstorff is entirely in conformity with the views of the Bureau, and we had already prepared the following draft resolution:

“The Commission:

“I. Notes the proposals submitted by the German delegation regarding improvements in the League of Nations *Armaments Year-Book*, and, while reserving the examination of these proposals until its next session, commends them to the attention of the various Governments.

“II. Decides to leave its President free to fix, according to circumstances, the date at which it would be most practically useful to convene a new session of the Commission to proceed to the second reading of the draft Convention on the Reduction and Limitation of Armaments, regard being had to the progress of the work of the Committee on Arbitration and Security and to any observations submitted by Governments in regard to the draft Convention of the delegation of the Union of Socialist Soviet Republics, and to the above-mentioned proposal regarding the *Armaments Year-Book*.

“This meeting will have to be held before the next meeting of the Assembly.”

Before deciding upon the final text, I should like to ask if any delegates wish to speak on the actual substance of the resolution.

General DE MARINIS (Italy). — The Italian delegation is quite ready to go on to the second reading at once if the majority of the Commission desire to do so, but I must confess that I do not entertain any hope that the second reading would produce more tangible results than the first. For this reason I would not advise the Preparatory Commission to embark upon the second reading now.

If the majority of the Commission consider that the moment has not yet come, I should be prepared wholeheartedly to support the judicious suggestions put forward this morning by Mr. Gibson, namely, that we should postpone our next session until there is some hope of reaching an agreement and should not risk a repetition of the results of the first reading. Mr. Gibson demonstrated very clearly that, if the Commission means to reach an agreement, we must allow time for conversations to take place between the Governments, with a view to eliminating the most salient points of difference. Accordingly, if the Commission is in favour of postponing the second reading, I see no reason why we should fix any particular date or lay down that it is to be before the next Assembly. We are always making the mistake of trying to settle the question a few weeks or a few months earlier. If the Commission thinks fit to postpone the second reading, it should have complete confidence in the authority and experience of the President and leave him to fix the date for it. I would entreat my colleagues not to regard this question of a date as decisive, but to concern themselves with the responsibility which we shall incur when we come to the second reading if we lay ourselves open again to the possibility of failure.

Count BERNSTORFF (Germany). — I have no intention of making a long speech, but simply wish to ask a question and trust that an answer will be forthcoming.

In the first place, however, I desire to congratulate the Bureau on its promptitude in preparing a resolution even before the discussion had taken place or the members of the Commission had expressed their opinion.

Secondly, as regards the first paragraph, I should be grateful if it could be explicitly stated that the object of the proposal submitted by the German delegation was that paragraph 6 of Article 8 of the Covenant might be carried into effect. We regard this as a most important point.

I come now to my question. When the Preparatory Commission decided to reject the radical proposals submitted by the representative of the Union of Socialist Soviet Republics, I thought that there would be an irresistible desire on the part of all of us, as members of an organ of the League, to show that, while we were not prepared to go as far as the Soviet scheme, we wished at all events to prove that we had the courage, the authority and the desire to take the first step. I regret that our discussions should conclude with a resolution proposing that we should do nothing at all when we have been accused by the representative of the Soviet Government of having done nothing. This resolution reminds me of the old song: "Malbrough s'en va-t-en guerre, ne sait quand reviendra: Il reviendra-z-à Pâques ou à la Trinité."

For the third time we have been asked to pass a resolution to do nothing and go home; for the third time we have been told that next time we shall do something. But I cannot vote a third time for a resolution barren of results.

You know quite well I am in an exceptional position. I do not care to talk about it, but I must do so for a few minutes. At Versailles we were given a draft declaring that the other Powers were going to disarm. If there is any intention of extending this draft, which we bring out on every occasion, we must at all events be told why. We are very indulgent creditors. We have always said: One step will do. But even that one step has not been taken. It is usual for creditors to receive at all events something on account, but we have not even had that. Again, gentlemen, I would remind you that M. Politis, with his customary eloquence and lucidity, proved that the total disarmament of Germany was incompatible with the terms of the Covenant. There is only one possible solution for this situation, namely, that the other Powers should descend to our level and come within the limits laid down in Article 8 of the Covenant. All we ask is that the first step should be taken.

I began by saying that I had a question to ask. This is it: Why do you wish to postpone the second reading? Are there any serious grounds for doing so? Have we not come here to try and eliminate whatever difficulties may exist? Let us begin with the second reading: Let us see what difficulties still exist. Let us telegraph to our Governments to ask if they can agree on these various points. I quite realise that the Governments must come to an agreement, for otherwise we cannot get on. But, gentlemen, I must point out, to my great regret, that during the last two years we have had no influence whatsoever on our Governments. They have done nothing at all in regard to our proposals. Are they going to do anything now? I do not know, but I may say that, unless I have an explicit assurance that they are at present taking steps to eliminate the difficulties which lie in our way, I cannot vote for the resolution now before us.

M. LITVINOFF (Union of Socialist Soviet Republics). — I take it the discussion is going on with regard to both resolutions—the draft resolution which was presented this morning and the second resolution. What I have to say is the result of the first draft resolution this morning, although it has also a bearing on the last part of the second resolution with regard to the fixing of a date for the next session of the Preparatory Commission.

I pointed out in my speech yesterday that the opinions expressed by most of the delegates here with regard to our draft Convention leave no room for doubt as to the fate awaiting it at the hands of the Preparatory Commission. If the slightest doubts could have remained, these would have been immediately dissipated by the wording of the resolution drawn up to-day, the clarity of which left nothing to be desired.

The Soviet delegation notes with profound regret—which I am sure will be shared by the broad mass of the people in all countries whose aspirations have been so little understood by many of the speakers here—that the Preparatory Commission and most of the delegations represented here completely and resolutely reject, on behalf of their Governments, not only our draft Convention for total general disarmament but the very idea of total general disarmament itself. I say the idea, because the resolution drawn up to-day refutes the principle of total and general disarmament even as a basis for the further work of the Preparatory Commission. The resolution does not even speak of transmitting our proposals to the Governments or the Disarmament Conference, as the honourable representative of Turkey proposed to-day, but merely mentions the possible extracting from our draft Convention of individual articles which may serve as material for other schemes quite foreign to the spirit of our proposal. As I remarked yesterday, we claim no copyright for our draft Convention, and anyone is welcome to make any use he cares of any of its articles for any purpose. I must insist, however, that the Soviet Government will take no responsibility for, nor give its name to, any partial use of its schemes. Moreover, the Soviet delegation and the Soviet Government

will not consider themselves bound, either formally or politically, by isolated articles torn from their context should these not tend to serve the ultimate end for which the Draft was drawn up—total general disarmament. The Soviet delegation therefore reserves to itself the right to oppose or vote against individual articles from its own draft Convention should these be included in any other schemes foreign to its spirit and ultimate aim.

In its note of January 16th, 1926, in reply to the invitation from the Council of the League of Nations to send a delegation to the Preparatory Disarmament Commission, the People's Commissariat for Foreign Affairs stated that the Soviet Government attributed great importance to all endeavours to reduce the dangers of war and lighten the burden of militarism weighing down the shoulders of the popular masses. I said, at the fourth session, in my declaration of November 30th last, that, while insisting in every way on the necessity for total disarmament, "the Soviet delegation was ready to take part in every consideration of the question of reducing armaments in so far as practical measures really aimed towards general disarmament were under consideration". In accordance with these declarations, the Soviet delegation is now forced to ask itself, faced with the *fait accompli* of the rejection by the Preparatory Disarmament Commission of its draft Convention for total disarmament, what ought to be its next step towards the achievement of the aim it has set itself, which still remains and always will remain total general disarmament. Since most of the delegates here countered our proposals for general total disarmament with the idea of partial gradual disarmament—that is to say, the reduction of existing armaments by easy stages—the Soviet delegation has decided to look for common ground with the other delegates, if only in the sphere of such partial disarmament. Let the other delegates regard such disarmament as an end in itself, beyond which they consider it impossible or inexpedient to go—the Soviet delegation will regard it as the first stage on the way to total disarmament. The lack of an ultimate aim in common with the other delegations ought not to be allowed to prevent us from working together for the achievement of the immediate aim—the *reduction* of armaments—if we can only hit upon a common *idiom* if only in this limited field.

The Soviet delegation considers that the substitution of the principle of total by that of partial disarmament by no means tends to the *abolition* of armed conflicts, although it is ready to admit that it is possible that it might tend to the diminution of their frequency, inasmuch as the increase of armaments is in itself one of the causes of the incidence of war.

The reduction of armaments may, moreover, have extremely desirable effects in easing the burden of militarism and relaxing the screw of taxation for the people of all countries, as well as freeing human forces for more productive labour and budgetary means for more useful ends. The reduction of armaments, if it proceeds along the channels which will be suggested by the Soviet delegation, might also result in minimising the horrors of war.

The Soviet delegation notes that the Preparatory Commission has not at its disposal any scheme for partial disarmament which might serve as the object of immediate consideration.

While refraining from any criticism of those schemes which got so far as a first reading (although the Soviet delegation could say a great deal about them if it had the opportunity), we regard it as established that they evoked in the Commission itself dissensions to this day impossible to reconcile, despite the fact that twelve months have elapsed since their first reading. The Preparatory Commission has met twice during these months, but the dissensions mentioned have made it impossible for it even to consider the projects. I am perhaps anticipating your decision with regard to the third point on the agenda that is being considered by us, but it is quite clear from the proposed resolution that there is scarcely any hope of proceeding to the second reading of these projects during the present session. Nay, more: some of the delegates, including a member of the Bureau of our Commission, M. Politis, acting upon their knowledge of the matter and the proposals of their Governments, suggested adjourning the present session of the Preparatory Commission without fixing a date for the next. This shows that they have very little hope of ever getting the existing differences settled within any period of time that can be fixed. If these differences could not be settled in the course of twelve months, and as we have received no information as to a single difference having been reconciled during this period, what guarantee have we that they will be settled during the next twelve months or at any time whatsoever? This actually means that we are face to face with the liquidation of the work of the Preparatory Disarmament Commission either provisionally or finally, since its further convening appears to depend not on its own wish or on its President's, to whom its convocation is entrusted, but on external factors, over which neither the Commission nor its President has any control. This makes it all the more appropriate and timely to present a fresh Convention. I therefore have the honour to inform the Preparatory Commission that such a Draft will be presented by the Soviet delegation and distributed to the delegates (Annex 5) through the Secretariat of the League of Nations tomorrow morning or, if it is convenient, even to-day. After this has been done, I will venture to offer some explanation of the principles on which its individual parts have been constructed. The Soviet delegation will ask the Preparatory Commission to proceed at the present session to the first reading of this draft Convention, first expressing its preliminary opinion on its fundamental principles. To avoid misunderstandings, I hasten to add that I offer this draft Convention by way of a basis for consideration, attributing enormous importance to the acceptance of its fundamental principles and leaving its less essential articles open for possible correction, alteration and supplement, or even substitution by others.

In conclusion, I consider it necessary once more to declare that we regard our proposal merely as a first step towards the carrying out of total disarmament, and that the Soviet delegation reserves to itself the right to present a fresh proposal for further reduction of armaments not later than two years after the acceptance of this new draft Convention. The

delegation also reserves to itself the right, independently of acceptance or non-acceptance of its draft Convention, to return to its original draft Convention for total and general disarmament at the coming International Disarmament Conference.

Tewfik ROUCHDI Bey (Turkey). — I had asked to speak in order to explain the views of the Turkish delegation on Item 3 of the agenda, in connection with the draft resolution just distributed, but, as the statement just made by the delegate of Italy exactly voices those views, it seems superfluous for me to revert to them.

Lord CUSHENDUN (British Empire). — Mr. President—I do not rise in order to make any comment upon the speech which was made just now by the honourable delegate of the Soviet Republic, except that I should like to pay it the compliment of saying that it appears to me to have been skilfully drafted for the purpose for which it is no doubt intended and to which I have no doubt it will be devoted. My object in asking to say a few words was rather to attempt to remove a misapprehension which I think may possibly arise from the speech made just now by Count Bernstorff.

In the course of his speech Count Bernstorff several times employed the phrase “the first step”. He indicated that, if the Commission did not now proceed with the second reading, they would be open to the reproach of not even taking the first step, and in the course of his speech he referred to the provisions of Article 8 of the Covenant. I am quite certain that he had no intention whatever of causing any misapprehension, but it seems to me possible that some of his hearers who know what Article 8 has laid down, on hearing the reiteration of the phrase “the first step”, may have drawn the conclusion that what Count Bernstorff intended to imply was that no first step had been taken to comply with Article 8. I am, of course, only entitled to speak for my own country, but certainly such a phrase is entirely inapplicable to our case.

If any second reading of these draft Conventions is agreed upon, as I hope it may be, it will by no means be the first step so far as Great Britain is concerned to comply with Article 8. This is not the appropriate time, of course, for going into details with figures, but when we come to discuss the details of the draft Conventions, I shall be prepared to give the figures, and I venture to think those figures, so far as Great Britain is concerned, will be very surprising to many members of the Commission who think my country has been backward in the matter of disarmament. I can show by reference to the strength of all the military services, even the army—our army, as everybody knows, is in any case a small one—even in the case of the army, still more conspicuously in the case of the navy, and also very conspicuously in the case of the air service, I can show enormous reductions of strength, enormous scrapping of war material and enormous economy in military expenditure with reference to all those services. As I say, I do not want to go into any detail with regard to them now, which I think would be inappropriate, but I hope the members of the Commission and those who may read of our proceedings in the larger world outside will not imagine—I believe the same is true of other nations, though I cannot speak for them—and I believe it would be a very great mistake to assume, that the first step in disarmament lies before us. We have travelled a very long road on the path of disarmament towards the goal which we desire to reach, which is compliance and strict compliance with Article 8 of the Covenant, and if, for the reasons which have been intimated, we are unable to continue in that work at the present moment, do not let that pessimistic view be put forward, and let the true facts be realised.

Count BERNSTORFF (Germany). — May I right away answer in a few words the speech of Lord Cushendun. Far be it from me in any manner to criticise or even minimise any steps which may be or have been taken by any of the Governments on their own initiative. Lord Cushendun must have misunderstood me, for that was not at all what I meant. I was only speaking of the work which has been given to this Commission by the League of Nations, and, according to the programme which has been given by the League of Nations to this Commission, we have in the course of the last two years come to an agreement on one point, if not on other points—we have come to the agreement that the disarmament plan of the League should be made in instalments, and what we now ask for is the first instalment, which was to be the first Disarmament Conference. We do not ask for anything else but the speedy convocation of the first Disarmament Conference for the purpose of making the first instalment of disarmament. I should like to make that absolutely clear; we do not ask for anything else, we never have and we never will; that is all we want, and we do believe that the political difficulties which are opposing the convocation of this first Conference are so small that if, in a few months, this Conference were to be called, the Governments would have ample time to get over the political difficulties. That is why I will later be able to make another proposal.

While on my feet, I should like right away also to say a few words on the Russian proposal. If I have understood M. Litvinoff aright, it seems to me that the first resolution submitted to the Commission has become superfluous, because, as far as I understand, he has now put before us a new proposition which more or less takes the place of the first. I do not know whether I have understood him aright. At any rate, whichever of the methods it is, I would certainly be very pleased if he could have the occasion of submitting his proposal to this meeting.

M. LITVINOFF (Union of Socialist Soviet Republics). — In reply to Count Bernstorff, I regret that I have to disagree with what he says if he means that the first resolution has become superfluous owing to the fact that we have introduced a new draft Convention. In my opinion, that is not the case. I did not introduce this second Draft before, because we still had some

hope that you would accept our proposal for total general disarmament. It is only because we take it for granted that our proposal has been rejected that we bring in these new proposals for partial disarmament.

It is true the resolution has not been put to the vote, but since no one objected to the resolution except Count Bernstorff, and he only on the ground that it was connected with the fixing of the date for the second reading, I take it the vote has been already passed, if not formally, at least in fact. If this resolution is not accepted, I shall revert to our first proposal for total general disarmament : that is obvious.

M. POLITIS (Greece). — I wish to make a short statement in order to dissipate any misunderstanding as regards some words of mine quoted by Count Bernstorff. I put before you a view, which I believe to be correct, to the effect that immediate, complete and general disarmament is absolutely incompatible with the principles of the League, but I did not allude to any country in particular. What I meant to say was that, if all the States Members of the League gave up their present armaments, the application of the Covenant, and more particularly of Article 16, would be impossible. Obviously, however, the present structure of the League does admit of some exceptions in regard to certain countries Members of the League.

I need only quote one country which is not taking part in our present discussions : I mean Switzerland. In its resolution of February 12th, 1920, the Council agreed to the terms proposed by Switzerland in regard to her entry into the League. This resolution lays down explicitly that Switzerland, although a Member of the League, shall not be bound, in view of her special and exceptional situation, to participate in any military action taken by the League.

This shows that exceptions are possible in the application of the Covenant and that in exceptional cases States may not be required to undertake the same military responsibilities towards the League as other Members.

This is all I wished to say. My general principle holds good apart from certain exceptions, and these I mentioned.

Count CLAUZEL (France). — After Lord Cushendun and M. Politis, it is now my turn to reply to some of Count Bernstorff's allegations. He will not be surprised, for it is not the first time that I have had the honour of replying to him upon this point, and I will ask your indulgence if my arguments are no newer than the charges to which they are replying.

Count Bernstorff, who comes here as a creditor, once again seems in a great hurry to recover his debt.

Count BERNSTORFF (Germany). — This debt is of ten years' standing !

Count CLAUZEL (France). — Ten years, Count Bernstorff has just said ! He will allow me to remind him that this credit, of the value of which I will speak in a moment, was attached to certain obligations accepted by his Government and that, according to the Treaties, these obligations were to be fulfilled within six months or a year, but it has, as a matter of fact, required seven years to fulfil them.

That being so, he will perhaps not be so very much surprised that it has taken some time to meet his demands of to-day. I may, however, be allowed to point out that the bill which he presents to the League may be a bill without cover. It is based upon two texts : on Article 8, which I had the honour to introduce into the discussion at the beginning and even before my friend M. Sato, leaving it to the skill of M. Politis to develop all its bearings. Count Bernstorff's bill is also based upon the Preamble to Part V of the Treaty of Versailles, to which I have already referred on several occasions. This Preamble is as follows :

“ In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes”

Then follow the clauses imposed upon Germany by the Treaty of Versailles. The only reference, therefore, is to preparation of a limitation of armaments. M. Paul-Boncour, for whom I have the honour to deputise, has interpreted this text in a very wide and generous sense. He interpreted it as a legal and moral undertaking and in that form it has been accepted both by Count Bernstorff and by public opinion.

In continuation of what Lord Cushendun was saying, I would like to point out that that moral obligation has been fulfilled by the French Government just as it has been fulfilled by Great Britain. France made it a point to be the first to effect the reductions of armaments provided for, without even awaiting the result of deliberations which, I admit, take a long time and which we could have wished more rapid. I will not quote figures any more than the British representative has done. I will only remind you that, in 1922, Lord Cecil, in one of the League of Nations committees, paid a tribute to the efforts made by many countries, not only by his own and mine, to carry out reductions of armaments corresponding to the moral undertaking contained in the first paragraph of Article 8 of the Covenant.

When the time comes, the French delegation will furnish figures, as Lord Cushendun will do. In point of fact, these figures are already pretty generally known since the last military Law was voted by the French Chamber, and they can have left no doubt not only of France's pacific intentions but of her firm determination to effect all possible reductions of armaments within the limits of her own security.

As regards the legal aspect of the undertaking, that is obviously a matter for the Preparatory Commission. We have done all we can; other speakers have already explained it, and M. Politis this morning thanked the Soviet representative for having enlarged the scope of our discussion, so that public opinion and propagandists of all kinds could no longer doubt the efforts we have made, in spite of certain regrettable diversions.

We came here, I repeat, with the desire to succeed. The French delegation was prepared to take the second reading of the two French and Britain Drafts which had already been discussed. Like the Italian delegation, it was quite ready to discuss those Drafts. However, we are not here to outbid one another in any direction: Yesterday I gave certain reasons why the Commission should very seriously consider whether it could embark upon this discussion amid the confusion which has been imported into our programme by the successive proposals from the delegation of the Union of Socialist Soviet Republics, or whether it ought to refer these proposals to Governments. Lord Cushendun made this suggestion the first day in order that the second reading might be undertaken in that atmosphere of calm which will alone enable us to arrive at a satisfactory solution.

We are certainly not entitled to neglect the advantages of the negotiations which are at present taking place, and which I hope may largely contribute towards our success. But since yesterday, since this morning even, it seems to me that we have taken a serious step backwards.

Certain speakers have gone some way towards meeting the proposals of the Soviet delegation. In order to show that delegation and public opinion and the working classes, which the Soviet delegation claims to represent, that we are profoundly desirous of welcoming any proposals submitted to us, and although the Soviet proposals arrived at the eleventh hour, though it was not our fault that the Soviet Government did not formulate them sooner, we suggested that they should be placed on the same footing as those with which we had already been presented. Now, at the very last moment, M. Litvinoff makes new proposals, and submits a new Draft for a first reading. We are therefore asked to go back to last November—and that at a time when several members of the Commission, Count Bernstorff in particular, are accusing us of going too slowly and not proceeding at once to the second reading—we are now asked to re-embark upon a first reading of a text with which we are not even acquainted.

I must apologise for a charge I hope is unfounded. Yesterday M. Litvinoff declared that he had no intention of bringing charges against the League of Nations based upon differences in political thought. But if public opinion is to be given the impression that the League of Nations is finding it very difficult to solve the hardest problem with which it is faced, and that it is hesitating to attack the problem of the limitation of armaments with the necessary courage, that impression is entirely false. On the contrary, thanks to Lord Cushendun and other speakers, the amplitude of our discussion proves that the League of Nations and the Preparatory Commission are willing to examine all proposals. I will ask the Commission to consider this very definite question raised by the new proposals which the representative of the Union of Socialist Soviet Republics has announced: Does it wish to go back to a first reading and thus put the clock back? Would it not be better to follow the wise proposal of the Bureau and take a deliberate step forward, without refusing—and without its being possible to say that we have refused—the collaboration offered to us, but within the compass of our earlier discussions, and with a desire to arrive at a conclusion along those lines as soon as possible?

Count BERNSTORFF (Germany). — I have no desire to prolong the discussion but I feel called upon to say a few words. I am accustomed to this little controversy which Count Clauzel has again entered upon with that never-failing courtesy of his. If we want to know the meaning of the Treaty of Versailles, I would suggest that M. Clemenceau, who spoke in the name of the Allied and Associated Powers, is its best interpreter. In the note of June 16th, 1919, M. Clemenceau, speaking on behalf of those Powers, replied as follows to our observations:

“The disarmament of Germany constitutes the first step towards that general reduction and limitation of armaments which the aforesaid Powers are seeking to realise as one of the best means for the prevention of war—a reduction and limitation of armaments which the League of Nations will be called upon to introduce as one of its first duties.”

There can, I think, be no possible doubt as to the intention of M. Clemenceau's words. It is indeed unnecessary for me to recall this note, since M. Paul-Boncour stated, at an official meeting, that this constituted a moral and legal obligation.

As regards the moral obligation, everyone is at liberty to examine his own conscience and to decide whether he will or will not fulfil it. But the legal obligation is on another footing. In this case there can, I think, be no question of generosity. We do not anticipate generosity, for Germany's experience of the last few years has not led her to expect it.

I regret that there should have been a misunderstanding in regard to M. Litvinoff's proposals. I only meant to say that, if we are going to consider his second proposals, as I hope we are, it would seem that the other proposals could be put aside. If, however, M. Litvinoff decides to retain them should the second proposals not be accepted, that is, of course, his affair and not mine. In any case, I would like to say that I support any proposals for disarmament from whatever source they come. Germany will welcome anyone who desires disarmament.

I have not yet received a reply to my question as to why the second reading should be postponed. Count Clauzel has just said that the question is complicated by the proposals of the Soviet delegation. I have had the honour of belonging to this Preparatory Commission for the last two years and on at least twenty occasions speakers have stated that our work here was entirely useless because Russia was not represented. Now when the Soviet delegates are with us for the first time and say that they desire to discuss matters with us, the fact is to be taken as a pretext for doing nothing.

Count CLAUZEL (France). — I must apologise for speaking again but this time I will be exceedingly brief. Count Bernstorff has now presented me, as representative of France, with a fresh bill and I feel bound to meet it at once. He has introduced into our discussion the name of M. Clemenceau, who was Head of the French Government at the time of the signing of the Treaty of Versailles. He quoted a letter of M. Clemenceau with which all of us are well acquainted, and which really only contains the substance of the Preamble of Part V of the Versailles Treaty; I quoted to you the passage in question just now.

In the letter M. Clemenceau spoke of a first step towards the limitation of armaments. As I said, we have taken that first step in fulfilment of the moral obligation we had incurred and to which M. Paul-Boncour and now Count Bernstorff have alluded. The latter now reminds us of a legal obligation. I must point out that this legal obligation does not arise out of the Preamble to Part V of the Treaty of Versailles or from M. Clemenceau's letter. That undertaking cannot be imposed upon States represented on the Preparatory Commission for the Disarmament Conference which did not sign the Treaty of Versailles. The only legal undertaking for the latter is contained in Article 8 of the Covenant — I apologise for saying it again — upon which M. Politis has commented so clearly and so accurately. If it is our wish to fulfil this legal obligation as soon as possible and to take the first step referred to with the least possible delay — these are M. Clemenceau's words in the letter quoted by Count Bernstorff — I would strongly urge that we should allow no diversions but should continue as quickly as possible along the path laid down for us and upon which we have already entered.

The PRESIDENT. — M. Litvinoff, finding that the draft Convention for total disarmament which he submitted to us has not been accepted, has announced his intention of presenting us with a new Draft relating to partial disarmament. I must inform him that we cannot possibly discuss a new Draft at present. The Soviet delegation can send us its proposals, which will be placed upon the agenda of our next session, but I must tell him at once, and even before being acquainted with the Draft, that it can in no circumstances be examined during the present session.

With regard to the date of the next session, I would say, in reply to Count Bernstorff, that I do not understand how, in view of the text of the resolution before him, he can blame us for not fixing even an approximate date for that meeting.

Count BERNSTORFF (Germany). — I only said that I had not been told why the second reading should be postponed.

The PRESIDENT. — I will give them you at once, though you must be acquainted with them already. You know that nothing could be more satisfactory to us, and to me in particular, than to proceed to the second reading of the draft Convention, but as I have said time after time—and I think the great majority of the Commission have agreed with me—it is absolutely useless to undertake the second reading until the Governments most closely concerned have come to an agreement on the points on which they differ. Yesterday Count Clauzel practically assured us that these negotiations—for which we were all so anxious and which I myself have so frequently advocated—are really progressing well. The fact that Count Clauzel made this formal statement yesterday justifies us in nourishing high hopes. In the circumstances, I ask you, Why should we start the second reading now? Why not wait and accept the draft resolution submitted by the Bureau, in which it is proposed that the next session of the Commission shall take place in any event before the Assembly? General de Marinis and Mr. Gibson have been so very kind as to leave it entirely to me to fix the date. I can tell you here and now that the date will be before the next Assembly, though I cannot say exactly how many weeks or how many days before. I am quite prepared to give an undertaking to that effect, particularly as I am completely confident that what Count Clauzel said yesterday will come to pass.

M. HENNINGS (Sweden). — I only wish to say that I am also of opinion that no good purpose would be served by proceeding to the second reading of our Draft. On this point I am entirely in agreement with the President and Count Clauzel and other speakers. I

venture, however, to add that the reason why I think it is better once more to adjourn the Commission and postpone the second reading of our draft Convention is that, according to the information given yesterday, the conversations between certain Powers with a view to overcoming the obstacles which prevented us from concluding our work last year have not yet terminated successfully. Fortunately, Count Clauzel informed us that there was good hope that these negotiations would shortly bring about important results, and it is for that reason that I feel the best thing we can do is to await their conclusion. I would merely express the hope that these negotiations will very shortly be crowned with complete success.

While expressing thus, for the reason I have just given, my agreement with the President's proposal, I wonder, however, whether it would not be advisable to make certain changes in the draft resolution which has been submitted to us. According to this draft, we should adjourn our work and entrust our President with the task of summoning another meeting, regard being had to the progress of the work of the Committee on Arbitration and Security, etc. In my view, these reasons are not of the first importance; the main reason is that we have to await the conclusion of the conversations now in progress between certain Powers. I venture, therefore, to propose that the end of the second paragraph of the resolution be deleted.

The PRESIDENT. — Before calling upon another speaker, I should like to tell M. Hennings at once that I quite agree with what he has said. It is perfectly true that the final phrase "regard being had to the progress of the work . . ." is not absolutely necessary; it refers rather to the programme for the next session. In the circumstances, I think we might simply delete that part of the paragraph.

The new text of this paragraph would then be as follows :

"II. Decides to leave its President free to fix according to circumstances the date at which it would be most practically useful to convene a new session of the Commission to proceed to the second reading of the draft Convention on the Reduction and Limitation of Armaments, and expresses the desire that the date of the next session may be fixed in any case before the meeting of the next Assembly."

General DE MARINIS (Italy). — I understand, Mr. President, that your amendment, consisting of the addition of the words "expresses the desire . . .", represents, so to speak, a semi-acceptance of the proposal made by Mr. Gibson and myself and supported by the honourable representative of Turkey, to whom I have pleasure in offering my best thanks.

If you are satisfied with this formula—that, instead of relying entirely on you, the Commission expresses a desire to meet again before the Assembly—I have no difficulty in accepting it. Frankness compels me to state, however, that I know nothing of the reasons upon which the good hopes expressed by the French representative are founded, and I must remind you that the country I have the honour to represent has formulated a number of reservations to the Draft, and that these reservations remain unaltered.

Count BERNSTORFF (Germany). — I should like to say, Mr. President, with all the respect I feel for you, and in virtue of our old friendship, that I have no doubt whatever but am absolutely convinced that you will do everything in your power to reach a successful conclusion of our work. I am sure you will make every effort to point out to the Governments that a forward step must be taken towards disarmament. But, at the first meeting of this session, you yourself stated that your appeals to the Governments had hitherto fallen on deaf ears, and I fear that they will be equally fruitless in the future. The experience we have had does not allow us to believe that the Preparatory Commission will be listened to. I observe already that the majority of the Commission proposes to reverse the unanimous decision reached at the last session that the second reading should be taken now. As Mr. Gibson said, nothing can be done against the majority, and, if the majority reaches such a decision, the minority, of course, has to submit. I can only say: "Victrix causa diis placuit, sed victa Catoni".

My object in saying this is to assist you in your dealings with the Governments, for we consider that there are only very slight political difficulties, which could quite easily be eliminated if there were a firm conviction that the League of Nations insisted on their removal.

I therefore beg to move the following resolution :

"The Preparatory Disarmament Commission,

"Convinced that the general interests of peace demand that an initial step on the path of disarmament should be taken as soon as is possible having regard to the present conditions of regional and general security;

"Considering that the preparatory technical work for a first step on the road to disarmament is sufficiently advanced for it now to be possible to summon a general Disarmament Conference capable before all else of settling those predominantly political questions which, in the present situation, impede any initial step towards the realisation of the idea of disarmament;

"Recalling that the 1926 and 1927 Assemblies urged that such a Conference should be held as soon as possible;

“ Requests the Council at its next session to fix for the first general Disarmament Conference a date as early as possible after the ninth session of the Assembly, and at the same time to invite the various Governments to participate in the Conference.

“ The Preparatory Disarmament Commission will be ready to place at the disposal of the Conference all the documentation which it has so far prepared, together with any further material which may be received in sufficient time.”

M. PEREZ (Argentine Republic). — I am bound to admit that I do not in the least understand the situation. There was a draft Convention for Immediate, Complete and General—and I might add ineffective—Disarmament. Is it withdrawn? The point is not clear. We are now told that a new Draft is being put in. Has this Draft been submitted? That also is not clear. This morning a draft resolution was submitted. What has become of it? This also is not clear. This afternoon we had a second draft resolution. What has happened to that? This, again, is not clear. Now we have a third draft resolution, which disregards the terms of reference given us by the Council. Our instructions were to draw up a programme. It is now proposed that we ask the Council to fix the date for the meeting of a Conference without any programme at all. I repeat that I entirely fail to understand the position.

The PRESIDENT. — I thought I had explained the situation. I said that M. Litvinoff realising that it would be impossible to carry his first Draft into effect, had told us that he would submit another in its place.

M. LITVINOFF (Union of Socialist Soviet Republics). — That is not quite accurate.

The PRESIDENT. — At any rate, the original Draft has been set aside by the Soviet delegation, which is to submit another Draft to us if the resolution proposed this morning is adopted. We cannot, therefore, discuss these Drafts at present. That is my first reply.

Second reply: You ask what has become of the resolutions which we already discussed this morning. You must be aware that we decided to combine these resolutions in one single resolution, which we would put to the vote.

As regards Count Bernstorff's proposal, we have hardly had time to read it—that is clear; but I could offer a few observations in this connection.

Count BERNSTORFF (Germany). — I wish to reply briefly to the criticisms levelled by my friend M. Perez.

He said that our proposal was unacceptable because it was not in accordance with our terms of reference.

To-day we are continually referring to a second reading, but I think that we are rather losing sight of the meaning of this second reading. A year ago, Viscount Cecil, in this very building, proposed a draft Convention. Then M. Paul-Boncour rose and said:

“ This method of procedure does not suit me at all; but, in deference to Viscount Cecil and the British point of view, I will also submit a draft Convention.”

M. Paul-Boncour added that he would have preferred merely to draw up a programme for the Conference.

I did not intend to say that we should do absolutely nothing and rely on the Conference; but I think it would be possible in two or three days to draw up a programme for the Conference and leave all political discussions to the latter. It is clear that some day somebody will have to decide for or against taking a first step. I repeat that I do not think this decision could be taken by the Preparatory Commission. It will be taken by the Conference.

M. LITVINOFF (Union of Socialist Soviet Republics). — I am in a very difficult position. The President has told us that the proposals which have just been introduced by the Soviet delegation, and which have not yet been seen by the other delegations, are not to be considered during the present session. He gave no arguments; he did not explain why they were not to be considered. Therefore I am not in a position to argue. There is no argument, no reason is given; therefore it is impossible for me to argue at all or to tell you anything to the contrary. Why should not they be considered at this session? What did we come here for? Only to decide that nothing can be decided; that we must go home without having done anything? Or have we come here to discuss the question of disarmament? I have put in a proposal for disarmament and nothing else. Why should not the Preparatory Commission for the Disarmament Conference occupy itself with it now? I should like to have an answer to this question. I have no doubt that what the honourable President has proposed is not any arbitrary proposal, that there are certain reasons for proposing what he has done, but I would humbly ask him to be good enough to take the Commission into his confidence and to tell them what are his reasons. Why must we go home without having achieved anything?

There is one principle on which the common labour, the common work of the Soviet delegation with other delegations would be possible, but if that were rejected, common labour would be absolutely impossible. That principle is the principle of equal rights for all delegations. To place any delegation in an inferior position would mean stopping the work of that delegation. Equal rights for all delegations means that each delegation has the right to put proposals to the Commission and is entitled to have those proposals considered.

What are the schemes or projects with regard to the second reading of which so much has been said? They are projects introduced, as far as I remember, by individual delegations, I think by the British and by the French delegations. As far as I know, the procedure which was followed when they were introduced was that they were given a first reading immediately.

The President did not propose to brush these proposals aside and keep them somewhere in the archives of the Secretariat of the League to mature. They were considered immediately. Why cannot the same procedure be applied in the case of proposals of the Soviet delegation ?

Count Clauzel has complained of some confusion which has arisen. I leave him to judge how that confusion has been brought about. He tells us the Soviet delegation is endeavouring to make the Commission go backwards. As far as I understand it, there are two proposals before the Commission ; one is the Soviet proposal to continue our work and take some steps forward. The other proposal, which Count Clauzel favours, is to go home. If to continue the preparatory work for disarmament means going backwards and to go home without doing anything means going forwards, I confess I shall probably never be able to understand the language used in the League of Nations !

I shall reserve my further remarks until the President has explained to us the reasons why our proposals cannot be considered at this session. In the meantime, there is only one remark I wish to make.

I take it the members of this Commission are not merely functionaries, mere servants of their Governments, but that they are responsible representatives of their countries and Governments, who have devoted themselves to the task of disarmament. I venture to express the hope that those who have undertaken this task are doing so because they have the cause of disarmament at heart. I would further hope that they will regard the question of disarmament with rather more warmth than their own Governments. The Preparatory Commission should push the Governments represented here in the direction of disarmament. They should not merely wait for hints from their Governments : they should push their Governments forward. By going home without fixing any date for the next session, they are not doing anything in the way of inducing their Governments to take steps even for the elimination of the differences that exist between themselves. The Governments will not be in a hurry unless you tell them they must do this by a certain date. If you say you will meet in a month's time, you could induce the Governments to accelerate a settlement of the differences between them, but by fixing no date you do not do anything of the kind.

If, contrary to our views and suggestions, the Preparatory Commission decided not to proceed to the consideration of our new proposals, I certainly should be inclined to support the proposal made by the honourable representative of Germany to declare that the Preparatory Commission finds itself unable to prepare anything, and therefore passes on its work to the International Conference to see what can be done—or whether anything can be done—in the cause of disarmament.

Dr. RIDDELL (Canada). — I rise to a point of order, not to discuss the merits or demerits of adjourning this session, but in view of the lateness of the hour and the number of new questions which we have before us, I have much pleasure in moving that we adjourn, to meet at 10.30 to-morrow morning.

Lord CUSHENDUN (British Empire). — Whatever action may be taken on the motion which has just been made by the delegate for Canada, there is one remark that I should like to be allowed to make. The main question which we are now discussing, as I take it, and have been discussing for some time, is whether or not this present session should be continued to enable a second reading of the Conventions to go on. Several honourable delegates have advanced reasons why that should not be done, and in particular the honourable delegate for France made a speech just now in which he intimated that there were a certain number of conversations proceeding which had not yet reached any actual result, but which he was hopeful might enable progress to be made with these Conventions at a later date, while the honourable delegate for Italy, following him, observed that, so far as he knew, there was no ground—he did not know of any ground—for good hopes that any such conversations would have a beneficial result ; and therefore, before we separate for the night, I wish to give my strongest possible support to the honourable delegate for France, and, if I may say so in passing, I have found myself throughout these debates in complete agreement with Count Clauzel, whose forcible and reasonable speeches I have always admired. But I am, of my own knowledge, in a position to say that Count Clauzel has reason for the intimation which he has given. Any conversations that may be going on in which Great Britain is concerned are not in my hands personally, and therefore I am not in a position, of course, to give any definite information, and in fact I do not possess any very definite information, as to the precise stage which these conversations have reached ; but I do know enough about it to know that Count Clauzel has perfect justification for the information he has given, and in those circumstances it appears to me to be the most elementary commonsense on the part of business men trying to arrive at a definite conclusion—that that being the state of the case—we should adopt the resolution which the Bureau has proposed in order to give effect to what appears to me to be the commonsense view.

Now, at this last moment, we have had a new resolution put into our hands by Count Bernstorff. I should be the first entirely to acquit Count Bernstorff of any desire to add to the difficulties of the situation or the difficulties of this Commission, but, while I am most willing to make that admission, I cannot deny that, if we are to-night or to-morrow to discuss this resolution, it will be a very considerable embarrassment to this Commission, and I should doubt, Mr. President—that is a matter for you to decide—whether it is in order. I confess that I share a good deal of the bewilderment that was expressed just now by the honourable delegate for the Argentine. This resolution has nothing whatever to do with the resolution on which I believe the Commission is engaged. I suppose that, if we do not pay too much regard to strict order, Count Bernstorff might propose his resolution by way of addition to the other, possibly by adding it to the Preamble ; but shall we really gain anything by doing that ? I

was under the impression that Count Bernstorff disliked quite as much as I do these rather verbose resolutions which have no particular practical meaning. Now, does anybody imagine that, if this resolution of Count Bernstorff's was added to the archives of the League of Nations, anybody would be either the better or the worse for that? It does not appear to me that it has any practical bearing, with one exception. There is only one thing to which I positively object. I see that, in the first paragraph, Count Bernstorff speaks of the first step having still to be taken. For the reasons which I gave in an earlier speech to-day, I am entirely unable to accept that idea. Count Bernstorff was good enough to offer an explanation of what he meant by it, but I am afraid that that explanation left me entirely unconvinced. It did not appear to me really to deal with the point that I have raised, and if it comes to a discussion of this resolution—which no doubt we should have to take paragraph by paragraph, and to which there may be much more objection than we can see on the surface—at all events I shall have to object to that particular phrase; and I really would, if I may respectfully do so, appeal to Count Bernstorff to decide whether anything is to be gained by insisting upon the Commission's turning aside from the only real point of substance and importance in order to pass a resolution remembering something that the Assembly has done, and recalling this and recalling that—which we are always doing—and then ending up by some request to the Council to do something in some future session. If the Council is half as sensible a body as I take it to be, it will pay no attention to our prayer. Whether that would be so, of course, I cannot prophesy, but I am quite certain that, if that resolution were put into the hands of the Council, they would smile at it and say, as we say in England: "This is a resolution which is very skilfully drafted, but it cuts no ice". If we are really to devote ourselves to practical affairs, do let us decide one way or the other as to whether this resolution drafted by the Bureau is to be accepted, and if it is not to be accepted, if we are to go on with the second reading of the Convention in spite of the conversations that are going on, and therefore with very much less likelihood of reaching any result, then let us know the truth, whether it is pleasant or unpleasant, and we shall get forward with our business.

General DE MARINIS (Italy). — According to the translation which was given, the representative of the British Empire declared that I had said that there was no reason why the conversations recently held should not prove productive of results. This was not quite what I did say. I stated that I was not aware of these conversations. I know nothing whatever about them. And I repeat that, if these conversations are really taking place and being carried on outside Italy, and if they do result in an agreement, such an agreement will mean nothing so far as we are concerned, because we had no part in it. Hence all the reservations that we have submitted would still hold good.

The PRESIDENT. — Two delegates are still down to speak, Count Clauzel and M. Sokal. I would ask them to be good enough to speak to-morrow, and I propose, in accordance with Dr. Riddell's suggestion, that we should adjourn our discussion until Saturday morning.

Before adjourning this meeting, however, I desire to state, in reply to M. Litvinoff, that it is, of course, for the Commission to pass a decision in regard to the draft Convention which the Soviet delegation proposes to submit. I simply said that, in my personal view, this Draft could not be discussed at the present session. Such a scheme, unless I am mistaken, must be of some importance, and would have to be subjected to calm and careful examination and sent to the different Governments. If this is so, we certainly could not discuss it at the present session. But, I repeat, the Commission will have to take a decision to-morrow if M. Litvinoff will be good enough to submit his draft Convention in time.

The meeting rose at 7.40 p.m.

TENTH MEETING (PUBLIC).

Held on Saturday, March 24th, 1928, at 11 a.m.

President: M. LOUDON (Netherlands).

18. Progress of the Work of the Preparatory Commission for the Disarmament Conference : Item 3 of the Agenda General Discussion (continued).

Count CLAUZEL (France). — I asked to be allowed to speak yesterday at the end of the meeting in order to reply to an observation by Count Bernstorff with regard to a former speech by M. Paul-Boncour and also to reply to a comment by M. Litvinoff on one of my former remarks. I will reply to both very briefly; this will be all the easier because I think that I can answer them to their satisfaction in a single speech.

As regards the question raised by the German representative, who pointed out that M. Paul-Boncour had not at the outset been in favour of preparing a draft Convention and that he had regretted the fact that Viscount Cecil had submitted a Draft, I wish to state that this is not what actually occurred. It is perfectly true that M. Paul-Boncour would have preferred preliminary conversations and a general exchange of views with regard to principles in the Preparatory Commission before any Draft were submitted, since in that case a single Draft based on this exchange of views and on these principles could have been drawn up by the Commission itself and the Commission would not then have been faced with two Drafts, one

French and one English in separate columns. He felt that such a procedure would perhaps have saved time, but he did not insist, and all the members of the Commission will remember that he accepted with very good grace the other method which has been employed and which—I venture to say—has given fairly good results. His only desire was to gain time by securing a single basis for discussion prepared by a general exchange of views and—I now address my remarks to M. Litvinoff—obviously we have yet much ground to cover before we reach this starting-point and M. Paul-Boncour's wishes are by no means about to materialise.

The delegation of the Union of Socialist Soviet Republics brought us, or rather caused to be distributed to us, shortly before our meeting, a Draft entirely different from those which have been examined up to the present, since the object of the new Draft was total disarmament. The Soviet delegation invited us to examine its proposals. Thanks to the action of the representative of the British Empire, to the example given by him which has been followed by seventeen members of this Commission, it may be said that this first Draft has been examined almost article by article and that the great majority of the Commission, as I stated the other day, finds itself unable to approve these principles.

Having noted the fact, the delegation of the Union of Socialist Soviet Republics caused a second Draft to be distributed to us yesterday evening. I am sorry to have to confess that I have not had time to examine this Draft in detail; I think, moreover, that most of the members of the Commission are in the same position. I was, however, struck at first sight by the fact that it differs from the former Draft submitted to us because the question is not one of total disarmament; the proposal is now to reduce armaments progressively, a distinction being drawn between different categories of countries. I would simply mention the fact that the idea of different coefficients of reduction according to these categories, which seems to me to be one of the main principles of the new Draft, has already been discussed by the Temporary Mixed Commission, on the proposal of one of Viscount Cecil's predecessors, Lord Esher, and that the Commission decided against this system of coefficients. I merely refer to this point briefly in order to show that we are possibly not confronted by entirely new ideas which we have never yet discussed, but that we have before us once more a basic proposal which is entirely different from that on which we have worked hitherto.

M. Litvinoff, moreover, was careful to add that, if we did not accept his new proposal, he would probably revert to the first one, accepting the very prudent suggestion made by Lord Cushendun to the effect that the matter should be referred back to the various Governments and that such points as can be accepted should be discussed when the French and British proposals come up for a second reading. The representative of the Union of Socialist Soviet Republics stated that in that case he was not sure that the authors of the Soviet proposals would continue to support them.

I have therefore come to wonder whether, as the great French revolutionary of 1793 said, the Russian revolution also "*dévore ses propres enfants*". Above all, I wonder whether this threat—I was about to say tactical move—should not give us all occasion to reflect most seriously. His Excellency M. Perez pointed out yesterday evening, very wittily, causing the laughter which disarmed the Commission, that we were in a state of absolute confusion. It would be very desirable for this confusion to end at this session; in particular, it must not be allowed to occur again at the second reading which we shall sooner or later be called upon to undertake. We have invited the representatives of the Union of Socialist Soviet Republics to co-operate with us. It would therefore be extremely desirable if we could arrive at some degree of co-operation. I therefore wish to repeat before that public opinion which will mark my words, as it has marked those of M. Litvinoff, that the essential condition of such co-operation is that it shall further the cause instead of undoing that which has already been accomplished.

As I am referring to the question of undoing work already accomplished, I am obliged once more to address my remarks to Count Bernstorff, to tell him that the original proposal he submitted yesterday to the Commission does not seem calculated to help matters on, in accordance with the desire which M. Clemenceau expressed in his letter to Count Brockdorff-Rantzau. If we accepted the proposal put forward yesterday by the German representative, we should indeed be making a move, but not in the direction indicated and desired by us. I am afraid that, on the contrary, we should be taking a backward step. I venture to hope that this is not the reason which led M. Litvinoff to support the proposal finally. As I was careful to point out in a previous speech, before Count Bernstorff submitted his proposal, we cannot under any circumstances forgo the second reading, in view of the stage we have reached in our work. I say again that the results attained are more satisfactory than some people pretend to believe. On certain important points, agreement has been reached at the first reading. I should be very glad if these agreements could be confirmed in writing as soon as possible, but I feel bound to point out that certain agreements are conditional on the solution of questions which have been left unsettled and which will not be reconsidered until the second reading.

I do not know whether our Commission would be entitled to ask now for the convening of a Conference; on this point, it is our President who must reply to Count Bernstorff. But in any case, when we have all emphatically stated more than once that we desire as careful a second reading as possible under the best conditions, when I myself, on behalf of the French delegation, have declared that I should be glad if the second reading could take place before the next Assembly, to forgo this second reading now would, I think, hardly be in keeping with that desire for progress which Count Bernstorff expressed yesterday.

Under these circumstances, it seems to me that we should have no difficulty whatever in emerging from the confusion to which M. Perez alluded yesterday, a confusion which is

more apparent than real and which, to be dispelled, only needs a little of that sunlight which is shining on the city of Geneva to-day.

We have to choose between two methods: the first is that to which I have just referred. We should not depart from our terms of reference which are to be found in the instructions successively given us from the time of the first Committee which established our questionnaire in 1925, approving in each case the progress of our work. We should, moreover, invite the representatives of countries non-Members of the League to co-operate within this framework—whether they be early comers, such as the representative of the United States, or later arrivals, like the representative of the Union of Socialist Soviet Republics, or the latest arrival of all, the representative of the Turkish Republic. These representatives cannot surely consider it strange—nor would public opinion think so—that we should ask them to participate in our work in the manner and on the lines indicated by the decisions of the League of Nations, by whom we have been convened.

The other method would be to take a flying leap into the dark, to abandon all that we have hitherto done, to discuss in perfect chaos—if I may say so—successive and even alternative proposals which merit a better fate than this, and which are entitled to receive serious consideration without haste, since haste is incompatible with careful and thorough examination.

I feel that all this was foreseen on Tuesday last by Lord Cushendun, when he suggested that all these proposals should be referred back to the Governments in order that the Preparatory Commission might examine them at its second reading, for which I say again I hope it will fix as early a date as possible.

The second proposal that the Bureau submitted to us yesterday embodied in principle, and in a form which seems, to me at least, perfectly clear, all the ideas I have just put forward. I think the time has come for the Commission to take a decision; further speeches will serve no purpose. I regret myself that I have been obliged to speak, trusting that my speech would be the last. The moment has come for the members of the Commission to shoulder their responsibility and take a decision with regard to the text which has been submitted to them, to reply at last “Yes” or “No”, without ambiguity, to M. Litvinoff’s question.

M. SOKAL (Poland). — Mr. President—We were able this morning to cast a rapid glance at the second Soviet Draft. You yourself suggested yesterday that a detailed discussion of this Draft should be made at the Commission’s next session. Although this is not yet a decision of the Commission, I adopt your suggestion and have no intention of going into the details of this Draft, but I should like to express my satisfaction at this Draft’s having been submitted to the Commission to replace the previous Draft. My reasons are as follows:

I observe with pleasure that the new Draft is much closer to the text of the preliminary Draft adopted at the first reading by our Commission. I am glad to find in the Preamble of this new Draft a factor which I have always regarded as essential, *i.e.*, the factor of security. The Soviet delegation says:

“Considering the atrocious struggle between the various States for predominance in armaments and that the tendency to increase the number of weapons for murderous and destructive military purposes is one of the factors”

Although this is only in the Preamble, it shows that the Soviet delegation has taken this factor into consideration and this constitutes a material difference as compared with the first Draft. There are other chapters which will call for detailed examination. I would point out that the very important, and indeed essential, chapter on control seems to me as vague as the corresponding chapter in the first Draft, and I regret it.

But, gentlemen, my general impression of the Soviet Draft No. 2 is rather favourable than otherwise, and I quite agree with what Count Clauzel has said, that it contains a great many features which are familiar to those who have been members of this Commission for a considerable time. It may be said of this Draft, as it has been said of an opera, that “all that is good in it is not new, but all that is new in it is not good”. I think that a detailed examination will show us what is good, and I should like to express once more my satisfaction that the Soviet delegation has been able in so short a time to bring its standpoint so much nearer to that which we had regarded as the basis of our discussions.

This being so, it may be asked why the Soviet delegation submitted Draft No. 1 with regard to immediate, complete and general disarmament, since I have no doubt that this delegation had already prepared Draft No. 2 when it submitted Draft No. 1. Indeed, Draft No. 2 is so complex and so complete that the Soviet delegation must certainly have prepared it in advance.

You will excuse me for quoting my own words, but I said, in speaking of Soviet Draft No. 1:

“The average man, the man in the street, might at first be allured by the apparent simplicity of this plan, not realising the almost insurmountable difficulties in the way of its immediate application, and if it failed, he would blame the League of Nations, which, despite its imperfections, remains the only guardian of peace in the world.”

Well, gentlemen, I regret that M. Litvinoff thought it necessary to reply to this passage—which I hope is sufficiently clear—by the following criticism:

“I was somewhat surprised by the honourable Polish delegate’s speech in which he said that our idea might appear attractive to the average man only, to the man in the street; but it is precisely this average man, this man in the street, of whom the honourable Polish delegate spoke with such disdain, who bears the burden of militarism and who is sacrificed to the Moloch of war.”

It is completely to misinterpret my ideas to impute to me any contempt for the working classes. I am very painfully affected by this remark of M. Litvinoff's, having spent the best part of my life in protecting this class. To reply to that criticism in the same courteous language as was addressed to me, I will say that I think this criticism most unfair.

Gentlemen, I will leave to the next session of the Commission the detailed examination of Soviet Draft No. 2., in conformity, I believe, with our President's intentions.

I should like to say a word more with regard to Count Bernstorff's proposal. The honourable representative of Germany spoke yesterday not only of a question which concerns us directly but also, and not for the first time, of Part V of the Treaty of Versailles, of M. Clemenceau's famous letter and of other things which do not concern us directly here. I think that the Commission's terms of reference give us quite precise duties, and if we depart too much from them we shall find ourselves embarking on political discussions of so wide a scope as to go beyond our Commission's powers. Although this is a political Commission, we cannot arrogate to ourselves the right to discuss all the political questions at present before the world. As regards the substance of Count Bernstorff's proposal, I understand that he suggests the abandonment of the second reading and the direct submission to the Council of a proposal for convening a Conference. He believes that, in so doing, we shall have fulfilled our mission. In this connection, I have two remarks to make.

In the first place, this procedure completely leaves on one side the preliminary Draft we have drawn up. It takes no account of all that has been done by the various Sub-Commissions which we have created and which have worked for many months. This is on the same plane as the Soviet delegation's proposal, the effect of which is to destroy the basis of discussion which we possess. The Soviet delegation at least proposes a draft Convention instead, while the German delegation proposes no alternative: it only proposes a Conference. I consider that we must persevere and follow strictly the guiding line of our work and continue the discussion of our preliminary Draft, endeavour to improve it and reach an agreement at the second reading before convening a Conference.

In the second place, I should like to say that I always like to hear Count Bernstorff speak and even to reread what he has said, and I venture to quote the statement which he made at the last meeting but one of the Preparatory Commission. You will excuse me making this quotation, which is very complimentary to me, but I nevertheless desire to read out this passage:

"I have listened with great interest to M. Sokal's speech in which he very clearly stated his view on the famous trilogy, Security, Arbitration and Disarmament . . . I only wish to say that it seems to me somewhat premature to send a report to the Council now . . ."

Count Bernstorff was at that time of the opinion that it was premature to send the question to the Council. We were in exactly the same position then as to-day, having finished the first reading and having decided to hold a second reading, and I see no reason to change our minds. I now agree with Count Bernstorff that nothing must be sent to the Council, as we have no definite proposal to submit to it. Count Bernstorff will answer that we had then decided to hold a second reading, whereas to-day we do not know when, or if, there will be a second reading. I am more optimistic. Yesterday certain representatives of great Powers made statements to which I attach great importance; on the basis of these statements, I think that we may hope that the difficulties which came up at the first reading can be surmounted by those concerned. If these statements are not sufficient for Count Bernstorff, I will quote the President of our Commission himself, who expressed very definitely the hope that he would be able to convene us shortly for the second reading, trusting that meanwhile the difficulties which arose at the first reading would have been disposed of.

In conclusion, gentlemen, I should like to state that I am entirely in favour of referring the Soviet Draft No. 2 to the Governments. I could not accept the German draft resolution, which would upset all our work. I should like to see the Bureau's proposal in its final form, so as to be able to support it in the hope that this discussion, in which we have heard all the arguments for and against, may be closed by a decision to study the Drafts submitted to us during the session and to resume the second reading when this may be possible and expedient, so as to make that step forward which we all desire.

Lord CUSHENDUN (British Empire). — As a matter of order, would you assist us by telling us what we are discussing, Mr. President? There are a number of resolutions before the Commission, and I think it would help us if we knew which of them was under discussion. M. Sokal has just devoted his speech to two documents—the Draft submitted by the Soviet delegation last night and the resolution submitted yesterday by Count Bernstorff. I was under the impression that neither of these was under discussion at the present moment, and if that is so, my friend M. Sokal was out of order the whole time. At any rate, if we concentrate on one of the resolutions before us and either accept it or negative it, we shall surely get on more quickly than if we have half-a-dozen documents before us and range over the whole of them without concentration.

The PRESIDENT. — I thank Lord Cushendun for his remark. I think we should concentrate our attention on what I might call the preliminary question, that formulated in the draft resolution submitted by Count Bernstorff.

Count BERNSTORFF (Germany). — I did not desire to make a general defence of my proposal, but, now that several delegates have spoken on it, I should like to say that I am absolutely in agreement with those of my colleagues who asked that there should be a clear understanding. One of the first to insist on this clearness was Mr. Gibson. The majority of the Commission must therefore decide what it is going to do; and the minority must try and agree to the method selected. Our first proposal was to ask the Commission to proceed forthwith to a second reading of our draft Convention. This proposal not having been accepted, I submitted the draft resolution with which you are acquainted. I did this not to raise difficulties but to expedite our work. Our President himself told us that a great number of difficulties had been encountered and that hitherto his appeals to the Governments had met with no success. We were also told that the Governments had undertaken direct negotiations; but General de Marinis has informed us that this was not so.

It therefore seems to me that we ought to do something to force the hands of our Governments. After two years' work, I have reached the melancholy conviction that our Commission has not sufficient authority with the Governments; during these two years we have vainly asked the Governments to take some action. I therefore thought that, if the Governments knew that the Conference would take place at the end of the year, they would try to reach an agreement on their points of difference. This is the only reason for which I submitted my draft resolution, but at the same time I should like to add that we reject none of the work that has been done up to now; we simply place it at the Conference's disposal.

I have been told that I was departing from the Commission's terms of reference. But the latter do not say that we have got to draw up a draft Convention. Our task is simply to establish a programme, and I am convinced that a drafting committee appointed by us and setting to work at once could provide us in the course of next week with a programme for the Conference, since it is not very difficult to agree on a Conference programme.

If, moreover, the delegates consider that it is absolutely necessary to hold a second reading of our draft Convention, I have no objection to make. We shall have enough time between now and the date on which the Conference meets to hold this second reading. In fact, I am very much in favour of holding it. All that I ask is that we should get to work and do something.

I should now like to say a few words in reply to M. Sokal, with whom I have always had great pleasure in exchanging compliments. I do not want, however, to reopen the discussion of last night.

All the delegates who are interested in the place taken by the Treaty of Versailles in our discussions should re-read the speech made here on this subject by M. Paul-Boncour on April 8th, 1927. Among other admirable remarks, he said that our work was based on two texts, the Covenant and the Treaty of Versailles. This speech is so important and interesting that I should like the French Government to follow its custom in the case of great speeches and have it posted up throughout the country.

I do not wish to prolong this discussion any further, and I think we ought to take a majority vote. M. Sokal was good enough to quote what I said last year, but since then we have had a year of inaction, and it is for this reason that I have changed my opinion. A year ago I was still optimistic; I thought that we should be able to do something, but, instead of that, I find that we have done nothing.

In conclusion, I should like to reply in a few words to the remarks made at a previous meeting by Lord Cushendun on the question whether the expression "a first step in the sphere of disarmament" is justified in my draft resolution. I think this is only a misunderstanding on a question of terminology and that I can dispel it without difficulty. As I said yesterday, I am far from wishing to minimise the importance of measures which a State may have already taken to reduce its armaments to a certain extent on its own initiative and without assuming any international obligation in this connection. But, for the purpose of our discussions, we are not dealing with such isolated measures, since the basis of our work is Article 8 of the Covenant. From the terms of this article, and particularly of paragraphs 2 and 3, it is clear that it only refers to international engagements establishing a general plan which will involve co-ordination and a certain proportion between the armaments of the different countries. It is solely in that sense that I employed the term "first step" or "first stage". I would remind you that, in the Preamble to the draft Convention, according to the text proposed by the French delegation, the following clause appeared:

"Considering that it is now possible to contemplate a first step towards the limitation and reduction of armaments laid down in Article 8 of the Covenant . . ."

If I remember rightly, the expression "a first step" gave rise to no objection on the part of any delegation, although the text of this Preamble was discussed in great detail. Similarly, in our discussions of December last, the expression "first step" or "first stage" was employed in the sense which I have just indicated. For these reasons, I consider that the use of the term in my draft resolution is fully justified having regard to the fact that, owing to the constant use of it made in our Commission, it has been given a special meaning referring solely

to the terms of Article 8 of the Covenant. However, in order to avoid any misunderstanding and in order to meet Lord Cushendun's observations, I have no objection to the first paragraph of my draft resolution being worded as follows :

“ A first step towards the reduction and limitation of armaments, as laid down in Article 8 of the Covenant.”

The PRESIDENT. — Before calling upon the next speaker, I should like to remind you that, for the moment, we are only discussing the German draft resolution.

M. SATO (Japan). — I will willingly confine myself to the German draft resolution. This draft requests the Council at its next session to fix a date for the first Conference on Disarmament, and it seems to me that, if we accepted this proposal, we should place the Council in a very embarrassing position. It was the Council which decided in 1925 to entrust us with the task of preparing a solid basis for a future Conference on the reduction of armaments. If we now adopt the German delegation's draft resolution before having completed our task of preparing for the future Conference, we should be altering the terms of our instructions and we should incur a very grave responsibility not only before the Council and the Assembly but also before public opinion.

In my opinion, it is our duty to explore every possibility of agreement, so as to go to the very limits of our terms of reference and to accomplish the whole of our task, and not to stop half way and request the Council to fix the date of the future Conference before we have done the necessary preliminary work.

Mr. President, I do not think that our Commission's task is so simple. If it really wishes the success of the future Conference, the Preparatory Commission must do all the preliminary work, which does not merely consist, as Count Bernstorff thinks, in drawing up a programme of work for this Conference. It is for these reasons that, to my great regret, I cannot subscribe to the draft resolution submitted by the German delegation.

As the text of this resolution has some connection with the question of the second reading, and as Count Bernstorff alluded to the latter, I shall, with the President's permission, say a few words on the advisability of a second reading during the present session.

In this connection, I am glad to say that I am in complete agreement with the proposal made yesterday by Lord Cushendun and Mr. Gibson. As there are still differences of opinion on several points between certain Governments and particularly in regard to naval matters, I do not think it expedient to begin the second reading now. As we desire to submit a single text to the future Conference for the Limitation of Armaments, a common ground must be found between the Governments concerned eliminating the present differences. This procedure is the more to be recommended in the present circumstances inasmuch as Count Clauzel has informed us that conversations are in progress and that there is good reason to hope for a successful issue. Lord Cushendun has confirmed this good news.

This point was very well understood by the honourable representative for Sweden when he submitted his amendment to the Bureau's draft resolution, and thus showed the great importance he attached to the preliminary negotiations between the Governments concerned. I entirely agree with the reasons for his amendment, since they explain why the Commission desires to postpone the second reading to a later date, which, moreover, is not entirely an indefinite date.

The honourable delegate for Italy found it necessary to make certain reservations with regard to the negotiations in progress. But, in the present circumstances, I am inclined to favour this idea of preliminary direct conversations between the principal parties concerned. Without this necessary preparation, which will be useful in clearing the ground, I do not think that a second reading would give very satisfactory results.

This, of course, does not prevent us from taking into account the legitimate feelings of certain delegations and the impatience of public opinion, which fears the indefinite adjournment of our second reading. I desire to give them every possible satisfaction and, in order that we should retain their confidence, we must meet as soon as possible. This means that the Governments concerned must pursue the preliminary negotiations as rapidly as they can. The Japanese Government, which has always been a strong partisan of the limitation and reduction of armaments, will certainly support me when I express the fervent hope that the principal parties concerned will shortly succeed in finding a satisfactory basis of agreement.

M. VALDÉS-MENDEVILLE (Chile). — I will confine myself to a few brief remarks with regard to the German draft resolution. In its original form, the first paragraph of this draft was, in the main, a repetition of the 1926 resolution, which was recalled in No. 2 of the resolutions of the last Assembly and which does not stand alone. It is preceded by a number of arguments and followed by further resolutions.

I note among the arguments the following : “ The Assembly . . . being anxious to bring about the political conditions calculated to assure the success of the work of disarmament . . . ” I would also draw your attention to the third resolution, which constitutes a whole programme of work for the Committee on Arbitration and Security ; this resolution is nowhere recalled in the German draft. It is true that Count Bernstorff suggested amending the first paragraph, but I do not think that that would substantially affect my criticism. After resolution No. 2 of the 1926 Assembly, the latter requests the Council to urge the Preparatory Commission to hasten the completion of its technical work and to convene the Conference.

immediately that work is completed. The second paragraph in the German draft resolution notes that the technical work is "sufficiently advanced". The Assembly, in the instructions it gave us last year—and they are, after all, instructions—speaks of the completion of the work. Can we say that it has been completed? Can we abandon our second reading, which, after the statements we have heard, we have reason to hope can soon be taken? Can we abandon the work of the Committee on Arbitration and Security, which has still to hold another session?

As I said just now, we are working in conformity with instructions from the Assembly. Similar instructions were given to the Committee on Arbitration and Security in Part III of the resolution, which speaks of considering measures which would enable States "to fix the level of their armaments at the lowest possible figures in an international disarmament agreement".

Count Bernstorff has told us that we can prepare a programme for the future Conference in a few days. But what kind of a programme? I do not think we can draw up a skeleton convention, as we have tried to do in the case of previous draft conventions, leaving it to the Conference to fill in the necessary figures in accordance with political, demographic and economic conditions.

It seems to me, therefore, that in the last resort it would be for the Assembly itself to reverse the instructions it has given us and in virtue of which we are now working. But we cannot submit to the Council a proposal which does not take account of all that we have hitherto done; we cannot suspend our work, considering it finished or as having failed, and tell the Council that we have prepared a new programme, which, moreover, could only be of a very embryonic nature if it were prepared in two or three days.

For my part, I am of opinion that Count Bernstorff's draft cannot be adopted.

The PRESIDENT. — Before calling upon the next speaker, I should like to say a few words to Count Bernstorff.

We must not forget that we have received instructions from the Assembly to prepare for the Disarmament Conference. In virtue of those instructions, we are drawing up a programme for the Conference, and we agreed at the outset that this programme should take the form of a draft Convention. That being so, would it not seem strange to request the Council to fix the date of the Conference without our having been able to submit our programme, which, as I say, is in the form of a draft Convention? I do not wish to go into details or consider the legal aspect of the question. All I say is that it would be, to say the least of it, odd to approach the Council with such a suggestion. Moreover, the Council itself, like the Assembly, has on several occasions given us to understand that it approves our method of work.

I should like to reply to another point of Count Bernstorff. He told us that, if the date of the Disarmament Conference could be fixed now, Governments would feel encouraged to work for an agreement. I think, however, that all possible encouragement has already been given during the present session and that the Governments most closely concerned realise in all earnestness that they must reach an agreement now. We have received very encouraging communications from Count Clauzel and Lord Cushendun, and that, I think, is sufficient to convince Governments of the necessity of taking a decision in this matter.

Count BERNSTORFF (Germany). — I must point out an apparent difference of opinion upon the Council's decision. The Council transmitted this resolution "to the Preparatory Commission, requesting it to be good enough to make proposals in regard to the date on which it would be possible to convene the Conference, taking into account the probable progress of its labours, and, further, to establish the agenda of the aforesaid Conference".

We can still quite easily establish the agenda. With regard to the phrase "taking into account the probable progress of its labours", we can say that we shall be able to submit a programme before the Assembly. We can thus conform absolutely with the Council's decision.

M. LITVINOFF (Union of Socialist Soviet Republics). — Mr. President—I was first under the impression that we were discussing a matter of procedure, and wanted to know whether we were going to proceed to the second reading of the draft Convention of the Preparatory Commission, to the first reading of the new Soviet draft Convention, or, as the German delegate has proposed, to pass over our work to the International Conference for Disarmament. All these questions seemed to be interwoven. The President's ruling to limit the present discussion to the consideration of the German delegation's proposal puts me in some difficulty. As I said yesterday, if the proposal to give our draft Convention a first reading is rejected, I would support the proposal of the German delegation, but now I must speak directly on the German delegation's proposal, without knowing the fate of our proposal for a first reading of our draft Convention. In the circumstances, I am bound to support the German proposal to convene as soon as possible the International Conference for Disarmament. It is high time to introduce some clarity into the whole question of disarmament if you do not wish to discredit the very idea. Some speaker mentioned the possible bankruptcy of the Disarmament Commission. I am very much afraid that, if we go on session after session and go away without achieving

any work, only deciding to come again, or not to meet at all, we shall contribute to the impression which is gaining ground abroad that the Commission is fated to an inglorious end. I think it is better to take stock of the state of things and to draw the necessary conclusions, to call the representatives of all the Powers—great and small—and to come to some decision on the question of disarmament. I do not feel sure that an International Conference, in the present circumstances, after the experience we have had here, would really result in any scheme for disarmament; but at least we shall know where we are—even if we are forced to the unfortunate conclusion that not only total disarmament but also the reduction of armaments still belong to the sphere of those ideals to which, in the opinion of many delegates, humanity has been aspiring for thousands of years, and will have to aspire for a considerable time yet.

Lord CUSHENDUN (British Empire). — We have been discussing this matter for two hours, and I am sure I can put my opinion in two minutes. I should like to thank Count Bernstorff for his goodness in offering to make a small drafting alteration in the first paragraph of his resolution. I am grateful to him for that courtesy, but I am afraid I shall have to show him it is not sufficient to meet my views.

I am opposed to Count Bernstorff's resolution and to each and every paragraph of it, and I shall do everything in my power to persuade the Commission to refuse to accept it. There appears to me to be a very extraordinary contradiction between the first and second paragraphs of the resolution. The second paragraph tells us that the preparatory technical work has made such a complete advance that we do not want a second reading at all now and can pass on to an International Conference. The first paragraph tells us we have not yet taken the first step. How we can have made that large advance without having taken the first step is a very difficult thing to understand. I dare say Count Bernstorff draws some distinction between what he calls an initial step on the path of disarmament, in the first paragraph, and the preparatory technical work to which he refers in the second paragraph, but that is a very narrow point and a technical point. Either we have made sufficient advance, technically and otherwise, to be able to report to the Assembly that the work is now sufficiently complete to enable a Conference to be held, or we have not. I understood Count Bernstorff's main objection to these discussions was that we had done practically nothing, and now his proposal is that we should do without a second reading.

This is a *Preparatory* Commission. The very name shows that we are to prepare the way for an International Conference. Count Bernstorff proposes that, although we are a Preparatory Commission, we should not prepare. I submit, on the contrary, that to do without that preparation would be simply to invite disaster in the Conference itself. That opinion has been expressed in the past, I believe, by many leading authorities, I think I can quote, in my own country, Mr. Ramsay MacDonald and Sir Austen Chamberlain, and in France, I believe, both M. Herriot and M. Briand have expressed the view that it would be a most disastrous thing to go into a general International Conference unless the ground was carefully prepared by this Preparatory Commission. I am therefore absolutely opposed to the passing of this resolution, and I cannot help thinking we should be wasting the time of the Commission if we devote further consideration to it.

General DE MARINIS (Italy). — Several speakers having recalled statements I made yesterday regarding the conversations alluded to by Count Clauzel, and certain of these speakers having misinterpreted these statements, I should like to say a few words in this connection.

My friend the honourable delegate for Japan considered that I was making reservations with regard to these conversations. I was not doing anything of the kind. I should carefully avoid questioning the value of conversations very much which I should like to see lead to an agreement. Out of loyalty to my colleagues, however, I thought it my duty, when allusion was made to these conversations, to state that, if conversations were proceeding between other Governments, that did not in any way affect the situation of my own country. That situation remains what it was at the end of the first reading when, you will remember, I made a large number of reservations. That, I repeat, does not prevent me favouring these conversations, in which I hope that my own country will take part. But, as so much importance has been attached to them, and as the honourable delegate for Sweden even said that he took note of them, I thought it necessary to inform my colleagues of the situation of my own country.

Now that I am speaking, I should like to say a word or two about the German draft resolution. I can sum up my attitude towards it by saying that I entirely agree with the remarks made by the delegate for Chile. I attach great importance to his observations and have come to the same conclusion, namely, that I cannot vote for the German draft resolution.

M. ROLIN JAEQUEMYS (Belgium). — I will conform to the instructions of the President and be exceedingly brief, and I will also observe his recommendation to consider only the proposal made by Count Bernstorff.

If we were now at the beginning of our session, I should be inclined to favour the principle underlying Count Bernstorff's proposal. I should have felt then that it was only logical to proceed to a second reading—noting perhaps the necessity of postponing that reading in view of certain difficulties—and that we should not break up after considering nothing at all and merely saying that we might be more fortunate another time.

I therefore fully sympathise with Count Bernstorff's feeling, but, since then, circumstances have changed and new facts have to be considered. The first new fact is the original proposal for complete disarmament submitted by the Soviet delegation, upon which we have not yet taken a resolution but which the Commission would seem disposed to refer for discussion with other questions at our next session. This suggestion, which appears to be generally approved, presupposes another session, and it would be strange indeed if at that session we were only to discuss certain articles in the Soviet proposals without taking a second reading of the Commission's own Drafts.

Then there is another new fact. Count Bernstorff has submitted a proposal in regard to publicity—a very important proposal, which we shall have to discuss.

Then again, since yesterday evening or last night, we have received new proposals from the Soviet delegation contemplating a reduction instead of the abolition of armaments. We have already seen that these proposals are important, but they impinge upon all the schemes which we have ourselves been considering; I note a whole series of provisions concerning effectives, material, aviation, control, etc. There is no doubt that these proposals are sufficiently important to deserve examination on a second reading. Again I would ask, Are we going to examine these proposals and neglect our own work? Surely not.

There is another very important new fact to which I personally attach especial value, because I do not wish, any more than Count Bernstorff, that the solution of this question should be indefinitely postponed. We have been pleased to hear of conversations which are proceeding between certain great Powers, and you will remember that I had already mentioned that the whole question was in the hands of the great Powers. These conversations give us reason to suppose that we shall have better chances of success at the next session.

In view of all these considerations, and even though at first sight Count Bernstorff's proposal had a good deal to recommend it, the situation would seem to have changed, and, as things are, it would be most surprising if we did not arrange for a second reading. I do not think that we can come to any other decision, especially in view of the observations made by the delegate for Chile, who pointed out that, before discussing the date of the Conference, we ought to await the conclusion of the labours of the Committee on Arbitration and Security, to which I think most of us attach great importance and which will have to be examined by this Commission.

The situation having thus changed, and being such that Governments cannot fail to provide us with the means of discussing this matter with prospects of success, I consider that Count Bernstorff's proposal has now no longer the same justification which it had when he first conceived it. It could perhaps be brought up again if necessary. I assure Count Bernstorff that I am fully in sympathy with his suggestion, since Belgium is as anxious for peace as Germany.

The PRESIDENT. — I think I may sum up the results of the discussion by saying that the great majority of the Commission is not in favour of Count Bernstorff's resolution. I think, therefore, that we should continue along the path we have hitherto followed and proceed to the second reading of our draft Convention.

Count BERNSTORFF (Germany). — I was about to make the same remark as the President. I have noted that the majority is against me for the second time, and I imagine that this will be my fate until the end of the session. I shall always be in a minority because there is this essential difference between ourselves and the majority, namely, that we desire to complete the work immediately, while the majority does not. Apart, however, from this fact, I naturally hope that the majority will convince me of its reasons, but, if it is to do so, I think it absolutely necessary to take more energetic steps than heretofore so that Governments may be persuaded to enter into useful negotiations. I do not think that this position has yet been reached. In view, however, of the rejection of our proposal, I shall have to make another statement. It will be of some length, and as it is already late, I will ask permission to make it this afternoon.

The meeting rose at 1.30 p.m.

ELEVENTH MEETING (PUBLIC).

Held on Saturday, March 24th, 1928, at 3.30 p.m.

President: M. LOUDON (Netherlands).

**19. Progress of the Work of the Preparatory Commission for the Disarmament Conference :
Item 3 of the Agenda General Discussion (continued).**

The PRESIDENT. — I call on Count Bernstorff, who has a declaration to make to the Commission. After he has spoken, I shall declare the closure of the debate on the draft resolution submitted by the German delegation.

Count BERNSTORFF (Germany). — I am submitting this declaration on the assumption that our proposal referring to the convening of the Disarmament Conference has been rejected by the majority of the members of our Commission.

Our discussion has now brought us to a stage at which I feel compelled to place before you the position in which we are situated. During the first five years of its existence—that is—until 1925, the League of Nations made a series of unsuccessful attempts to arrive at some positive result in connection with disarmament. The year 1925 marked a new stage in the work for disarmament. You will allow me to remind you that it was in virtue of a resolution of the Assembly of 1925 and in execution of that resolution that in December 1925 the Council appointed the present Commission.

From that time onwards, this Commission and its various Sub-Committees, after debates which lasted several months and with the aid of the most careful and thorough technical discussions, has accomplished a vast quantity of work. Sessions were held in May 1926, the autumn of 1926 in March and April 1927 and in December 1927. The present meeting constitutes our fifth session.

During the third session, which was held last spring, we succeeded in drawing up the draft Convention with which you are acquainted. That Draft is the first tangible result obtained from labours carried on for nearly eight years with the object of giving effect to the clauses in the Covenant relating to disarmament. The Draft was based on British and French proposals. At its session in June 1927, the Council expressed itself in sympathy with regard to this draft Convention. I would add that the representatives of France and the British Empire spoke in the most hopeful manner in regard to it. Everybody expected that in 1927 there would be a second reading of this draft Convention, and that that would mark the end of our preparatory work. In spite of these hopes, the date of the fourth session was fixed in such a manner that a second reading was not possible; it was decided to adjourn it to the fifth session; that is to say, to the present session, which was to meet on March 15th for that purpose. The decision to proceed with the second reading in March 1928 was adopted on a proposal by the President, which was unanimously accepted by the Commission. Nevertheless, once again our work is brought to a standstill. For my part, I must regret this lack of consistency, which may lower the prestige of our Commission. When, in December last, the delegation of the Union of Socialist Soviet Republics presented its far-reaching schemes for disarmament, it was met with the objection that we should not on any account depart from the course which we had decided upon. They were told that "we should be committing a most dangerous error if we were to change our methods", and, again, "that a man travelling through a forest would have a better chance of finding his way out if he kept on in one direction without inclining to the right or to the left, and that in any case he would thus attain a point where he would probably be better situated than in the centre of the forest".

But I would point out that, in adopting the present course, we are neither maintaining the direction which we have hitherto followed up to the present moment, nor are we choosing a different road: we are simply standing still half-way. During the whole of last year, any impartial witness of our labours must have gained the impression from the proceedings of our Commission that, while appearing to continue to march forward, we were not in fact drawing a single step nearer to the goal set before us.

In view of the attitude which this Commission has adopted during the last few days, I would simply point out that we have taken no decision either to terminate the preparatory work for disarmament or to fix any date for the Disarmament Conference. I have no power to constrain the Commission to advance with greater speed. I do not think that, in urging the Commission to press on to a conclusion, I can be reproached with compromising our success in the future by wishing to achieve it forthwith. Nor would it be justifiable to argue, as certain remarks in the debate appeared to suggest, that the German Government and myself are alone desirous of urging the Commission to go forward. No, gentlemen; it is the Treaties which are urging you to go forward; we did not draw up the text of the Covenant; we did not draw up the Treaties. But the Covenant and the Treaties have been signed and solemnly ratified, and therefore they must be carried out. That fact was recognised by the Assembly. Need I remind you, gentlemen, that the Assembly of 1926 desired that the Disarmament Conference should meet before the autumn of 1927? Need I remind you that the Assembly of 1927 urged us to "hasten the completion of its technical work and to convene the Conference on the Reduction and Limitation of Armaments immediately this work has been completed"?

I am bound, to my deep regret, to declare that this resolution, together with the instructions given by the Assembly, have not received the attention which they deserved. I am bound to state that the pace at which our Commission has chosen to proceed is evidence of lack of zeal to give effect to the clauses of the Covenant.

The German Government, which has never ceased to press for greater speed in the work for disarmament in conformity with the Covenant and the Treaties, does not desire to be held responsible by the world's public opinion for the fact that this Commission is showing itself constantly less able to fulfil the hopes which were based upon it when the Assembly and the Council entrusted it with a task of such importance and of such weighty responsibility in the eyes of posterity—namely, to prepare for the first Disarmament Conference.

As we are now to separate once more, contrary to all expectation, without having moved a single step forward, without having decided on the programme or the date of the Conference, there is manifestly only one course open to those who, like ourselves, desire the success of our labours in the interests of peace, namely, to make an appeal next autumn to the Assembly; to the Assembly which, three years ago—as it will then be—decreed that this preparatory work should be undertaken; to the Assembly to which we ourselves, gentlemen, are responsible.

It need hardly be said that I should be well content if our Commission were able at the next Assembly to submit a draft Disarmament Convention which had passed its second reading, for such a Draft would be able to dissipate the doubts and grave apprehensions which I have been compelled to express here in the most public manner. Nevertheless, gentlemen, having regard to the course which our proceedings have now taken, it is to be feared that this hope again will be disappointed. In that case, the Assembly, which is the custodian of the prestige and authority of the League of Nations, will be the proper authority to direct our Commission to cease to give evidence in its too numerous sessions of such regrettable sterility. The Assembly will also be the authority best fitted to receive a report on the actual progress of the conversations between Governments which are constantly being alluded to here with so much fervour, but which, as we may again perceive, have taken place within an extremely modest and inadequate compass and which have not yet attained any practical result.

The PRESIDENT. — The discussion on the draft resolution submitted by the German delegation is closed.

20. Progress of the Work of the Preparatory Commission for the Disarmament Conference: Item 3 of the Agenda: Discussion of the Draft Resolution submitted by the Bureau.

The PRESIDENT. — I submit to the Commission on behalf of the Bureau the following revised text of its draft resolution:

“The Preparatory Commission for the Disarmament Conference:

“I. Having examined the bases of the draft Convention for Immediate, Complete and General Disarmament submitted by the Union of Socialist Soviet Republics, notes that the immense majority of its members are of opinion that this Draft, while in harmony with the ideals of mankind, is under existing world conditions incapable of being carried into execution, that it can only be realised when international organisation is strengthened in respect both of methods of pacific procedure and the system of sanctions, and that, consequently, the said Draft cannot be accepted by the Commission as a basis for its work, which work must be pursued along the lines already mapped out;

“II. Takes note of the proposal submitted by the German delegation regarding the last paragraph of Article 8 of the Covenant, and of the new draft Convention submitted by the delegation of the Union of Socialist Soviet Republics on the question of the reduction of armaments, and, while reserving their consideration until its next session, commends them to the attention of the various Governments;

“III. Decides to leave its President free to fix, according to circumstances, the date at which it would be practically useful to convene a new session of the Commission in order to proceed to the second reading of the draft Convention on the Reduction and Limitation of Armaments. The Commission expresses the wish that the new session should begin in any case before the next session of the Assembly.”

The Hon. Hugh GIBSON (United States of America). — Mr. President,—It will be remembered that, in the course of the debate yesterday, I made a definite proposal that, when the time came to choose a date for our next meeting, we should refrain from choosing any arbitrary date and should leave to our President the duty and responsibility of calling us together at such time as, in his judgment, we could profitably embark upon a second reading. My proposal was honoured with the warm support of a number of my colleagues, among them the honourable delegates for Italy, Japan and Turkey, and several others.

I assumed that, in view of the fact that this proposal had commended itself to some at least of my colleagues, it would be taken into consideration in the drafting of the resolution on the subject of our next meeting. I confess to some surprise to observe from the wording of this resolution that my proposal has not been taken into account, and I feel impelled to ask on what grounds it was found impossible so to take it into account. My proposal was based on certain serious practical reasons of economy and convenience. I shall not take up the time of the Commission in recapitulating those reasons; I think you all have them fairly in mind. I can conceive just one ground, Mr. President, on which we should be justified at this time in deciding upon a definite limit such as is placed upon the freedom of the President in fixing a date. This would be the case only if we could be assured that the conversations

which have been alluded to in the course of the discussions here are proceeding so satisfactorily as to give us a definite assurance, or a very considerable assurance, that we can come back here at the date chosen with a sufficient amount of agreement to ensure success. If, on the other hand, there is no such assurance, I feel that we come back to the original objections which I raised yesterday to fixing a definite date. I need hardly say here that no delegation is more heartily in favour of proceeding with the work at the earliest possible moment when this can be done effectively. In order that my views may be quite clear, I should like to move an amendment to strike out the last sentence of the resolution.

M. LITVINOFF (Union of Socialist Soviet Republics). — Mr. President,—I hope you will understand that I cannot vote for that resolution, nor for any part of it. I cannot vote for Part I, which rejects our own proposal for total disarmament. I cannot vote for the last part, which does not fix any date for the next session of the Commission. I particularly object to the second part, in which the first reading of our new draft Convention for the Reduction of Armaments is referred to a later date. This is being done without any preliminary discussion; there has been no discussion on this point at all. It is a resolution quite new to me and I do not know—and I did not know last night—on what grounds the refusal to consider our proposals now, at this session, is based. As the proposals for transferring the work of the Preparatory Disarmament Commission to the International Conference have been rejected, I venture to express a hope at the eleventh hour that some attempt may be made to bring new life into the Preparatory Commission, and I for one would like to be a contributor to this end by moving the first reading of the new Soviet draft Convention. Before doing this, however, I wish to refer shortly to a remark that was made this morning by Count Clauzel to the effect that I had said that we should not support our own draft Convention if it were to be adopted by other Governments, implying that our revolution is already devouring its children. I wish to assure Count Clauzel on this point. He evidently did not quite understand my words. I said that a Soviet Government would not necessarily feel itself bound by all the articles of the draft Convention. A part of the Draft is not the Draft itself. I should also like to qualify Count Clauzel's remarks as to our draft Convention for total disarmament having received examination article by article at this session. A number of articles have, it is true, been scrutinised and subjected to severe criticism, but these have been the least essential points. The first thirty-six articles, which form the essence of the whole project, have not been touched on. Total disarmament—the very gist of our Convention—has been summarily rejected.

I should like, while I am about it, to explain to the honourable delegate for Poland that the Preamble of our new Convention, in calling armaments one of the factors of war, is not in contradiction with our previous statements. We have never asserted that armaments are the only cause of war, but that abolition of armaments would certainly stop war. The causes may be hydra-headed, but all these heads can be smitten off with one sword.

I now come to our second set of proposals. The resolutions now proposed seem to point to the existence of a desire among those present not to occupy themselves with our draft Convention for the Reduction of Armaments but to bring the session to a speedy end. It is easy to understand the human desire of those who have been here from the beginning of the Session of the Committee on Arbitration and Security to cease from their labours for a while, but they themselves can scarcely feel true satisfaction in bringing the session to an end when work still remains to be done.

Complaints have been made that we have, so to speak, sprung upon the Commission, at the eleventh hour, a new draft Convention. It will be understood that, while our proposals for total disarmament—which is and always will be our chief aim—had not been conclusively dealt with by the Commission, it would have been impossible for us to bring in proposals of less interest to us and excluding our first proposals.

I shall not now go into the merits of our draft Convention, although some parts of it have really been touched on by the speakers this morning. For instance, the honourable delegate for Poland said that what is new in our proposals is not good and what is good is not new. I think he will find himself in opposition to the honourable delegate for France, who told us this morning that there is nothing new in our proposals and that what is contained in them was long ago rejected. That means that what is good has been rejected! According to the honourable delegate for Poland, you have rejected what is good in our proposals.

I cannot understand Count Clauzel when he insists to-day, as he did last night, that the best way of doing fruitful work is to do nothing. I tried to obtain some explanation from him yesterday, but he has repeated the same statement to-day without giving any explanation.

I am trying to speak in English, but I am afraid that whatever language I use would always remain the Soviet language and would scarcely be understandable to the other delegations here. I shall therefore try to speak a language which has been used here before on a similar occasion, when the first two schemes for partial disarmament were introduced by the British and French delegations. This is what was said at the time:

“Once those three great categories have been adopted, we can then go on to consider within each of them the general problems with regard to which an agreement is desirable on the question of principle before we go into technical details.”

That was said by the President. That is exactly what we demand for our draft Convention—that you should first agree on the main principles and then pass on to the detailed discussion. That was proposed by the President when the first two schemes were introduced and I would ask him to be good enough to extend to us the same privilege.

Further, the delegate of the British Empire, Viscount Cecil, said :

“ We are met formally to consider the results of the enquiries that our technical Sub-Commissions have been carrying out, but I agree that you must feel there will be a profound disappointment in the world unless we can show, at the end of our session, a definite and concrete advance in the path towards reduction and limitation of armaments.”

That was said at the third session of this Commission. Since then, we have held our fourth and fifth sessions and nothing has been done. The same sentences can be applied to our present work.

Further on, Viscount Cecil says :

“ The British Government have, I need not say in common with all the other Governments, been considering this question with the greatest care, and they have thought that probably the best way they can help in a solution of this very grave question is to present to this Commission a draft project of a Convention, not, of course, with a view of imposing the solutions there stated upon their colleagues—that would be an absurd pretension—but to form the basis of a discussion which we hope will be more fruitful than any other way of approaching this delicate and difficult subject. I have drawn up that Convention, and, before I proceed with my observations, I will ask the Secretariat to be good enough to hand round copies in English and French of that Convention.”

That is exactly what I said last night ; I said I would pass on our draft Convention to the Secretariat to be distributed to you for your consideration. That has been done. I must pay a tribute to the excellent work done by the Disarmament Section of the League, to which I can hardly give too much praise. We have now before us our draft Convention in both languages, and I see no reason why it should not be dealt with in the same way as was done at the first session with the British and French draft Conventions. The honourable delegate for Poland, M. Sokal, said at that time :

“ It would be better for us to know both the British and the French Drafts before continuing the discussion, and to adjourn until Thursday or Wednesday afternoon.”

He went so far as to propose an adjournment for several days to study the proposal and then proceed with further work. I would ask the delegate of our neighbouring country to be good enough to allow us the same privilege.

The last quotation I wish to make is from a speech by the honourable delegate of the United States of America, who said :

“ The draft Conventions which have been submitted by the British and French delegations and the very important explanations which have been offered by Viscount Cecil and M. Paul-Boncour have given us a great deal of material calling for the most careful study. I confess I have not yet had time to examine these proposals with the care which they deserve. My military and naval associates are studying them carefully, but in a matter of such vast importance they feel they will require several days to do full justice to the subject.

“ Realising the importance of the draft Conventions, I have telegraphed the full text of both of them to my Government, and I trust that within a few days I may be in possession of an expression of its views.”

You will see from that what action was taken by honourable delegates in connection with other schemes introduced by other delegations. I ask you, Mr. President and gentlemen, why, in fairness, the same procedure should not apply in the case of our proposals. What are the obstacles in the way of considering at least the principles of our Convention and expressing views upon them ? Why should not we proceed with the first reading in the same way as with regard to the other Conventions ?

I therefore feel I cannot fulfil my task and the mandate I have received from my Government without moving in the most formal way the first reading of our new draft Convention on the Reduction of Armaments.

Lord CUSHENDUN (British Empire). — It appears to me that we are once more faced with a question of procedure which may be one of considerable importance, and I cannot help thinking that our deliberations have been very much and unnecessarily lengthened and the issues confused because we have not always kept clearly before us the exact motion or resolution which was for immediate consideration. At the present moment, we began by having put into our hands a resolution prepared by the Bureau, and discussion began upon that resolution, and Mr. Gibson moved an amendment to leave out the last sentence. Now, I do most earnestly hope that, whatever may be the opinion of the Commission with regard to the merits of M. Litvinoff's proposal (on which I do not wish to say anything for the moment), we shall get rid one way or the other of that resolution first. Surely it is obviously an elementary business habit to dispose of one thing before you go on to another, instead of getting them all helplessly mixed up together. If the resolution of the Bureau, with or without Mr. Gibson's amendment, is carried by a majority, then M. Litvinoff's proposal would be inconsistent with it, and would naturally fall to the ground, and he would, of course, very naturally, in order to give effect to his own views, vote against the motion of the Bureau, as he has told us he is prepared to do. If, on the other hand, the majority of the Commission sympathises with M. Litvinoff's position and agrees with his views, it is open to them to vote against the Bureau resolution in order to give him an opportunity of bringing his forward afterwards.

Surely it is impossible for us either to discuss or to vote upon the two at one and the same time? I shall have some observations to make upon the proposal of M. Litvinoff, because I should like to point out to the Commission, when the right time comes, that, in my judgment, there is no sort of analogy whatever between the acceptance of the draft Conventions put forward by Viscount Cecil and M. Paul-Boncour last year and the proposal to consider the draft Convention of M. Litvinoff now. I do not think there is any analogy between the two cases; the circumstances are quite different. I do not, however, wish to go into that for the moment, because I should be making the very mistake which I am asking the Commission to avoid, and therefore I do earnestly hope that we shall come to a definite decision, if necessary by a vote, in order that we may know what the Commission thinks with regard to the resolution submitted by the Bureau.

With reference to the amendment proposed by Mr. Gibson, I think it is a very reasonable one. It seems to me to be rather contradictory first of all to say that we shall leave to the discretion of the President the convening of a meeting at a time when the circumstances make a successful issue probable, and at the same time to lay down a limit. That question presents itself to my mind as a sort of analogy with some scientific research. Scientific men may be engaged upon research to discover some particular substance—possibly a drug very desirable for the cure of disease—and they may devote all their energies and knowledge to the examination of that scientific subject. Surely it would be very absurd if some authority interested in their scientific enquiry were to say: "You must achieve a result by September 1st"; or, "You must achieve a result by October 1st". All that you can do in such cases is to say: "Devote your energies to the matter, do not delay, and let us have results as soon as possible." I entirely agree with Mr. Gibson that it is probably harmful to lay down limits. I think harm has been done already. The idea that there have been such frequent delays and constant postponements has arisen from the fact that we have from time to time fixed dates at which we should meet again without regard to the position when that date arrived.

I sympathise with Count Bernstorff and others who take that view; they look back over the history of this question and point to last year, to July, to September and other dates, and say that the Commission is constantly meeting but that no results are achieved; but that is because there is not sufficient preparation and because we hold these meetings at certain fixed dates in the calendars without regard to the circumstances which make the result favourable or unfavourable.

I only raise these two points: first, that we should dispose of the resolution of the Bureau before we proceed to discuss M. Litvinoff's proposal; and I suggest that we should support the amendment moved by Mr. Gibson.

The PRESIDENT. — I opened the discussion on the resolution as a whole to give an opportunity for an exchange of views; but I trusted that it would be brief.

I agree with Lord Cushendun that we must now take the proposals in succession.

I will begin with paragraph III, to which Mr. Gibson's amendment refers. I request those who are about to speak to be good enough to confine their remarks for the moment to that amendment. You will remember that Mr. Gibson has moved to omit from the draft resolution the last sentence:

"The Commission expresses the wish that the new session should begin in any case before the next session of the Assembly."

M. RUTGERS (Netherlands). — If we were to omit only the last words: "before the next session of the Assembly", we should still say that the Commission "expresses the wish that the new session should begin in any case", which would be excellent. It is very desirable indeed that we should have some assurance that there will be a new session "in any case".

I practised for some years as a barrister in the Law Courts at Amsterdam. I noticed a rather singular fact, namely, that my colleagues (not to mention myself), though they were very hard workers, only produced the work allotted to them at the very last minute of the time allowed, I cannot help wondering whether the conversations which Count Clauzel and Lord Cushendun have referred to would have taken place by now were it not that the military experts of the different Governments had been brought together at Geneva for our session. I feel that it may be desirable to ensure that our work should not be subject to further delays, as in the past, and that for that purpose we should fix some final date in order to be sure that we shall arrive at the goal we all desire. Consider what might happen if we do not mention any date in our resolution. The conversations in question are not being held in public. I do not know how our President is going to be kept constantly informed of the progress of those conversations. It may happen that the President, being anxious not to convene the Commission again without having received sufficient assurances that our goal can be attained, may not venture to summon us for another session because he may not be certain whether the conversations have been proceeded with. If we omit the last sentence, it is possible that we may never assemble again here. For that reason, I, personally, consider it rather important to retain this sentence.

Count CLAUZEL (France). — I have asked to speak in order to reply, in conformity with your invitation to the members of the Commission, to the amendment of Mr. Gibson, which has been supported by Lord Cushendun.

I would remind you that it is in part due to the insistence of the French delegation that the sentence now under discussion was added to the resolution. I have indeed, on several occasions, emphasised the desire of the French delegation that our work should attain fruition as early as possible. It was for that reason that I had asked that the second reading, during

which we shall study the proposals of the Soviet delegation, should be held before the next Assembly. That was evidence that it was my desire to take a step forward as early as possible. I have already explained my reasons at such length that it is unnecessary for me to take up the time of the Commission in repeating them. These reasons are recorded in our Minutes, and the public has had the opportunity of noting them. I only desire to express my regret to M. Litvinoff that my remarks were not better understood by him. I used to know Russian when I was a young man; I am afraid I have rather forgotten it. Besides, I should not have been able to make use of his beautiful language, as its use has not yet been authorised in the League of Nations. But he knows French very well and I am sure that he understood me perfectly, unless, indeed, perhaps he did not wish to appear to understand me; for in French we have a well-known proverb which says that "there are none so deaf as those who won't hear". M. Litvinoff is very well aware—as is also Count Bernstorff—that the French delegation is extremely desirous of reaching positive results as early as possible and under the most favourable conditions. It is for that reason that we wished—that we still wish—that this second reading, during which the proposals of the Soviet delegation will be discussed, should be taken at the earliest possible date. I am compelled to give way before the arguments of economy and convenience which have been advanced by the representative of the distant Republic of the United States and which have been supported by Lord Cushendun with all the weight of his authority. I would gladly accept whatever wording may be thought best in this sense, it being understood that the desire which I have expressed on behalf of the French delegation will, in any case, be recorded in our Minutes. Or, if it should be possible to find some formula of compromise which would express a hope instead of a wish, and which would be acceptable to Mr. Gibson and the representative of the British Empire, I should be very glad to support it.

However that may be, I have had an opportunity of repeating once more that the desire of the French delegation is to reach positive results as early as possible and under favourable conditions.

M. VEVERKA (Czechoslovakia). — I desire to move the following wording, which might, it appears to me, easily reconcile the different points of view expressed in the discussion:

"The Commission expresses the hope that the new session should begin at the earliest opportune date and, if possible, before the next session of the Assembly."

The Hon. Hugh GIBSON (United States of America). — I think the wording suggested by the honourable delegate for Czechoslovakia is entirely responsive to the end that we have in view in that it removes the apparent contradiction between the two paragraphs. In order to give effect to my views, I shall be glad to withdraw my amendment and accept his.

The PRESIDENT. — The following is the text as now amended:

"Decides to leave its President free to fix, according to circumstances, the date at which it would be practically useful to convene a new session in order to proceed to the second reading of the draft Convention on the Reduction and Limitation of Armaments. The Commission expresses the hope that the new session should begin at the earliest opportune date and, if possible, before the next session of the Assembly."

M. HENNINGS (Sweden). — I have been anticipated by M. Veverka. I had intended to propose an amendment almost in the same terms, but I accept the wording proposed by M. Veverka.

MUNIR Bey (Turkey). — The Turkish delegation desires an explanation in regard to paragraph III of the resolution. We observe that in paragraph II certain questions are reserved for examination at a later session of the Preparatory Commission, whereas in paragraph III the second reading of the draft Convention is alone referred to. Is it clearly understood that not only the second reading of the draft Convention but also the questions reserved for examination by this Commission, including the draft of the Soviet delegation, are also intended?

The PRESIDENT. — That is so. Paragraph II says "until its next session". I think that we are agreed.

General DE MARINIS (Italy). — I have already expressed my approval of Mr. Gibson's proposal, and I gave you my reasons. Now that Mr. Gibson accepts M. Veverka's amendment, I am prepared to agree to that also, and I may add that I have every hope that our President will convene the Commission when his information allows him to feel sufficiently confident that our work will yield results somewhat more positive than has hitherto been the case.

Paragraph III was adopted as read by the President.

Count BERNSTORFF (Germany). — May I be allowed just one word? I did not vote on Mr. Gibson's proposal because, after the discussions of the last few days, it must be perfectly clear that I shall not vote for this third part of the resolution at all, and as I vote against the whole resolution, I have no occasion to consider amendments.

The PRESIDENT. — We will now pass on to paragraph I of the resolution. Dr. Riddell has some remarks to make.

Dr. RIDDELL (Canada). — I would move to delete in paragraph I the words "in respect both of methods of pacific procedure and the system of sanctions", for the following reason. The enumeration seems to the Canadian delegation to be entirely incomplete, and unless

you are prepared to complete it it is better to leave it out. It adds nothing to the principle itself, which you have stated, of the lack of international organisation; and in the third place, as it is worded it puts this Commission on record as stating that both the methods of pacific procedure and all systems of sanctions are inadequate: I therefore have pleasure in moving the deletion of those words.

General DE MARINIS (Italy). — The Italian delegation gives its hearty support to the proposal by the honourable delegate of Canada.

M. SOKAL (Poland). — I think that we can hardly examine the resolution word by word and discuss each passage, or we shall never get to the end. I propose that we omit the whole of the first part of the paragraph, which does not in the least represent the idea we have expressed. What it means is that the Soviet Draft is in harmony with the ideals of mankind, but under existing world conditions is incapable of being carried into execution. I do not think we said that the Draft was in harmony with the ideals of mankind; we said that general disarmament was in harmony with those ideals. The wording used does not quite reflect the Commission's opinion.

I think, however, that remarks like this could be multiplied by the dozen, and it would take us a fortnight to examine the text. It would be much better simply to say that the Commission:

“Notes that this Draft cannot be accepted by the Commission as a basis for its work, which work must be pursued along the lines already mapped out.”

The PRESIDENT. — The following is the text proposed by M. Sokal for paragraph I:

“Notes that the immense majority of its members are of opinion that this Draft cannot be accepted by the Commission as a basis for its work, which work must be pursued along the lines already mapped out.”

M. HOLSTI (Finland). — I support M. Sokal's suggestion.

M. PEREZ (Argentine). — The Argentine delegation also supports M. Sokal's amendment.

Count CLAUZEL (France). — The French delegation is also entirely in favour of M. Sokal's happy suggestion.

Dr. RIDDELL (Canada). — I shall be very pleased to withdraw my amendment in favour of M. Sokal's proposal, as the greater includes the less.

Paragraph I was adopted in the text proposed by M. Sokal.

Count BERNSTORFF (Germany). — I should like to ask for an explanation with regard to paragraph II. If I understood aright, it was decided, when adopting this paragraph of the resolution, not at present to discuss the new draft Convention submitted by the delegation of the Union of Socialist Soviet Republics.

The PRESIDENT. — Yes, that is the correct interpretation.

Count BERNSTORFF (Germany). — As the Commission has not yet taken a decision on this point, I should like to state that I am always—at any time, day or night—ready to discuss all matters relating to disarmament, and that therefore I am perfectly prepared to examine M. Litvinoff's draft at once.

The PRESIDENT. — If that is the Commission's wish, it can, of course, open a discussion here and now on M. Litvinoff's draft Convention. It has, however, been pointed out that such a procedure would not be in conformity with the agenda and that the Russian proposals were submitted to us too late for discussion at our present session. We could, if we wished, modify the procedure, but I really think that in the circumstances it would be better to postpone the study of this draft Convention until our next session, and to submit it in the meantime to the various Governments.

Paragraph II and the draft resolution as a whole were adopted.

M. LITVINOFF (Union of Socialist Soviet Republics). — Mr. President,—I consider myself bound, before the Commission finally disperses, to make a short declaration expounding the point of view of the Soviet delegation and of the Soviet Government with regard to the results of that part of the work of the Preparatory Commission in which the Soviet delegation has participated.

You are aware, Mr. President, that the Soviet Government responded immediately to the invitation of the Council of the League of Nations to take part in the labours of the Preparatory Commission, and that it was not its fault that the Soviet delegation could not take part in the first three sessions. As soon as the Soviet delegation arrived to take part in the work of the fourth session, it presented, without wasting a moment of time, its proposal for the immediate consideration of the principle of immediate, complete and general disarmament.

The proposal of the Soviet delegation was rejected by the Preparatory Commission, which only agreed to undertake its consideration at the next session. The fifth session, taking place three months after the fourth, considered the Soviet proposal in order to reject it. I am therefore unable to affirm that the Commission during the course of its fourth and fifth sessions has done anything positive by way of fulfilling those tasks for which it was created. In the course of the discussion of the Soviet draft Convention for total disarmament, we were told that the principle of total disarmament itself runs counter to the Covenant of the League of

Nations and contradicts the mandate given to the Preparatory Commission, so that this principle cannot be made the basis of its further labours. We have been assured that the Commission can only do fruitful work by accepting as a basis the principle of the reduction of armaments.

True to the sincere desire of its Government to do everything possible to bring about even the partial diminution of the burden of militarism, the Soviet delegation, without wasting time on formalities, and firmly desirous somehow or another to achieve the tasks it had set itself for the reduction of armaments, immediately brought in its project for partial disarmament, based on the same principle as has been declared by all the speakers here to underlie the work of the Preparatory Commission.

The Soviet delegation is still unable to see any serious justification for any postponement of the consideration of a scheme capable in any way of lightening the burden of militarism and thus in itself diminishing the danger of war.

Despite the aspirations and insistence of the Soviet delegation for the most rapid possible achievement of that aim, the realisation of which humanity is awaiting, the Preparatory Commission has found it possible to postpone indefinitely the consideration of the Soviet draft Convention for partial disarmament.

Most of those coming to such a decision apparently consider that the realisation as speedily as possible of the problem of disarmament, if only partial, can wait. They consider apparently that humanity can wait indefinitely for the Preparatory Commission to find a convenient time for the resumption of work capable of causing some relief to the burden of incessant armament and diminishing the possibility of the repetition of a new massacre still more monstrous than the last.

Voices have been heard—I recall the words of M. Politis—comparing the work of the Preparatory Commission to that of a scientist in his laboratory. It has been ironically remarked that the ignorant do not understand the necessity for slowness in such scientific research.

I feel myself bound to declare that the Soviet delegation does not regard the work of the Preparatory Commission as similar to the research work of an astronomer endeavouring to find a new star or planet. Great as are the services of astronomy, humanity can wait for the discovery of new stars.

To agree to a similar slowness of work with regard to a question of such urgent practical politics as that of disarmament or reduction of armaments would be to ignore the true interests of humanity and the dangers with which it is continually faced.

May those who believe that they have indefinite time at their disposal for work in the Preparatory Disarmament Commission not receive a rude shock one day! We, for our part, knowing something of international relations, see these dangers and have tried to warn the Preparatory Commission to work speedily with a view to avoiding them.

The Soviet delegation cannot undertake any responsibility whatsoever for the delay in considering its draft Convention for partial disarmament. It emphasises with the utmost clarity that the responsibility for this delay, with all its possible consequences, must be laid at the door of the majority in this Commission.

21. Close of the Session ¹.

The PRESIDENT. — Gentlemen,—We have now come to the end of our work, and it remains for me to draw up a balance-sheet of our session. I need not detain you long.

For a long time before the opening of this session, it was said on all sides, both among delegates and among the public, that this session would be of no importance. Now that our meeting is at an end, I venture to say that, on the contrary, this session has been undeniably important and interesting. Its importance consists above all in the fact that the delegation of the Union of Socialist Soviet Republics has had an opportunity of freely developing its ideas in regard to total and general disarmament or, as its title reads, "immediate, complete and general disarmament". On the other hand, the members of our Commission, with that frankness which distinguishes all our meetings at Geneva, have been able, without any circumlocution, to expound their criticisms and opinions in regard to the Russian proposals. It has been shown that the Russian Draft is impracticable, or, if I may be allowed to use the words of our draft resolution, "incapable, under existing world conditions, of being carried into execution".

The new proposals by the Soviet delegation which were distributed to us yesterday evening have not been discussed. They will be submitted to the different Governments, and we shall see at our next session what use can be made of them.

You have asked me to convene this session as soon as possible, and I undertake to do so. You have left it to me to decide as to when. I need not repeat what I have already said a few days ago—that I shall not fix upon any arbitrary date of meeting. It is my hope that I shall be able to convene the meeting as soon as possible, probably before the next Assembly.

I may also recall that we have taken a firm decision, marked by the manner in which the Commission received Count Bernstorff's proposal. We have decided not to abandon the method of work hitherto adopted, but to follow along the lines that we have already mapped out. We shall therefore take a second reading of our draft Convention.

¹ See Annex 6.

On the present occasion, we have had the pleasure of welcoming a new delegation—that of Turkey—and we rejoice to learn that it will be taking part in the discussions of the Committee on Arbitration and Security.

We have also had among us, for the second time, the delegation of the Union of Socialist Soviet Republics. I hope that this will not be the last time, and I understand that that delegation will participate in our next session. May I say that its collaboration is very useful to us. Obviously, the clash of ideas, especially in the manner in which it is produced at the meetings in Geneva, is of the utmost importance, and Soviet criticism will always be useful to our discussions. I will, however, ask that delegation in all seriousness to attend our next and any ensuing meetings in a constructive spirit, and not with the idea of destroying the work we have already done. I may be allowed to make this request, for we are old and they are young, and in the study of these problems age has great advantages. It has experience. When I say "we" I mean our Governments. We have experience and along with that a very exact sense of realities. As I have said to you quite recently, we old ones understand the psychology and mentality of men and of the masses which make up nations. If the delegations of younger Governments will co-operate with us, we can achieve great things with our combination of youthful enthusiasm and ripe experience. I will ask them to come and join us in our laboratory of peace, in our disarmament laboratory, and help us to prepare a gradual disarmament, both moral and material, as we understand it and have always understood it—that is to say, a gradual reduction of armaments. If they will help us to do that, we shall avoid disappointing the peoples of the world, who may one day reproach us with having thrown dust in their eyes. (*Applause.*)

M. VALDÉS-MENDEVILLE (Chile). — I have asked permission to speak at the conclusion of our work, in the first place to thank the President for the tact and impartiality he has shown in the direction of our discussions and for his devotion to the cause for which we are working. He has given fresh proof of it by the wise words he has just uttered.

There is one point I wish to make which has an important bearing on our future work. Nearly two years ago we lost the collaboration of Spain and Brazil, those two great countries whose delegates, inspired by the noble ideals of peace and international co-operation, had played a distinguished part in our work for the reduction and limitation of armaments.

I am sure that all my colleagues will share the pleasure I feel at the resolution which the Spanish Government has taken to respond to the unanimous appeal addressed to it by the Council to resume its place in the League of Nations. This happy event gives us the certainty that we shall be able to count upon the valuable co-operation of Spain at the next session of the Preparatory Commission, and before we part I desired to express the importance I attach to this collaboration.

It would have been a particular pleasure to me to be able to extend the same congratulations to Brazil, for the collaboration of this great nation in our work would increase the importance and significance of the co-operation of the countries of Latin America with our Commission. We already enjoy the assistance of the representatives not only of the States Members of the Council but of the Argentine Republic, which has throughout given us such valuable help. I must, however, limit myself to expressing fervent hopes that Brazil will return to her place in the League. I hope, at any rate, that she will give our Commission that collaboration which she has continued to lend to several organs of the League of Nations, as we have all had occasion to note, and as the Brazilian Government itself recalls in its recent telegram to the President of the Council. (*Applause.*)

M. LITVINOFF (Union of Socialist Soviet Republics). — We have disagreed during this session on so many points that I should like to end by agreeing on one point, although a very small one. I should like to express my gratitude for and appreciation of the excellent work done by the Secretariat of the League of Nations, and especially by the Disarmament Section, and for the efficiency with which they have served us during the session.

Lord CUSHENDUN (British Empire). — I should like to be allowed, although it is a small point, to express the pleasure that I have in finding myself in complete agreement with M. Litvinoff.

The PRESIDENT. — I declare the fifth session of the Preparatory Commission for the Disarmament Conference closed.

The Commission rose at 5.50 p.m.

ANNEX I.

PROPOSAL BY COUNT BERNSTORFF
CONCERNING THE LAST PARAGRAPH OF ARTICLE 8 OF THE COVENANT

In conformity with the Council resolution of July 1923, the *Armaments Year-Book* was created with a view to the "carrying out, as from the present time, of the intentions of the last paragraph of Article 8 of the Covenant". Thanks to excellent work done by the Secretariat of the League, the *Year-Book* has continued to develop year by year. It cannot, however, give a clear idea of the armed forces at the disposal of the different States. The *Year-Book* does not yet fulfil the purpose mentioned in the last paragraph of Article 8 of the Covenant of the League of Nations, whereby Governments "undertake to exchange 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".

Exact information as to the armaments of States is the basis of that confidence which constitutes one of the surest guarantees of peace. It is impossible for States to estimate the requirements of their national security until they are informed concerning the armaments of other States which might threaten that security. Finally, no starting-point can be found for a general scheme of disarmament unless it is known what armaments are in existence before disarmament is carried out.

It would certainly not be expedient to make any essential change in the character of the *Armaments Year-Book* in its present form or to suggest any limitation of the information so far furnished. At the same time, it is essential that States should undertake to supply such information as is required to give a clear idea of the armaments which exist. In order that this information may be furnished on similar bases and presented in the *Year-Book* in a uniform manner, it is very desirable that it should, as far as possible, be given in tabular form.

Article 8 of the Covenant of the League of Nations obliges Members of the League to furnish information on the three following points :

- (1) The scale of their armaments ;
- (2) Their military, naval and air programmes ;
- (3) The condition of such of their industries as are adaptable to warlike purposes.

It is to these three points that the following proposals refer.

I. SCALE OF ARMAMENTS.

(a) Effectives with military training at a country's disposal on the outbreak of hostilities (see Tables I to IX).

(b) War material at a country's disposal on the outbreak of hostilities (see Tables X to XII).

II. ARMAMENTS PROGRAMMES.

Details should be given as to :

- (a) The plans of Governments as regards changes affecting organisation or material where such changes have been put in force by laws or decrees.
- (b) The actual effects of these changes during the following year.

III. CONDITION OF SUCH INDUSTRIES AS ARE ADAPTABLE TO WARLIKE PURPOSES.

It is important in the first place to know what private and Government armament industries exist in time of peace. As the output capacity and particularly the training of engineers and workmen with experience in the manufacture of war material depend on the extent to which the armament industry is employed, it would be well to provide for information being given on this question, as in Table XIII.

In addition, it is important to know what will be the maximum capacity of the armament industries in case of war according to the reckoning of the State in question, and how far the plans of that State provide for assistance in the production of war material being given by other industries not engaged in the manufacture of such material in time of peace. These particulars might be supplied under Table XIV. The statistical data already furnished by the *Armaments Year-Book* would retain their full value. It would, however, be desirable to supplement and extend them. It might further be considered whether it would not be well also to supply information as to how far a State is lacking in important raw materials and how far it is dependent, in view of its particular industrial situation, on the importation of war material.

Lastly, it will perhaps be desirable to supplement the *Armaments Year-Book* by giving information on fortifications and on fortified bases for the naval and air forces.

Table I.
LAND ARMAMENTS. — HOME FORCES.

Military effectives											
With the colours			Annual contingent	Service in days		Available without mobilisation			Reserve		
Long-term service				With the active army	Periods of training	Officers	Non- commissioned officers	Other ranks	Officers	Non- commissioned officers	Other ranks
Officers	Non- commissioned officers	Other ranks									

Remarks :

1. " Long-term service " indicates, in the case of conscript armies, a longer period of service than that prescribed by law and, in the case of volunteer armies, a period of service exceeding one year.
2. Effectives " available without mobilisation " include men of the active army on indefinite leave but liable to recall, and men who have completed their service with the colours but do not yet belong, under the laws of the State in question, to the reserve proper.
3. " Reserve " effectives include classes discharged after completing their service with the colours or their period on the " available " list.
4. By effectives " available without mobilisation " and " in reserve " are meant men with military training entered on the registers and obliged by law to perform military service in case of war.
5. " Other ranks " are men having a lower rank or grade than that of non-commissioned officer.

Table II.

LAND ARMAMENTS. — OVERSEA FORCES STATIONED IN THE HOME COUNTRY.

Military effectives											
With the colours			Annual contingent	Service in days		Available without mobilisation			Reserve		
Long-term service		Total effectives with the colours		With the active army	Periods of training	Officers	Non-commissioned officers	Other ranks	Officers	Non-commissioned officers	Other ranks
Officers	Non-commissioned officers		Other ranks								

Note. — The remarks on Table I apply also to Table II.

Table III.

LAND ARMAMENTS. — TOTAL FORCES STATIONED IN THE HOME COUNTRY AND OVERSEAS.

Military effectives									
Long-term service			Total effectives with the colours	Available without mobilisation			Reserve		
Officers	Non-commissioned officers	Other ranks		Officers	Non-commissioned officers	Other ranks	Officers	Non-commissioned officers	Other ranks

Note. — The remarks on Table I also apply to Table III.

Table IV.
NAVAL ARMAMENTS. — ARMED FORCES.

Effectives												
Actually serving				Annual contingent	Service in months		Available without mobilisation			Reserve		
Long-term service			Total effectives actually serving		On the active list	Periods of training	Officers and warrant officers	Petty officers	Other ratings	Officers and warrant officers	Petty officers	Other ratings
Officers and warrant officers	Petty officers	Other ratings										
					A : Personnel for service in the fleet. B : Personnel not intended for service in the fleet.							

Note. — The remarks on Table I also apply to Table IV, in substituting naval for army expressions.

Table V.
AIR ARMAMENTS. — HOME FORCES.

Air effectives												
Actually serving				Annual contingent	Service in days		Available without mobilisation			Reserve		
Long-term service			Total effectives actually serving		Active	Periods of training	Officers	Non-commissioned officers	Other ranks	Officers	Non-commissioned officers	Other ranks
Officers	Non-commissioned officers	Other ranks										

Note. — The remarks on Table I also apply to Table V.

Table VI.

AIR ARMAMENTS. — OVERSEA FORCES STATIONED IN THE HOME COUNTRY.

Air effectives											
Actually serving			Annual contingent	Service in days		Available without mobilisation			Reserve		
Long-term service		Total effectives actually serving		Active	Periods of training	Officers	Non-commissioned officers	Other ranks	Officers	Non-commissioned officers	Other ranks
Officers	Non-commissioned officers		Other ranks								

Note. — The remarks on Table I also apply to Table VI.

Table VII.

AIR ARMAMENTS. — TOTAL FORCES STATIONED IN THE HOME COUNTRY AND OVERSEAS.

Air effectives									
Long-term service			Total effectives actually serving	Available without mobilisation			Reserve		
Officers	Non-commissioned officers	Other ranks		Officers	Non-commissioned officers	Other ranks	Officers	Non-commissioned officers	Other ranks

Note. — The remarks on Table I also apply to Table VII.

Table VIII.

FORCES BELONGING TO FORMATIONS ORGANISED ON A MILITARY BASIS AND STATIONED IN THE HOME COUNTRY.

Serving on Land, at Sea or in Aircraft.

Cadres	Others

Table IX.

FORCES BELONGING TO FORMATIONS ORGANISED ON A MILITARY BASIS AND STATIONED IN OVERSEA TERRITORIES.

Serving on Land, at Sea or in Aircraft.

Cadres	Others

Table X.

LAND ARMAMENTS.

Material in service and in reserve in the home country and in oversea territories	Number of weapons.	Number of rounds per weapon (rifles, machine-guns, etc.)
1. Rifles or carbines 2. Machine-guns and automatic rifles ¹ 3. Guns, long and short, and howitzers of a calibre less than 15 cm. ¹ ... 4. Guns, long and short, and howitzers of a calibre of 15 cm. or above ¹ 5. Mortars of all kinds 6. Tanks 7. Armoured cars		

¹ Including anti-aircraft weapons

Table XI.

NAVAL ARMAMENTS.

This table does not include guns and torpedo-tubes mounted in war vessels, as these are shown in the list of units in the *Armaments Year-Book*.

Naval material in service and in reserve	Number of weapons	Number of rounds per weapon (rifles, machine-guns, etc.)
1. Rifles or carbines		
2. Machine-guns and automatic rifles		
3. Guns, long and short, and howit- zers of a calibre less than 15.2 cm. (6 inches)		
4. Guns, long and short, and howit- zers of a calibre of 15.2 cm. (6 inches) or above.....		
5. Mortars of all kinds		
6. Torpedo-tubes.....		
7. Torpedoes for vessels, aeroplanes and coast defence		
8. Submarine mines		
9. Depth charges		

Table XII.

AIR ARMAMENTS. — AIR FORCES.

Material in service and in reserve in the home country and in oversea territories	Number	Number of machine-guns for aeroplanes or dirigibles	Bombs (in tons)
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A. Land.

I. <i>Fighter aeroplanes</i> :			
(a) With one seat			
(b) With two seats			
(c) For night work			
• II. • <i>Reconnaissance and observation aeroplanes</i>			
III. <i>Bomber aeroplanes</i> :			
(a) Day			
(b) Night			
IV. <i>School aeroplanes</i>			

B. Sea.

Same as A. Including aeroplanes in vessels.

C. Dirigibles.

(a) Volume of 30,000 cubic meters or more			
(b) Volume of less than 30,000 cubic meters			

Table XIII.

INDUSTRIES ENGAGED IN TIME OF PEACE IN THE MANUFACTURE OF WAR MATERIAL.

Actual production in the previous year (19 ..)

Owner of concern	Nature of undertaking	Rifles or carbines	Machine guns and automatic rifles	Mortars of all kinds	Cannon, long and short, and howitzers of a calibre less than 15 cm.	Cannon, long and short, and howitzers of a calibre of 15 cm. or over	Small-arm ammunition (number of rounds)	Ammunition for artillery and mortars (tons)	Tanks	Armoured cars	Aeroplanes (number)	Bombs (tons)	Warships with a standard displacement of 3,000 tons or over	Warships with a standard displacement of less than 3,000 tons	Torpedoes (number)	Torpedo tubes (number)	Submarine mines (number)	Depth charges (number)	Chemicals for war purposes (cubic content)	
													(000's omitted)							
A. Government factories for the manufacture of armaments	E.g. Rifle factory at X. Cannon foundry at Y. Munitions factory at L. Shell foundry at D. Artillery workshops at B. Naval dockyards at C. Watch-spring factory at K. Small-arms factory at L. Explosives factory at S.	8,000	600	120	For example:		6 mill.	150	15	6										
					700	200														
B. Private concern for the manufacture of armaments	Armour plate factory at U. Wagon factory at V. Aeroplane factory at W. Naval dockyards at X. Munition factory at Y.	—	—	50	200	70	2 mill.	80	17	3										

Table XIV.

INDUSTRIES ADAPTABLE IN WAR-TIME FOR THE MANUFACTURE OF WAR MATERIAL.

Total maximum production in the first year of war.																		
Owner of the concern	Rifles or carbines	Machine-guns and automatic rifles	Mortars of all kinds	Cannon, long and short, and howitzers of a calibre less than 15 cm.	Cannon, long and short, and howitzers of a calibre of 15 cm. or over	Small-arm ammunition (number of rounds)	Ammunition for artillery and mortars (tons)	Tanks	Armoured cars	Aeroplanes (number)	Bombs (tons)	Warships with a standard displacement of 3,000 tons or over (ooo's omitted)	Warships with a standard displacement of less than 3,000 tons (ooo's omitted)	Torpedoes (number)	Torpedo tubes (number)	Submarine mines (number)	Depth charges (number)	Chemicals for war purposes (cubic content)
A. Government armaments factories.....	1 Mill.	100,000	3,000	10,000	3,000													
B. Private undertakings manufacturing armaments in time of peace.																		
C. Other industries employed for armament purposes in time of war according to plans prepared in advance...																		

ANNEX 2.

DRAFT DISARMAMENT CONVENTION SUBMITTED BY THE DELEGATION
OF THE UNION OF SOCIALIST SOVIET REPUBLICS

Moscow, February 15th, 1928.

[Translation.]

To the Secretary-General,

The delegation of the Union of Socialist Soviet Republics to the Preparatory Commission for the Disarmament Conference having put forward a proposal concerning the abolition of armaments at the fourth session of that Commission, I have the honour to send you herewith a draft disarmament convention, together with an explanatory note.

I have the honour to request you to forward these documents with all possible speed to the President and members of the Preparatory Commission, and to the Governments of all the countries represented in the League of Nations. The documents mentioned are intended to serve as a basis for the discussion of the proposal of the Union of Socialist Soviet Republics which is included in the agenda of the fifth session of the Preparatory Commission.

(Signed) M. LITVINOFF,

Head of the Delegation of the Union of Socialist Soviet Republics to the Preparatory Commission for the Disarmament Conference.

Draft Convention for Immediate, Complete and General Disarmament.

CONVENTION.

Being animated by the firm desire to safeguard general peace;
Considering that the existence and increase of armed forces constitute an immense danger, and must inevitably lead to further armed conflicts;
Considering that attempts to go too deeply into the question and to examine in detail every factor relating to the existence and increase of armaments have ended in failure or have retarded the solution of disarmament questions:

The Contracting States

Solemnly acknowledge that the only true method which can contribute to the safeguarding of peace is the general and complete abolition of all armed forces, and conclude the present Convention, having for this purpose appointed as their Plenipotentiaries:

Who, having communicated their full powers found in good and due form, have agreed that complete disarmament shall be undertaken, as from the date of entry into force of the present Convention, and shall be terminated within a period of four years so as to restrict the possibility of armed conflicts from the first year onwards.

CHAPTER I.

EFFECTIVES OF THE ARMED FORCES.

Article 1.

All military units and formations, as well as all the effectives of the land, naval and air forces, whether of the home country or of its oversea possessions, shall be disbanded within four years as from the entry into force of the present Convention, and shall not in future be allowed in any form, whether open or secret.

The disbandment of the effectives shall be carried out in four successive stages:

- (a) In the first year, as from the entry into force of the present Convention, one-half of the effectives in service, whether officials, officers, or other ranks, shall be disbanded, and
- (b) In the following years the remaining effectives in equal parts.

REMARK. — By effectives of the armed forces is meant effectives serving with the colours in the active army, as well as the trained military reserves in each of the Contracting States entered on the muster-rolls of the various military and public organisations.

Article 2.

The Ministries of War, Marine and Aviation, as well as general staffs, all military schools and all kinds of military commands, institutions and establishments shall be abolished, except as provided for in Article 5 of the present Convention, within one year from the entry into force of the present Convention, and may not be reconstituted.

Article 3.

Within a period of one year as from the entry into force of the present Convention, all returns and documents relating to military trained reserves, and kept by Government institutions and public organisations, shall be destroyed.

Within the same period, all laws concerning the organisation of recruitment shall be repealed.

Article 4.

Within one year from the entry into force of the present Convention, all documents relating to the mobilisation of armed forces shall be destroyed; all mobilisation measures shall be prohibited in future.

Article 5.

For four years as from the entry into force of the present Convention, it shall be permissible, in accordance with a special convention, to maintain staffs, commands, institutions and establishments to the extent strictly necessary for the application of the technical measures required by the disbandment of the armed forces, and by the performance of the necessary administrative and economic work relating to disarmament.

Article 6.

All the files concerning the disbandment of the armed forces shall be forwarded to the civilian Ministries within four years as from the entry into force of the present Convention.

All the files and archives of the Ministries of War, Marine and Aviation, of the Army units and of the staffs, commands, institutions and establishments, shall be destroyed within the same period.

Article 7.

The personnel of the disbanded armed forces shall be provided with employment in other spheres of social and economic work.

Until they are provided with employment, they may be provisionally maintained at the expense of the general State budget.

When the aforesaid persons are awarded pensions based on the number of years of service, the years spent in military service shall be reckoned as spent in the service of the State.

Article 8.

The credits assigned for the upkeep of the armed forces, either in the State budget or out of the funds of the various associations, must be confined to the sums strictly necessary for the upkeep of the armed forces remaining in actual military service in accordance with a special convention.

Within four years, the budget for the upkeep of the armed forces must be abolished, and may not figure under any heading in the State budget.

Article 9.

Within a period of one year from the entry into force of the present Convention, all laws concerning military service, whether compulsory, voluntary or by recruiting, shall be abrogated.

The conditions of service in the armed forces until the completion of total disarmament shall be laid down in special regulations by each of the contracting States.

Article 10.

Immediately after the entry into force of the present Convention the following shall be prohibited by law:

1. Special military publications:
 - (a) Scientific research and theoretical treatises;
 - (b) Works on military history;
 - (c) Manuals of military training;
 - (d) Military regulations;
 - (e) Manuals of all kinds for the study of the technical implements of war.
2. The military training of the population, including the calling-up of trained reserves, and military propaganda among the population.
3. The military training of young people, either by the State or by public associations.

CHAPTER II.

MATERIAL

PART I. — LAND ARMAMENTS.

Article 11.

Within one year of the entry into force of the present Convention, the reserves of arms, ammunition and other instruments of armament and destruction enumerated below and at the disposal of the Ministry of War shall be destroyed. Tanks, poisonous war materials and the appliances by which these materials are diffused (gas projectors, pulverisers, balloons and other apparatus), whether in service or in reserve, shall first be destroyed.

The arms strictly necessary for the effectives remaining with the colours may be retained by the armed forces of each of the contracting States. The proportion between the armed forces of each State and the quantity of technical implements of war enumerated in the list given below shall be determined in a special convention.

In the second, third and fourth years as from the entry into force of the present Convention, the destruction of all the types of armament shall be carried out by consecutive stages in proportion to the limitation of personnel.

After the completion of disarmament in each of the contracting States, the minimum quantity of arms and ammunition required for all kinds of police forces and for personal use may be retained in accordance with Articles 39, 43 and 44.

List of war material to be destroyed:

1. Automatic and magazine rifles.
2. All kinds of machine-guns, including machine rifles and light and heavy machine-guns.
3. Mine throwers and grenade and bomb throwers.
4. Revolvers and automatic pistols issued to troops.
5. Rifle and hand grenades.
6. Rifle and military revolver ammunition.
7. Guns of all calibres and types, and ammunition for same, whether complete or in component parts.
8. Tanks.
9. Gunpowder and explosives employed for exclusively military purposes.
10. All poisonous materials for war, as well as the appliances by which they are diffused, such as gas projectors, pulverisers, balloons and other apparatus.
11. Flame throwers.
12. All technical military implements not enumerated above and intended for the wounding and destruction of man by man, as well as all parts of the articles enumerated above.

Article 12.

All orders placed by the Ministries of War, Marine and Aviation for any of the armaments enumerated in the Annex to Article 11 of the present Convention shall be cancelled.

War material for the manufacture of which orders have been placed abroad shall be destroyed in the country in which it is manufactured.

Article 13.

Compensation shall be paid for loss due to the cancelling of the orders mentioned in Article 12, and of the orders for the special naval and air force armaments enumerated in Articles 21 and 27, placed by the Ministries of War, Marine and Aviation. Such compensation shall be given either in conformity with the legislative practice of the several contracting States or in accordance with the terms of the contracts.

Article 14.

Armoured cars and all other armoured means of transport, except tanks, must be disarmed, that is to say, stripped of their armour-plating and their weapons, which must be destroyed. This must be effected within one year of the coming into force of the present Convention.

Article 15.

Revolvers and sporting guns (of a non-military pattern), intended respectively for personal defence and sport, may be left in the hands of private persons in virtue of special permits. The number of these revolvers and sporting guns which each of the contracting States may possess shall be fixed by a special convention in proportion to the number of the population.

Article 16.

Explosives capable of being used for industrial, agricultural or other socially useful purposes shall not be liable to destruction, but shall be handed over by the Ministries of War, Marine and Aviation to the respective economic organisations within one year of the coming into force of the present Convention.

PART 2. — NAVAL ARMAMENTS.

Article 17.

Within one year of the coming into force of the present Convention, all capital ships, cruisers, aircraft-carriers and submarines shall be withdrawn from the naval establishments.

Article 18.

All other vessels and floating material constructed for the special purposes of war and enumerated in the annexed list, together with naval aircraft, shall be withdrawn from the naval establishments within four years, withdrawal proceeding in equal parts each year, in conformity with a special convention.

List of vessels to be disarmed:

1. Coast-defence battleships.
2. Torpedo craft of all types.
3. Monitors.
4. Gunboats of over 3,000 tons.
5. Floating batteries.
6. Hydroplanes of all types.

NOTE. — Vessels and their armaments may be retained under the conditions laid down in Articles 43 and 44 of the present Convention for the establishment of a maritime police force and for the protection of frontiers.

Article 19.

The personnel of vessels withdrawn from the naval establishments shall be immediately disbanded.

At the end of three months from the removal of the vessels from the naval lists, the ordnance of such vessels and their mines and torpedo appliances shall be rendered useless in accordance with special technical arrangements; the reserve naval ordnance intended for these vessels, and torpedoes and mines, shall be destroyed.

• During the nine following months the ordnance rendered useless and the mines and torpedo appliances shall be removed from the vessels and destroyed.

Article 20.

Within three months of the removal from the naval establishment of vessels which cannot be employed for pacific purposes, all the machinery on board shall be rendered useless in accordance with special technical arrangements. During the following nine months, the machinery on board shall be removed, after which the vessels themselves shall be entirely dismantled.

Article 21.

As from the entry into force of the present Convention, the existing naval programmes shall be cancelled; any new construction of warships shall be forbidden.

All warships under construction or undergoing repair on orders given either in the home country or abroad shall be disarmed in the same way as vessels of the service fleet of the contracting States.

Article 22.

The armament of vessels belonging to the mercantile marine shall be destroyed in the same way as that of warships during the first year of the coming into force of the present Convention.

It shall be forbidden in future to adapt and arm vessels belonging to the mercantile marine for military purposes.

PART 3. — AIR ARMAMENTS.

Article 23.

During the first year of the coming into force of the present Convention, heavy bombing aircraft, torpedo-carriers and dirigibles shall be removed from the air force lists.

Article 24.

All other military aircraft not mentioned in Article 23 above and which, by reason of their specifically military properties, cannot be used for social or economic purposes shall be destroyed within four years, destruction proceeding in equal parts each year, in conformity with special technical arrangements.

Article 25.

Within one year of the coming into force of the present Convention, all stocks of aircraft bombs and other weapons intended to be discharged from aircraft shall be destroyed.

Article 26.

The whole of the armament of military aircraft which are to be preserved for social or economic uses must be removed and destroyed at the end of three months from the time of their withdrawal from the air force effectives. Such aircraft shall then be handed over to the respective civil organisations.

Article 27.

All the aircraft belonging to the active air force must be disarmed, as well as all aircraft which are in reserve or under construction on orders given in the home country or abroad.

Article 28.

The arming of aircraft and all fittings for mounting weapons on aircraft shall be prohibited in future.

Aircraft intended for peaceful purposes may only be retained to an extent which is strictly in accordance with the real economic or social requirements of each country. The number to be allowed to each contracting State shall be determined by a special convention.

PART 4. — FORTIFICATIONS AND BASES.

Article 29.

Within three years of the entry into force of the present Convention, the whole of the armament of fortresses and other fortified works and of naval and air force bases shall be rendered useless in conformity with a list contained in a special convention.

During the following year, the armament shall be removed and destroyed and the fortifications dismantled and demolished; it shall in future be forbidden to construct new fortified works of any kind.

PART 5. — ARMAMENT INDUSTRIES.

Article 30.

With the entry into force of the present Convention, all State and private undertakings shall cease to produce any of the armaments enumerated in the list annexed to Article 11 or any of those mentioned in Articles 19, 23, 24 and 25; preparations shall be made to convert these undertakings for purposes of peaceful manufacture.

Until these undertakings are re-equipped for peaceful purposes or until the workers in armament undertakings have found employment in other enterprises, these workers shall be supported by the State, which shall provide for their requirements out of the defence budget.

Article 31.

During the first year following the entry into force of the present Convention, the plans, testing apparatus and models intended for armament industries shall be destroyed.

Article 32.

Within two years of the coming into force of the present Convention, factories and enterprises engaged in the manufacture of war material and also arsenals shall cease to operate, except in the cases provided in Article 34 of the present Convention.

In State or private undertakings, all frames, machines, tools, and appliances intended exclusively for the manufacture of the war material enumerated in the Annex to Article 11 of the present Convention and in Articles 19, 23, 24 and 25 shall be destroyed.

Article 33.

It shall be forbidden in future to restore any factories, enterprises and arsenals engaged in the manufacture of war material or to prepare any State or private productive undertakings for the manufacture of the war material enumerated in Articles 11, 19, 23, 24 and 25.

Article 34.

In order to produce the minimum of arms and ammunition necessary for the police forces of all kinds provided for in Chapter III of the present Convention, and for the personal use of citizens for the purposes referred to in Article 15 of the present Convention, each contracting State shall be authorised to retain the necessary undertakings, of which the number, productive capacity and method of production, as well as the arrangements concerning the trade in arms, shall be laid down in a special convention.

Article 35.

The production of the explosives required for the building and mining industries shall be regulated by the several contracting States in strict conformity with economic requirements, and shall be subject to control in virtue of a special convention.

Article 36.

It shall be forbidden by law to patent any form of armament or any means of destruction.

CHAPTER III.

ORGANISATION OF PROTECTION.

PART I. — PROTECTION ON LAND.

Article 37.

The effectives of the Customs guards, local police and forest and other guards, in each of the contracting States, and the amount of their armament, shall not for a period of four years after the conclusion of the present Convention exceed the number and amount as at January 1st, 1928; these effectives shall not be organised in such a way that they can be utilised for war.

Article 38.

On the expiry of the period of four years laid down in the present Convention for effecting complete and general disarmament, the maintenance of a protective and police service, the

personnel of which shall be engaged by voluntary contracts of service, shall be authorised in the territory of each of the contracting States, for the purpose of Customs and revenue police supervision, internal police and the protection of State and private property; the amount of weapons and simple armament strictly necessary may also be retained.

The effectives of these categories of services shall be laid down in a special convention and shall be proportionate to the population of the several contracting States, the length of the means of communication, the existence of objects which are deemed by the State to require protection, the development of forestry, etc.

Article 39.

Magazine rifles firing ten rounds and pistols of a calibre not exceeding 0.8 cm. may be retained for arming the police forces and guards.

Reserve ammunition may be stored in places laid down in a special convention, but must not exceed 1,000 rounds per rifle and 100 rounds per pistol.

The annual supply of munitions must not exceed the amount strictly required to replace worn-out armament and the actual consumption of ammunition.

PART 2. — PROTECTION AT SEA.

Article 40.

On the expiry of the period of four years laid down in the present Convention for effecting complete and general disarmament, a maritime police service shall be organised which shall exercise its functions in conformity with a special convention and which is intended for the necessary protection of the natural products of the sea and of submarine cables, the suppression of piracy and of the slave trade, and other objects which may in future form the subject of international protection on the high seas.

Article 41.

With a view to protection at sea, the waters of the globe shall be divided into sixteen zones, as enumerated below.

LIST OF ZONES OF PROTECTION.

Number of zone	Name of zone	Boundaries of zone	States responsible for protection in a given zone
1.	<i>Baltic Sea.</i>	The whole zone of the Baltic Sea, including the Cattegat and the Skager Rack. The zone is bounded on the west by Longitude 8° E. of Greenwich.	
2.	<i>North Sea.</i>	This zone (beginning with the north) is bounded by: Latitude 70° N. from Longitude 4° W. of Greenwich to the west coast of Norway; The west and south coast of Norway as far as Longitude 8° E. of Greenwich; This meridian as far as its intersection with the German coast; The German, Dutch, Belgian and French coasts as far as Cape St. Mathieu; The line joining this cape to the Lizard; The south and then the east coast of Great Britain as far as Longitude 4° W. of Greenwich; This meridian as far as its intersection with Latitude 70° N.	

Number of zone	Name of zone	Boundaries of zone	States responsible for protection in a given zone
3.	<i>Eastern Section of the Arctic Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>Longitude 170° W. of Greenwich from the North Pole as far as the intersection of that meridian with Latitude 66° 30' N.;</p> <p>This parallel as far as the coast of the Union of Socialist Soviet Republics;</p> <p>The coasts of the Union of Socialist Soviet Republics, Finland and Norway as far as Latitude 70° N.;</p> <p>This parallel as far as Longitude 4° W. of Greenwich;</p> <p>This meridian as far as the North Pole.</p>	
4.	<i>Western Section of the Arctic Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>Longitude 4° W. of Greenwich from the North Pole to the intersection of this meridian with Latitude 60° N.;</p> <p>That parallel to its intersection with the east coast of Canada;</p> <p>The east and north coasts of Canada and Alaska as far as Latitude 66° 30';</p> <p>That parallel to its intersection with Longitude 170° W. of Greenwich;</p> <p>That meridian as far as the North Pole.</p>	
5.	<i>Mediterranean Sea.</i>	<p>The whole zone of the Mediterranean.</p> <p>It is bounded on the north-east by the line Sed-El-Bahr - Kum-Kaleh;</p> <p>On the south-east by the north entrance of the Suez Canal;</p> <p>On the west by the line joining Cape Spartel and Cape Trafalgar.</p>	
6.	<i>North-East Section of the Atlantic Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>Latitude 60° N. from Longitude 30° W. of Greenwich to Longitude 4° W. of Greenwich;</p> <p>This meridian to its intersection with the north coast of Great Britain;</p> <p>The north and west coasts of Great Britain as far as the Lizard;</p> <p>The line joining the Lizard and Cape St. Mathieu;</p> <p>The west coast of Europe as far as Cape Trafalgar;</p> <p>The line joining Cape Trafalgar and Cape Spartel;</p> <p>The west coast of Africa to the Equator;</p> <p>The Equator to Longitude 30° W. of Greenwich;</p> <p>That meridian as far as Latitude 60° N.</p>	

Number of zone	Name of zone	Boundaries of zone	States responsible for protection in a given zone
7.	<i>North-West Section of the Atlantic Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>Latitude 60° N. from the east coast of Canada to Longitude 30° W. of Greenwich;</p> <p>This meridian as far as the Equator;</p> <p>The Equator as far as the east coast of South America;</p> <p>The east coast of South America, Central America and North America as far as Latitude 60° N.</p>	
8.	<i>South-East Section of the Atlantic Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>The Equator from Longitude 20° W. of Greenwich to the west coast of Africa;</p> <p>The west coast of Africa as far as Cape Agulhas (Longitude 20° E. of Greenwich);</p> <p>This meridian as far as the South Pole;</p> <p>Longitude 20° W. of Greenwich from the South Pole to the intersection of this meridian with the Equator.</p>	
9.	<i>South-West Section of the Atlantic Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>The Equator from the east coast of South America to Longitude 20° W. of Greenwich;</p> <p>This meridian as far as the South Pole;</p> <p>Longitude 70° W. of Greenwich from the South Pole as far as the intersection of this meridian with the south coast of Tierra del Fuego;</p> <p>The south and east coasts of Tierra del Fuego and South America as far as the Equator.</p>	
10.	<i>Black Sea.</i>	<p>The whole zone of the Black Sea, including the Sea of Marmora.</p> <p>The zone is bounded on the south-west by the line Sed-el-Bahr-Kum-Kaleh.</p>	
11.	<i>Northern Section of the Indian Ocean.</i>	<p>The boundaries of this zone are (starting from the north-west):</p> <p>The south entrance of the Suez Canal;</p> <p>The west, south and east coast of Arabia and the south coast of Asia, as far as the north entrance of the Malacca Straits;</p> <p>The west coast of Sumatra and the south coasts of the islands of Java, Sumbawa, Flores and Timor as far as the eastern extremity of the island of Timor;</p> <p>A line drawn from the eastern extremity of the island of Timor to Cape Londonderry (Australia) as far as Latitude 11° S.;</p> <p>Along this parallel as far as the east coast of Africa;</p> <p>The east coast of Africa as far as the south entrance of the Suez Canal.</p>	

Number of zone	Name of zone	Boundaries of zone	States responsible for protection in a given zone
12.	<i>Southern Section of the Indian Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>Latitude 11° S. from the east coast of Africa to a line drawn from the eastern extremity of the island of Timor to Cape Londonderry (Australia);</p> <p>This line as far as Cape Londonderry (Australia);</p> <p>The west and south coasts of Australia as far as Longitude 143° E. of Greenwich;</p> <p>Along this meridian as far as the South Pole;</p> <p>Longitude 20° E. of Greenwich from the South Pole as far as the south coast of Africa (Cape Agulhas);</p> <p>The south and east coasts of Africa as far as Latitude 11° S.</p>	
13.	<i>North-West Section of the Pacific Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>Latitude 66° 30' N. between the coast of the Union of Socialist Soviet Republics and Longitude 170° W. of Greenwich;</p> <p>This meridian as far as the Equator;</p> <p>The Equator as far as Longitude 155° E. of Greenwich;</p> <p>This meridian as far as Latitude 11° S.;</p> <p>This parallel as far as the east coast of Australia;</p> <p>The north coast of Australia as far as Cape Londonderry;</p> <p>A line drawn from Cape Londonderry to the eastern extremity of the island of Timor;</p> <p>The north coast of the Sunda islands; Timor, Flores, Sumbawa, Java, and the east coast of Sumatra as far as the north entrance of the Malacca Straits;</p> <p>The west, south and east coasts of the Malay Peninsula and south and east coasts of Asia as far as Latitude 66° 30' N.</p>	
14	<i>North-East Section of the Pacific Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>Latitude 66° 30' N. from Longitude 170° W. of Greenwich to the west coast of Alaska;</p> <p>The west coast of North, Central and South America as far as the Equator;</p> <p>The Equator as far as Longitude 170° W. of Greenwich;</p> <p>This meridian as far as Latitude 66° 30' N.</p>	

Number of zone	Name of zone	Boundaries of zone	States responsible for protection in a given zone
15.	<i>South-West Section of the Pacific Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>The Equator from Longitude 155° E. of Greenwich to Longitude 135° W. of Greenwich;</p> <p>Longitude 135° W. of Greenwich as far as the South Pole;</p> <p>Longitude 143° E. of Greenwich from the South Pole to the south coast of Australia;</p> <p>The south and east coasts of Australia as far as Latitude 11° S.;</p> <p>This parallel as far as Longitude 155° E. of Greenwich;</p> <p>This meridian as far as the Equator.</p>	
16.	<i>South-East Section of the Pacific Ocean.</i>	<p>This zone is bounded (starting from the north) by:</p> <p>The Equator from Longitude 135° W. of Greenwich to the west coast of South America;</p> <p>The west coast of South America and the west and south coasts of Tierra del Fuego as far as Longitude 70° W. of Greenwich;</p> <p>This meridian as far as the South Pole;</p> <p>Longitude 135° W. of Greenwich from the South Pole to the Equator.</p>	

NOTE. — Protection on inland seas washing the coasts of two or more States shall be regulated by special agreement between such States.

Article 42.

The safeguarding of the international interests mentioned in Article 40 shall be entrusted, in accordance with a special convention, to regional groups of States having access to the waters enumerated in the list annexed to Article 31 of the present Convention.

Article 43.

Supervision shall be exercised by maritime police vessels with a tonnage not exceeding 3,000 tons and armed with not more than two guns the calibre of which shall not exceed 50 mm. The crews of police vessels shall be recruited by voluntary enlistment. A maximum of 20 rifles or pistols may be retained for the armament of the crew in conformity with Article 39 of the present Convention.

Article 44.

Customs supervision in territorial waters shall be exercised by unarmed vessels of the maritime Customs police having a tonnage of not more than 100 tons. The number of the above-mentioned vessels in the possession of each contracting State shall be determined by a special convention and shall be proportionate to the length of coastline. The personnel of the maritime Customs police may be armed with rifles and pistols and shall serve on the terms laid down in Article 43 of the present Convention.

NOTE. — The limits of territorial waters shall be fixed by a special agreement.

CHAPTER IV.

CONTROL.

Article 45.

Within three months of the coming into force of the present Convention, there shall be organised a Permanent International Commission of Control, Commission of Control in each of the contracting States, and local Commissions of Control.

Article 46.

The Permanent International Commission of Control shall be entrusted with:

- (a) The supervision and control of the normal and proportional progress of disarmament, with the general co-ordination of measures for carrying out the provisions of the present Convention, and with the notification to each State of offences against its stipulations;
- (b) The preparation of an agreement for bringing pressure by non-military measures upon any States which disturb the normal progress of disarmament as laid down by the present Convention and conventions supplementary thereto;
- (c) The selection of localities, the procedure and the technical conditions for the destruction of material, and the preparation of all the necessary supplementary technical agreements;
- (d) The selection of centres for the manufacture of arms, the volume of such manufacture and the regulation of the trade in arms;
- (e) The publication of information concerning progress in the work of disarmament.

Article 47.

The Permanent International Commission of Control shall consist of an equal number of representatives of the legislative bodies and of the trade unions and other workmen's organisations of all the States participating in the present Convention.

Later, the Permanent International Commission of Control may be supplemented by representatives of international associations whose aim it is to establish pacific relations between States and which have pursued this aim with success, provided that these organisations express a wish to participate in the work of the Permanent International Commission of Control.

The seat of the Permanent International Commission of Control shall be at.....

Article 48.

The Permanent International Commission of Control shall be assisted by a Permanent International Committee of Experts, consisting of an equal number of military, naval, air and other experts belonging to all the States acceding to the present Convention.

Article 49.

The Permanent International Committee of Experts shall act under the orders of the Permanent International Commission of Control; it shall give opinions and shall deal with all especially technical questions referring to the execution of the present Convention.

Article 50.

The Commission of Control in each of the States shall consist of representatives of the Permanent International Commission of Control appointed by the Commission, representatives of public associations, trade unions and workmen's organisations, and of representatives of the peasants and of the rank and file of the armed forces of the State in question.

The appointment of members of the Commission of Control shall be confirmed by the Permanent International Commission of Control.

The seat of the Commission of Control shall be the capital of the State concerned.

Article 51.

The Commissions of Control in each State shall co-ordinate the disarmament work of the local Commissions of Control in absolute conformity with the present Convention and in accordance with the instructions of the Permanent International Commission of Control.

Article 52.

The local Commissions of Control shall consist of representatives of municipal and public organisations, trade unions and workmen's associations, and of representatives of the peasants and of the rank and file of the army.

The number of local Commissions of Control, their headquarters and the radius of their activities shall be determined by the Commission of Control of the State in question. The latter Commission shall approve the composition of the local Commissions of Control.

Article 53.

The local Commissions of Control shall proceed directly with the work of disarmament within the radius of their activities, in accordance with the instructions of the Commission of Control in their country.

Article 54.

The following may not be members of central or local Commissions of Control:

(a) Professional ex-soldiers and officials of the Ministries of War, Marine and Military Aviation;

(b) Owners of and large shareholders in military industrial undertakings, owners of and large shareholders in banking and commercial enterprises with interests in military undertakings and the trade in arms, and higher employees in all these undertakings.

Article 55.

All the contracting States shall seek to give the widest publicity to the progress of disarmament, and shall afford the organs of the Permanent International Commission of Control every facility for the full investigation of all activities of the State, of public associations and of private persons which are connected with the application of disarmament, or which, in the view of the Permanent International Commission of Control or its organs, give rise to doubts concerning the observance of the undertakings solemnly entered into with regard to disarmament and the discontinuance of all military preparations.

Article 56.

The decisions of the Permanent International Commission of Control shall be taken by a majority vote and shall be binding on all the contracting States.

Article 57.

The costs of maintenance of the Permanent International Commission of Control and its organs, as well as the expenses relating to the work of control, shall be defrayed by all the contracting States in a proportion to be settled in a special convention.

The expenses of the national and local Commissions of Control shall be defrayed by each of the contracting States.

CHAPTER V.

**SUPPLEMENTARY AGREEMENTS; BREACHES OF THE CONVENTION;
RATIFICATIONS.**

Article 58.

Within one year of the entry into force of the present Convention, all the contracting States shall enact legislation providing that a breach of any of the stipulations of the Convention shall be regarded as a grave offence against the State.

At the same time, all acts of national or international importance which are contrary to the above-mentioned clauses shall be repealed or amended.

Article 59.

Within nine months of the entry into force of the present Convention, the following conventions shall be concluded:

- (a) In conformity with Article 8 of the present Convention, a convention on the number of staffs, commands, establishments and institutions left to each of the contracting States until the completion of full and general disarmament.
- (b) In conformity with Article 15 of the present Convention, a convention on the quantity of arms allowed for personal defence and sport.
- (c) In conformity with Article 28 of the present Convention, a convention on the number of aircraft required for the social and economic needs of each of the contracting States.
- (d) In conformity with Article 29 of the present Convention, a convention giving a list of the fortresses, fortifications and naval and air bases to be destroyed.
- (e) In conformity with Articles 34, 35 and 39 of the present Convention, a convention concerning the storage and production of, and trade in, a minimum quantity of war material.
- (f) In conformity with Articles 41, 42, 43 and 44 of the present Convention, a convention concerning protection at sea, the allocation of the areas of protection at sea and the number of vessels required for maritime police and Customs purposes.
- (g) A convention laying down the constitution of the Permanent International Commission of Control and of its organs, as well as the allocation of the costs connected therewith.
- (h) A convention regarding the measures of non-military pressure to be taken against States disturbing the normal progress of disarmament as provided for in the present Convention and in the supplementary agreements thereto.

NOTE. — The International Commission of Control shall be responsible for arranging to summon the States participating in the present Convention to a Conference for the conclusion of all the supplementary conventions mentioned in the present article.

Article 60.

In the case of a direct breach of the present Convention by one of the contracting States, an extraordinary assembly of the representatives of the contracting States participating in the present Convention shall be summoned as expeditiously as possible by the Permanent International Commission of Control to decide upon the steps to be taken.

The steps taken to exercise pressure must not be of a military character.

All disputes between States shall be settled by the Permanent International Commission of Control.

Article 61.

The present Convention shall enter into force as from its ratification by all the States in conformity with the legislative practice of each of the contracting States.

Article 62.

In order to determine the attitude to be taken in regard to States not ratifying the present Convention, the contracting States shall convene a world Congress in the month of 192..., at

Article 63.

The instruments of ratification shall be drawn up in five copies and shall be deposited in the capital of one of the States in the five continents.

The ratification of the present Convention in conformity with the provisions of Article 61 shall be notified to all the contracting States by

**MEMORANDUM EXPLAINING THE DRAFT CONVENTION FOR IMMEDIATE,
COMPLETE AND GENERAL DISARMAMENT.**

I. The Draft Convention on General, Complete and Immediate Disarmament is based on the destruction of the principal elements which form the armed strength of a country, that is to say, the organised armed forces on land, on sea and in the air, their material, and the industries connected with the production of armaments.

The Draft Convention further provides that, at the expiry of a year after its coming into force, the land, naval, and air forces of all countries shall be reduced to an establishment which would be useless for warfare, thus limiting the possibility of armed conflict, even before disarmament has been completed.

2. The Draft Convention merely sets forth the general principles of disarmament applicable to the armed forces of all countries, without going into the details of each, on the supposition that, when the essential principles have been adopted, all these details will be dealt with in a subsequent discussion of the whole question of disarmament:

Thus in any case there is no need to work out the technical details, this being a matter for a special body to be set up after the Convention has come into force.

3. Chapter 1 of the Draft Convention embodies the principles of disarmament so far as they relate to effectives.

For the first year, it provides for the discharge of half the total establishment of officers, officials, and other ranks, the closing-down of military schools, Ministries of War, Marine and Military Aviation, military staffs, commands, institutions and establishments, and, at the same time, the destruction of mobilisation plans for the armed forces and trained reserves.

By these means, armies and fleets will be reduced to a condition in which they cannot easily be used for attacks by one country on another. What is left of them will be principally occupied in effecting disarmament in connection with the destruction of material, which requires a certain amount of personnel for various kinds of work.

In this connection, questions concerning the organisation of armed forces for carrying out the first stage of disarmament are looked upon as domestic questions for each country.

As regards armies organised on the territorial system, with small cadres periodically supplemented by variable effectives, disarmament will be carried out on the same principle, namely, that at the end of the first year 50 per cent of the cadres and 50 per cent of the trained reserves included in the variable effectives will be discharged.

For the rest, Chapter 1 of the Draft Convention develops and explains in detail the proposals put forward by the U.S.S.R. delegation at the fourth session of the Preparatory Commission for the Disarmament Conference.

4. Chapter 2 contains the most important provisions regarding the destruction of material:

(a) This chapter again deals with the principal aspect of disarmament during the first stage — the destruction of all reserve stores intended for mobilisation, of which the first to be destroyed are to be those that might be employed against the civil population.

(b) After the first stage of disarmament, the army of each country will retain such arms and munitions as are strictly necessary for the establishment maintained during the succeeding years. The scale of technical war material will be limited by a special convention. The object of this limitation, as of all the measures contemplated in Chapter 1, is to prevent the armaments maintained during those years from being used for purposes of war.

(c) By the destruction of material is meant its reduction to a condition in which it cannot possibly be used for purposes of war.

The technique of the destruction of material will be worked out later in all its details, on the principle that the utmost possible use should be made of material which has value for purposes of other than military production, and for the increased welfare of peoples.

(d) Article 15 of the Draft Convention provides that sporting guns of non-military pattern and revolvers for sporting purposes and for self-defence may be retained. In view of the general social situation, these measures are particularly necessary in countries where communications are undeveloped.

(e) As regards naval armaments, the Draft Convention provides in the first place for the destruction of capital ships, cruisers, aircraft-carriers, etc., all of which are mostly used in the pursuit of imperialistic aims. The classes of warship enumerated above are removed from the effective battle fleet by the immediate discharge of the entire ship's company, which will limit the possibility of using the vessels; thereafter, all the ship's ordnance will be rendered useless and then removed and destroyed (the first to be removed will be the indispensable parts of the guns, gun-laying apparatus, fire-control apparatus, mine-laying and torpedo-firing apparatus, etc.). When the material is rendered useless, the ammunitions, mines and torpedoes will at the same time be destroyed. It will thus become impossible to use these warships for war purposes without lengthy preparation.

The Draft Convention allows of the use of disarmed warships as merchant vessels when necessary alterations have been made.

By dismantling warships is meant their disarmament by the removal of their armour-plating, the destruction of special apparatus such as turrets, gun platforms, control positions (*roufs de guerre*), aircraft platforms, war signalling apparatus, and any other special devices for war purposes.

(f) The disarmament of military air forces involves in the first place the destruction of heavy aircraft as engines of war. Taking into consideration the social importance of aircraft as a means of communication, the Draft Convention does not make the destruction

of the material essential to disarmament, since some of the aircraft can be converted to social and economic uses; but as there is no great difficulty in fitting aircraft for bomb-dropping, and as this can be done very quickly, the number of aircraft in the civil fleet must admittedly be proportionate to the country's genuine needs, and this is provided for in Article 28 of the Draft Convention.

(g) Fortifications and bases must be destroyed, since they can be used as bases for aggression.

(h) The question of the destruction of war industries is particularly complicated, because a highly developed industry contains great potential forces for the production of armaments. Here, again, however, there are a number of essential appliances by the destruction of which the manufacture of armaments can be made very difficult. These include drawings, measuring instruments, models, frames, machines, tools and appliances specially designed for the manufacture of armaments. Further, the actual demilitarisation of military factories, their use for the manufacture of non-military products, the employment in other factories of plant that is not specifically military, and the destruction of everything necessary for mobilisation preparations, will make it a very complicated matter to use these factories for war purposes.

5. Chapter 3 deals with the organisation of protection and, in this connection, in order to prevent any possibility of using the various forces for military purposes or as a nucleus for disguised military forces, the establishments of the police forces or militia, gendarmerie and other kinds of guards must be kept strictly within their present limits throughout the period of four years provided for the completion of general disarmament. Subsequently, the establishments of the Customs and revenue guards and local police will be fixed by a special convention on a scale proportionate to population, length of communications, property to be protected, and development of forestry.

Police forces of every kind must be armed with modern weapons of the simplest pattern, because, if a more complicated armament were retained, it might be easier for these formations to be used as armed forces in attacks by stronger upon weaker countries.

Naval policing is regarded not as a matter to be dealt with separately by each country, but as providing for the needs of a whole group of countries, so that it cannot possibly be turned to imperialistic ends. Maritime police will only be provided with the armament strictly necessary for the performance of their duties.

6. Although complete and general disarmament is wholly conditional upon the goodwill of all countries, it seems necessary to make definite arrangements for its successive stages and for the maintenance of proportions, and to establish a special body to work out the technical details of disarmament and settle any disputes that may arise.

With this object, Chapter 4 of the Draft Convention lays down the principles of the control which is based upon the widest reciprocity, full publicity, and participation in the work by those classes of the population which are most interested in the speedy completion of disarmament.

As there is at present in the world no authority whose decisions must be obeyed by all countries, this status might be conferred upon a Permanent International Commission of Control — which of course presupposes the goodwill and the consent of all countries. The composition of this Commission would be a guarantee of the impartiality of its decisions and, as there would be a Committee of Experts attached to it, technical questions could be quickly settled.

7. Chapter 5 contains suggestions for the conclusion of supplementary conventions on various questions connected with disarmament, and indicates the procedure for ratifying conventions and settling any questions arising out of violations.

It is this group of questions that are the most complicated; but the Draft Convention does not allow of any military pressure being brought to bear on any country, because such measures are apt to give rise to serious international conflicts, and it is hoped that most countries are so genuinely anxious to effect complete and general disarmament that other means will always be found to compel any country seeking to violate the obligations it has assumed to discharge them faithfully.

ANNEX 3.

LIST OF SIGNATORIES TO A DECLARATION RECEIVED BY THE DELEGATION
OF THE UNION OF SOCIALIST SOVIET REPUBLICS.

The delegation of the Union of Socialist Soviet Republics has the honour to request the Secretariat of the League of Nations to be good enough to annex to the Minutes of the third meeting of the fifth session of the Preparatory Commission copy of a declaration of Women's Organisations received by the Soviet delegation, and referred to in the speech delivered at that meeting by the President of the Soviet delegation.

(Signed) Boris STEIN,
Secretary-General of the Soviet Delegation.

Declaration

On behalf of the growing world opinion embodied in the organisations which we represent, we gratefully welcome the courageous proposals of the Soviet Government for complete and universal disarmament, and note with satisfaction that they are to be discussed in detail by the Preparatory Disarmament Commission at its next meeting on March 15th.

Being convinced that these proposals represent the will of the great mass of people in every country who are determined to make an end of war, and that where the will exists practical means can be devised for giving it effect, we urge with all the strength at our command that the members of the Commission should examine the Russian proposals with the utmost care and with the determination to place before the International Disarmament Conference when it meets some concrete scheme for the complete disarmament of the world within a definite period of time.

Signed on behalf of :	By :
International Co-operative Women's Guild (with 11 national affiliated Guilds).	Emmy Freundlich (President). A. Honora Enfield (Secretary).
Women's International League for Peace and Freedom (with 25 national affiliated sections).	Mary Sheepshanks (Secretary).
Women's Peace Society, United States of America.	Annie E. Gray (Executive Secretary).
War Resisters' International (with 19 national affiliated sections).	H. Runham Brown (Secretary).
Verband deutsch-österreichischer Konsumvereine.	Karl Renner.
Zveza gospadarskih zadrug v Jugoslavija v Ljubljani (for 41 societies with 23,000 members).	A. Kessda (?). F. Klumuy (?).
Austrian Co-operative Women.	Emmy Freundlich.
Women's Co-operative Guild, England.	A. Bedhall (President). Eleanor Barton (General Secretary)
Nederlandsche Cooperatieve Vrouwenbond.	L. Romeijn-Tuckermann (President). Meta A. Hugenholtz (Secretary). H. van Biema-Hijmans (Treasurer). M. Tolhuizen-Martin. L. Koolhoven -Vellekamp. L. Danz-Bommel. S. Nieuwenhuizen-Keijzer. S. Biesma-Bertijn.
Irish Co-operative Women's Guild.	Margt. T. McCoubrey.
Norges Kooperative Kvindeforbund.	
Scottish Co-operative Women's Guild.	Isa M. McNair (President). Kate McAllen (Secretary). Elma Beck (Treasurer). Mary Gorrie. Christina Moody. Annie C. L. Wilson. Jean Rennie. Helen Hunter. Clarice McN. Shaw. Christina Brown. Margt. Small.

Signed on behalf of :	By :
Zveza delavsokih zen in deklet za Slovenijo, etc. (with 11 branches, 1,932 members).	Ijolisek (?). Second signature illegible.
Irish Section Women's International League for Peace and Freedom.	Lucy O. Kingston (Hon. Secretary)
Standing Joint Committee, Industrial Women's Organisations, Great Britain.	Marion Phillips.
Women's International League, British Section.	K. D. Courtney (Chairman).
Frauenliga für Frieden und Freiheit, Politische Gruppe, Austria.	Yella Hertzka (President) O.M.
Bulgarischer Frauenbond, Sofia.	D. Twanowa (President). L. Wladowa (Secretary).
Independent Labour Party, Great Britain.	James Maxton, M.P. (Chairman). John Paton (Secretary).
Strokovna komisija za Slovenijo kot obl. odbor Z.D.S.Z.J. v Ljubljani.	J. Hahn (?).
Savez Zoleznicarjev Jugoslavije, Ljubljana.	Yonejeny (?). Second signature illegible.
Zveza zivilskih delavgov Jugoslavije centralna uprava, Ljubljana.	Frau Tamé.
Savez metalških radnika Jugoslavije Oblastno tajništvo v Ljubljana.	Vinkv Vrankar.
Zveza rudarjev Jugoslavije, Trbovlje.	G. Arh.
Osrednje druotvo lesnih delavcev in serodnih strok na slovenskem ozemlju v Ljubljani.	B. Verviy (?).
Splosna Delavska Zveza Jugoslavije (Opol Radnicki-Savez), Oblastni Sekretarijat za Slovenijo.	J. Hahn (?).
Marksisticm klub v Delavski zbornici za Slovenijo.	Kvetetz (?) t.c. nacelnik.
The Young Anti-Militarists (National).	Eva Jones (Hon. Secretary).
Danish Branch of "War Resisters" International ("No More War").	Joul Rosenhoff (Secretary).
Friends' Peace Committee, Great Britain.	Kathleen E. Innes.
Internationale Freundeszentrale, Vienna.	
Bund der Kriegsdienstgegner, Germany.	Wilh. Börner.
Gesellschaft für Friedenserziehung, Austria.	Wilh. Börner (President).
Bund der Kriegsdienstgegner, Austria.	Olga Misar (Secretary).
"Finlands obetingade Fredsvanner".	Edvin Stenwall.
Fellowship of Reconciliation, United States of America	Paul Jones.
Tolstoi Bund, Vienna.	Robert Friedmann.
Esperantista Pacifista Liga de Finnlando.	Thomas Vanhala.
No*More War Movement, Great Britain.	Walter H. Ayles (National Organising Secretary).
	Lucy A. Cox (General Secretary).
	Aarne Selinheime (Secretary).
Suomen Antimilitaristinen Liitto (Finnish Anti-Military League).	
Jugendgemeinschaft "Nie wieder Krieg", Zurich.	Annemarie Sauter.
Die Bereitschaft.	Oranner Karl.
Delavska telovadna in kulturna zveza "Svoboda" za Jugoslavije v Ljubliani (with 34 sections, 1,800 members).	Hukej (?).
Women's Advisory Council, Dublin.	Marion Nolan.
Labour Women's Advisory Council, Belfast.	Ida Boyd.
Women's International League, Manchester Branch.	Dorothy Vipont Brown (Chairman).
Ladies' Sewing Meeting, U.M.C., Meston, England.	Amelia Gee (Treasurer).
Manchester Branch "No More War" Movement.	D. Bingham (Hon. Secretary).
Section Drôme-Ardèche de l'Internationale des Résistants à la Guerre.	Pierre Doyen (Secretary).
Syndicat unitaire de l'Enseignement Drôme-Ardèche.	Gilbert Serret (Secretary).

Declaration

On behalf of the growing world opinion embodied in the organisations which we represent, we gratefully welcome the proposals of the Soviet Government for complete and universal disarmament, and note with satisfaction that they are to be discussed in detail by the Preparatory Disarmament Commission at its next meeting on March 15th.

Being convinced that these proposals represent the will of the great mass of people in every country who are determined to make an end of war, and that where the will exists practical means can be devised for giving it effect, we urge with all the strength at our command that the members of the Commission should examine the Russian proposals with the utmost care, and with the determination to place before the International Disarmament Conference when it meets some concrete scheme for the complete disarmament of the world within a definite period of time.

Signed on behalf of:
British Federation of Youth (23 affiliated movements representing
100,000 members).

By:
Wilfrid Pohl
(Chairman).

Declaration

On behalf of the growing world opinion embodied in the organisations which we represent, we welcome the courageous proposals of the Soviet Government for complete and universal disarmament, and note with satisfaction that they are to be discussed in detail by the Preparatory Disarmament Commission at its next meeting on March 15th.

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Signed on behalf of:
Weltjugendliga, Verband republ. Oesterreich.

By:
Frau Rona
(Secretary).

Declaration

On behalf of the growing world opinion embodied in the organisations which we represent, we welcome the proposals for complete and universal disarmament, and note with satisfaction that they are to be discussed in detail by the Preparatory Disarmament Commission at its next meeting on March 15th.

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Signed on behalf of:
Zentralausschuss der Genossenschafterinnen in Prag.
Zentralausschuss der Genossenschafterinnen der "Voola"
in Prag (with 35,899 members).
Kreisausschuss der Genossenschafterinnen bei der Kon-
sumgenossenschaft "Zukunft" in Mähr. Ostrau
(with 1,350 members).
Wohltätigkeitsverein der cechischen Frauen u. Mädchen
in Oderberg (with 150 members).
Verein zum Schutze der Mütter und Säuglinge in Oder-
berg (with 225 members).
Bezirks-Agitationsfrauenausschuss der cechosl. soz.-dem.
Arbeiterpartei in Mähr. Ostrau (with 1,850 members).
Ausschuss der Genossenschafterinnen bei der "Bud-
oudnost" in Pressnitz (with 15,000 members).
Zentralverband der czechoslovakischen Genossenschafter
in Prag (with 500,000 members).
Verband deutscher Wirtschaftsgenossenschaften in Prag
(with 238,058 members).
GEC Ein-, Vorkaufs- u. Produktionsgenossenschaft für
Erwerbs- und Wirtschaftsvereinigungen (registrierte
Genossenschaft mit beschränkter Haftung) in Prag.

By:
Remicová, Josefa.
Necáskova, Marie.
Somlátova, Marie.
Poláková, Anna.
Čápkova, Frantiska.
Goldova Marte.
P. Jungmannova.
Mana Spháckova.
Hruskova, Olga.
Nosalova, Aug.
Karla Vitáskova.
Betta Kododova.
Ferd. Jirásek.
Adalbert Fiser.
Anton Dietl.
Wenzel, Lorenz.
Rud. Fischer, ppa. Svojsjo.

Signed on behalf of:	By :
"Sdruzení" Grosseinkaufs- und Produktiv- Genossenschaftszentrale in Prag (registrierte Genossenschaft mit beschränkter Haftung) (with 97,375 members).	Novák.
Zentralvereinigung für die Wohnungsreform in der tschechoslowakischen Republik in Prag (with 60,000 members).	Ing. Gustav Vejsický. K. Voith.
"Družstevní Unie", Zentrale der Produktiv- und Arbeitergenossenschaften der tschechoslowakischen Nationalsozialistischen in Prag (registrierte Genossenschaft mit beschränkter Haftung) (with 6,000 members).	Trska.
Unie der tschechoslowakischen Genossenschaften in Prag (with 200,000 members).	Langer. Jos. Fukar.
"Stavodružstvo", Verband der Genossenschaftlichen Bauunternehmung in Prag (with 13,063 members).	Langr.
Landesverband der Gewerbesparkassen und Genossenschaften in Prag (with 400 members).	Jan. Slavicek.
Mährisch-Schlesische Vereinigung der Konsum- und anderen auf Selbsthilfe beruhenden Genossenschaften mit dem Sitze in Brünn (with 20,648 members).	Bedr. Berdal.
Czechoslovakischer Genossenschaftlicher Gewerbeverband zum Einkauf, Produktion und Verkauf in Prag (registrierte Genossenschaft mit beschränkter Haftung) (with 3,000 members).	Jan Hala. Josef Ondrich.
Verband der polnischen Konsumgenossenschaften in Schlesien in Mähr. Ostrau (with 18,739 members).	Emanuel Ghobot. Engelbert Wawreczka.
Czechoslovakische Frauenliga für Frieden und Freiheit in Prag; Zweigstellen in Prag, Brünn und Bratislava.	Milena Illova. Otilie Hanauskova.
Deutsche Frauenliga für Frieden und Freiheit in der tschechoslowakischen Republik.	Martha Neustadt. Klara Schmerbar.
Exekutivkomitee der tschechoslowakischen soz.-demokratischen Arbeiterpartei (with 114,975 members).	J. Hampl. Vojt. Dundr.
Zentral-Frauenausschuss der tschechoslowakischen soz.-demokratischen Arbeiterpartei (with 30,000 members).	Bety Karpiskova. Valerie Novotna.
Zentrale der Gewerkschaftsverbände "Czechoslovakische Gewerkschaftvereinigung" in Prag (with 560,000 members).	Rud. Tayerle.
Internationaler allgewerkschaftlicher Verband in Prag (with 140,000 members).	Nadvornik.
Internationaler allgewerkschaftlicher Verband in Prag, Sektion der Landwirtschafts- und Waldarbeiter (with 27,102 members).	Josef Jonas.
Zentralverband der Häusler und Kleinlandwirte in Prag (with 40,000 members).	Chroust, Josef. Cerny, Ant.
Zentralverband der Krankenversicherungsanstalten in der tschechoslowakischen Republik (with 750,000 members).	V. Johanis. Pleskot.
Verband der Arbeiter-Turnvereinigungen in Prag (with 100,494 members).	J. Hummelhans. Jasa, Frant.
Federation der Proletarier-Körperbildung in der Tschechoslowakei (with 100,000 members).	Mucha Vilem.
Verband der tschechoslowakischen Arbeitertouristen in Prag (with 2,500 members).	Svacer, Josef. Petra, Jan.
Bezirks-Jugendpflege in Lipnik n/B. (with 1,108 members).	Frant. Latal.
Station der Masaryk-Liga gegen Tuberkulose in Lipnik n/B. (with 150 members).	Mir. Buckova.
Verband der Katholischen Frauen und Mädchen in Lipnik n/B. (with 180 members).	Frant. Blanutova. Anna Vasinkova.
Ortspolitische Organisation der soz.-dem. Arbeiterpartei in Lipnik n/B. (with 409 members).	Petrzilka, Alois.
Verband der Metallarbeiter, Gruppe Lipnik n/B. (with 130 members).	Antonin Cadra.
Allgemeiner Arbeiter-Konsumverein "Solidarität" in Lipnik n/B. (with 380 members).	Alex Horin. F. Hausner.
Arbeiter-Turnverein in Lipnik n/B. (with 81 members).	Alex Horin. Anders, Frant.
Ausschuss der Genossenschaftlerinnen in Deutsch-Brod (with 4,296 members).	Janouchova, Anastazie. Tajovska, Anna.

Signed on behalf of :	By :
Verein des Arbeiter-Theaters in Deutsch-Brod (with 56 members).	Novakova, B.
Gruppe der Konfessionslosen in Deutsch-Brod (with 50 members).	Vaclav Jirasek.
Verein "Arbeiterheim" in Deutsch-Brod (with 40 members).	Vaclav Jirasek.
Kreisverwaltung des internationalen allgewerkschaftlichen Verbandes in Deutsch-Brod (with 1,128 members).	Tajovsky Vojtech.
Konsumgenossenschaft für den polit. Bezirk in Deutsch-Brod (with 150 members).	Ant. Zvolansk.
Ausschuss der Genossenschafterinnen in Königgratz (with 5,000 members).	Souckova, Marie. Anna Dibelkova.
Kreisexekutive der czechoslovakischen soz.-dem. Arbeiterpartei in Königgrätz (with 6,000 members).	Vanek, Josef.
Sekretariat des czechoslovakischen Gewerkschaftsverbandes in Königgrätz (with 20,000 members).	Prokopova.
Ausschuss der Genossenschafterinnen bei der "Budoucnost" in Horice (with 2,300 members).	K. Baudysova. M. Svajdenova. B. Sulcova.
Gruppe der gewerkschaftlich-organisierten Arbeiter in Horice (with 513 members).	Karel Tazler. Ludvik Slizak.
Ausschuss der Genossenschafterinnen in Vichova Konsumgenossenschaft in Vichova (with 128 members).	Burkert, Frant. Kucera, Jan.
Organisation der czechoslovakischen nationalsozialist. Partei in Vichova (with 20 members).	Jan Burkert.
Czechoslovakischer Verband der Textilarbeiter, Zweigstelle Vichova (with 140 members).	Havlicek, Ant.
Internationaler allgewerkschaftlicher Verband, Gruppe Vichova (with 45 members).	Tauchmann, Boh.
Ausschuss der Genossenschafterinnen bei der Konsumgenossenschaft der Eisenbahner in Prag II (with 10,869 members).	M. Buresova. M. Hynkova.
Ausschuss der Genossenschafterinnen in Chotzen (with 1,182 members).	Kasparova, M.
Ausschuss der Genossenschafterinnen in Münchengrätz (with 400 members).	Svoboda, Josef.
Verband der Angestellten der Tabakregie, Gruppe Tabor.	Zika, Jan.
Ausschuss der Genossenschafterinnen in Tabor (with 396 members).	Metelcova, Josefa.
National-Gewerkschaftsverband der Arbeiter, Gruppe Tabor (with 80 members).	Ant. Kralertova. Uhlir, Frant.
Ausschuss der Genossenschafterinnen bei der Konsumgenossenschaft "Unitas" in Königinhof (with 515 members).	Hanzatkova, R.
Politische Organisation der sozialdemokratischen Arbeiterpartei, Königinhof a/E.	
Ortsgruppe des Verbandes der Textilarbeiter in Königinhof a/E. (with 540 members).	J. Samek.
Internationaler allgewerkschaftlicher Verband, Kreisverwaltung Königinhof a/E. (with 7,000 members).	Kurfict, Josef.
Arbeiter-Konsumverein in Königinhof a/E. (with 900 members).	Cervinka, Frant.
Organisation der kommunistischen Partei, Königinhof a/E. (with 500 members).	
Konsumgenossenschaft "Vlastni silou", in Königinhof a/E. (with 300 members).	
Politische Organisation der soz.-dem. Arbeiterpartei in Königinhof a/E.	
Politische Organisation der czechoslovakischen nationalsozialistischen Partei in Königinhof a/E.	
Allgemeiner Konsum-, Spar- und Bauverein in Aussig a/E. (Ausschuss der Genossenschafterinnen) (with 4,130 members).	Zouunkova, M. Loukotova.
Ausschuss der Genossenschafterinnen in Kolin a/E. (with 1,892 members).	Marie Krupickova.
Arbeiter-Turnverein in Kolin (with 256 members).	Jos. Miskowsky.
Verband der Gemeinde-, Bandes- und Staatsangestellten, Gruppe Kolin, Krupicka (with 120 members).	
Klub der Arbeitercyklisten "Polaban" in Kolin (with 2,500 members).	Boh. Miska.

ANNEX 4.

ANNEX TO THE DECLARATION MADE BY M. LITVINOFF, PRESIDENT OF THE SOVIET DELEGATION, AT THE THIRD MEETING OF THE FIFTH SESSION OF THE PREPARATORY COMMISSION

SUMMARY OF THE NUMBER OF SESSIONS AND MEETINGS OF THE VARIOUS ORGANS OF THE LEAGUE DEALING WITH THE PROBLEM OF DISARMAMENT (DISARMAMENT PROPER AND QUESTIONS CONNECTED THEREWITH: MILITARY BUDGETS, NAVAL ARMAMENTS, THE EXCHANGE OF MILITARY INFORMATION; TRADE IN AND PRODUCTION OF ARMS, REGULATIONS FOR THE CONTROL OF ARMAMENTS OF THE DEFEATED COUNTRIES AND GUARANTEES OF SECURITY).

Leaving out of account the various organs of the League which have played a minor part in the discussion of these questions (Advisory and Technical Committee for Communications and Transit, Economic Committee, Financial Committee, Committee on Intellectual Co-operation, and even the International Labour Office) and the various less important committees and commissions, the following organs of the League, which have dealt with the problem of disarmament and questions connected with it must be mentioned:

1. *The League Assemblies.*

Have dealt with these questions every year since the League was established. Total 8 sessions

2. *Third Committee.*

Was formed to deal with disarmament questions at each Assembly of the League, and draws up the Assembly resolutions. Thus the Third Committee has also held 8 sessions

3. *The Council.*

The Council has dealt with the problem of disarmament and the questions connected with it since its fifth session (May 1920). Total 30 sessions

Note. — The discussions at the League Assemblies sometimes lasted for several days, and in the Third Committee for several weeks. In the course of eight years the following resolutions were drawn up:

(a) for the Assembly	53
(b) for the Council, not counting the two last sessions (48th and 49th)	<u>58</u>
Total	III resolutions

The following organs of the League were specially created to deal with the problem of disarmament:

4. *Permanent Advisory Commission* (Commission of military experts set up in virtue of Article 9 of the League Covenant). Between 1920 and 1927 the Commission held 20 sessions

This figure does not include the meetings of its three Sub-Commissions dealing with: (1) military; (2) naval; (3) air questions, such as, for instance, the second session of the Naval Sub-Commission held at Rome from February 14th to 25th, 1924. 12 sessions

5. *Temporary Mixed Commission* for the Reduction of Armaments (replaced in 1925 by the Preparatory Commission for the Disarmament Conference). Has held 10 sessions

6-7. *Committee of Enquiry* (later *Special Commission*) concerning the production of arms. Have held, together 8 sessions

8. *The Committee of the Council for Disarmament Questions.* Has held 6 sessions

9. *Preparatory Commission for the Disarmament Conference.* Has held (not including the fifth session now in progress) 4 sessions

10. *Sub-Commission A* (Military). Has held 3 sessions
Carried forward 109 sessions

	<i>Brought forward</i>	109 sessions
11.	<i>The Military, Naval and Air Committees of Sub-Commission A.</i>	
	Have held	3 sessions
12.	<i>Sub-Commission B (non-military).</i>	
	Has held	4 sessions
13.	<i>Joint Commission, with its three Committees.</i>	
	Has held	6 sessions
14.	<i>Civil Aviation Committee.</i>	
	Has held	1 session
15.	<i>The Committee on Budgetary Questions, with the attached Committee of Rapporteurs.</i>	
	Has held	6 sessions
16.	<i>The Chemical Committee.</i>	
	Has held	1 session
17.	<i>The Committee on Arbitration and Security with the Congress of Rapporteurs at Prague.</i>	
	Has held	3 sessions

Total: 17 international organisations have dealt with the problem of disarmament at 133 sessions

It should be noted that this number refers to sessions and not to meetings. The number of the latter is much higher, since many sessions lasted over several days. For example, the Preparatory Commission for the Disarmament Conference has held :

	Meetings
First session	9
Second session	2
Third session	39
Fourth session	3
Total (not including the fifth session)	53
Sub-Commission A held	86
Its Military Committee	25
Its Naval Committee	44
Its Air Committee	34
Which gives a total of	189

RESULTS OF THE WORK OF DISARMAMENT CARRIED OUT BY THE LEAGUE OF NATIONS.

- | | | |
|----|---|--|
| 1. | Convention on the Trade in Arms (June 17th, 1925). | Ratified only by France.
Accession of Liberia.
The Convention has not come into force. |
| 2. | Protocol of Geneva regarding the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare (June 17th, 1925). | Ratified only by Venezuela, France and Union of Socialist Soviet Republics. |
| 3. | Exchange of military information. | Publication of a military year-book prepared from data supplied by Governments. |
| 4. | Complete and general disarmament. | No real result. |
| 5. | Reduction of military budgets. | No real result. |
| 6. | Reduction of naval armaments. | No real result. |
| 7. | Reduction in the production of arms. | No real result. |

ANNEX 5.

DRAFT CONVENTION ON THE REDUCTION OF ARMAMENTS SUBMITTED BY THE DELEGATION OF THE UNION OF SOCIALIST SOVIET REPUBLICS.

Considering that the immense growth in armaments and in militarism imposes a general and heavy burden on the peoples of the entire world and lowers the level of their culture and their material well-being;

And considering that the atrocious struggle between the various States for predominance in armaments and the tendency to increase the number of weapons for murderous and destructive military purposes are one of the factors which increase the possibility and the likelihood of armed outbreaks;

And desiring to protect to the fullest possible extent the peaceful population of workers against the immediate dangers which threaten their life and property in the event of the outbreak of armed strife:

The Contracting States have decided, with the object of taking a first serious and genuine step towards general and complete disarmament, to conclude the present Convention by appointing as their representatives.....

..... who, having communicated to each other their full powers found in good and due form, have agreed as follows :

GENERAL PROVISIONS.

Whereas a comparatively small number of the most powerful States, which aspire to a rôle of world domination, which expend on land, naval and air armaments a large portion of the national budgets, and which possess the power at any moment to increase unduly the armaments which support their aggressive policies by availing themselves of highly developed industries, have at their disposal by far the greater proportion of land, naval and air armaments,

The Contracting States recognise that the only just course to pursue is that of a progressive reduction of all kinds of armaments as regards their composition and number, this method being the least injurious to the interests of the weakest States, which are economically dependent on the stronger, and it is accordingly desirable to take this principle as a basis for the reduction of armaments.

CHAPTER I. — ARMED LAND FORCES.

SECTION 1. — EFFECTIVES.

Article 1.

In accordance with the Preamble to the present Convention, the Contracting States, when effecting the reduction of the armed land forces, agree to divide all States into the following main groups :

(a) Group A : States maintaining armed land forces numbering over 200,000 men serving with the colours in the active army, or having in the cadres of the armed land forces more than 10,000 regular officers or more than 60 regiments of infantry (180 battalions);

(b) Group B : States maintaining armed land forces numbering over 40,000 men serving with the colours in the active army, or having in the cadres of the armed forces more than 2,000 regular officers or more than 20 regiments of infantry (60 battalions);

(c) Group C : All other States maintaining armed forces inferior in number and composition to the figures given for Group B.

(d) Group D : States disarmed after the world war.

Remarks. — 1. In all the calculations mentioned above, account shall be taken of the total number of the armed land forces maintained by the State in question in the home country, in occupied territories and in the colonies, including military police, military gendarmerie corps and depot guards.

The numbers of the police forces organised on a military basis, gendarmerie, Customs guards, train guards, forest guards and other armed corps organised for the needs of the Customs preventive service, for the maintenance of order within the country and the protection of Government and public property shall be determined by means of a special Convention.

2. By persons " serving with the colours in the active army " are understood all persons serving permanently in the cadres of the armed forces and all persons serving in the army cadres as conscripts.

3. By "officers" (commanders) are understood all persons who have received specific military training and are described as "officers" (commanders) under the military law of the contracting countries.

Article 2.

Recognising that, among the methods of reducing armed land forces, the simplest and the fairest for all the States concerned, and that which at the same time least affects the system of organising, recruiting and training such forces, consists in applying the same coefficient of reduction to all States in the same group (Article 1 of the present Convention), the Contracting States agree to fix the coefficient at the following figures :

- (a) States in Group A shall reduce their armed land forces by one-half;
- (b) States in Group B by one-third;
- (c) States in Group C by one-fourth.

Remarks. — The proportionate strength of the armed land forces for States in Group D shall be fixed under special conditions to be determined by the Disarmament Conference.

Article 3.

The armed land forces of the Contracting States shall be reduced by applying the coefficients mentioned in Article 2 of the present Convention to the following totals :

(a) To the aggregate total of the effectives serving with the colours in the active army, men belonging to the variable militia formations, the territorial formations, the organised reserves and other military formations receiving military training with the colours or elsewhere; officers, non-commissioned officers and other ranks shall be reckoned separately in each case;

(b) To the number of the organised units and corps of the main categories of field troops in the regular or territorial armies, in the militia forces, in the organised reserves and in other military formations which can be employed immediately without an order for mobilisation or which exist and are recognised in peace-time as cadres of the armed forces in war.

Article 4.

The number of the effectives and units and the corps of the land forces which the Contracting Parties must not exceed shall be laid down in a supplementary Convention based on the following principles :

(a) The coefficients of reduction mentioned in Article 2 of the present Convention shall be applied to the several States according to the group to which they belong (Article 1 of the present Convention) separately in the case of :

- (1) Each category of armed land forces (regular army, territorial militia, organised reserves, etc.);
- (2) The total number of the armed land forces stationed in the home country, in occupied territories and in the colonies;
- (3) The total number of regular officers and regular non-commissioned officers and officers of the variable effectives;
- (4) The number of units and corps of each category of troops.

(b) In accordance with the foregoing, the following tables shall be annexed to the supplementary Convention. Each table shows, after the reduction of each category of armed forces, the remaining number of units and corps of infantry, field artillery and cavalry which make up the general effectives classified under the headings of officers, non-commissioned officers and voluntarily enlisted other ranks (total number), of the administrative services, civic education service, intendance, chaplains department, etc. :

Table I : Maximum home forces ;

Table II : Maximum oversea forces stationed in the home country ;

Table III : Maximum forces of dominions and other overseas possessions ;

Table IV : Maximum forces of the home country stationed in the several colonies, dominions or other overseas possessions ;

Table V : Maximum of the total forces of each State.

(c) The aforesaid coefficients of reduction used in calculating effectives will be applied to the effectives of the armed forces as shown in the returns on January 1st, 1928.

Article 5.

With the object of limiting the accumulation of trained reserves, the Contracting States agree:

(a) To reduce in each class, according to the coefficients of reduction given above, the aggregate number of men who have received military training and of officers who have received military training either with the colours or elsewhere;

(b) To pass legislation prohibiting the existence of any civil bodies organised on a military basis by specialised instructors drawn from the army, and the assembly of such bodies for training, as also the military training of the civilian population at the instance of civil associations.

SECTION 2. — MATERIAL.

Article 6.

For the armament of land forces, the existing patterns shown in the tables at January 1st, 1928, shall be retained, except tanks and heavy artillery with very long range, which are essentially designed for aggression.

Article 7.

All implements of war directed primarily against the civilian population which does not directly take part in the armed conflict (military aircraft and chemical weapons) must be destroyed as provided in the special Convention.

Article 8.

The quantities of arms for the land armies shall be strictly limited according to:

(a) The needs of the army in time of peace;

(b) The number of trained reservists in each year-class, the number of such classes being the same for all countries in any one group (Article 1 of the present Convention) and not exceeding ten classes for countries in Group A, with a subsequent progressive increase of 50 per cent and 100 per cent respectively for Groups B and C.

Article 9.

The maximum number of weapons allowed for every thousand trained reservists shall be fixed for each country in strict conformity with the normal proportions existing in the principal arms in different countries and for different forms of armament.

Article 10.

The actual maximum quantities of arms allowed for troops at depots and elsewhere in the territory of the State, which quantities may not be exceeded, shall be fixed on the bases laid down in Articles 8 and 9 of the present Convention, by an additional Convention and by annexed tables according to the list in paragraph (b) of Article 5 of the present Convention.

Each table must contain general summarised figures under the following heads:

(1) Rifles, carbines and pistols:

(a) Automatic;

(b) Non-automatic.

Note. — Automatic rifles, carbines and pistols are to be classified as light machine-guns.

(2) Machine-guns:

(a) Heavy;

(b) Light.

(3) Artillery:

(a) Light field guns (76-millimeter guns and 122-millimeter howitzers);

(b) Heavy field guns (105-millimeter guns and 150-millimeter howitzers);

(c) Heavy guns and howitzers (over 150 millimeters and up to 204 millimeters);

(d) Mortars and trench mortars of all patterns;

(e) Guns accompanying the infantry:

(aa) Guns and howitzers;

(bb) Mine-throwers, grenade-throwers and bomb-throwers;

- (4) Armoured cars ;
- (5) Spare parts, machinery, gun carriages and gun barrels ;
- (6) Cartridges (for rifles and pistols) ;
- (7) Grenades (hand and rifle) ;
- (8) Shells for guns of the calibres and patterns mentioned above ;
- (9) *Armes blanches*.

Article 11.

All arms in the territory of the Contracting States over and above the quantities specified in Article 9 of the present Convention shall be destroyed.

CHAPTER II. — NAVAL FORCES.

Article 12.

In accordance with the principles set forth in the Preamble to the present Convention, the Contracting States agree to effect a reduction of their naval forces on the following basis :

(a) Countries which on January 1st, 1928, had a fleet whose aggregate tonnage exceeded 200,000 tons shall reduce their naval forces by one-half, such reduction to affect both the aggregate tonnage of the entire fleet and the tonnage in each of the following classes of warship :

Capital ships ;
Other warships of displacement exceeding 10,000 tons ;
Light forces ;
Submarines.

(b) Countries which on January 1st, 1928, had a fleet whose aggregate tonnage was less than 200,000 tons shall reduce their naval forces by one-fourth of the aggregate tonnage of the entire fleet.

(c) As soon as the present Convention comes into force, aircraft-carriers shall be struck off the establishment of the navy. Within six months they must be disarmed and so converted as to make it quite impossible for them to be used for warlike purposes.

Note. — The strength of the naval forces of those countries which were disarmed after the war of 1914-18 shall be fixed in accordance with special principles to be laid down by the Disarmament Conference.

Article 13.

The maximum specific tonnage which must not be exceeded by the Contracting States shall be fixed in accordance with the above-mentioned principles by a special Convention, to be concluded within three months from the day on which the present Convention comes into force.

Article 14.

The division of the fleet into vessels which are to be struck off the naval establishment and vessels which are to remain on the establishment, the names of the vessels being given (within the limits of the tonnage allowed under Article 12 of the present Convention), shall be effected by each Contracting Party. Within one year from the coming into force of the present Convention, those warships which each Party designates to be struck off the establishment of the navy must be disarmed and put into such a condition that they cannot possibly be used for warlike purposes.

Note. — The disarmament of warships comprises the removal of the armour, guns and torpedoes, the destruction of special fittings, armoured turrets, conning towers, fire-control instruments, communications for use in battle, and aircraft-launching devices.

Article 15.

The procedure for striking vessels off the naval establishment and putting them into such a condition that they cannot possibly be used for warlike purposes shall be fixed by an additional technical agreement which shall be attached to the present Convention, and shall be concluded in accordance with Article 13 of the present Convention.

Article 16.

The Contracting States agree that, as from the entry into force of the present Convention, warships (both those which are to be constructed in future and those which are now on the stocks) shall only be constructed to replace vessels of the corresponding classes or categories which have been retained on the establishment of the fleet after the reduction has been effected as provided in Articles 12 and 13. Such vessels must satisfy the following conditions :

(a) Except in case of total loss, no vessel may be replaced until it has reached the age-limit, as specified below :

Capital ships	}	25 years.
Other warships of over 10,000 tons		
Cruisers of over 7,000 tons		
Cruisers of under 7,000 tons	}	20 years.
Flotilla leaders		
Torpedo-boat destroyers		
Torpedo-boats	}	15 years.
Submarines		

(b) The maximum standard displacement for a warship shall be fixed at 10,000 metric tons. Vessels of more than 10,000 tons displacement now included in the naval forces shall be struck off when they reach the age-limit specified in paragraph (a) of this article, but in any case not later than . . . ;

(c) The maximum calibre of the guns mounted in warships shall be fixed at 12 inches (304.8 millimeters);

(d) No warship may be fitted with appliances for the carrying of aircraft;

(e) The maximum limits for vessels by classes and categories are laid down as follows :

Class or category of vessel	Standard displacement	Calibre of guns	Age-limit
Capital ships	10,000 tons	12 inches	25 years.
Coast-defence vessels		(304.8 millimeters)	
Cruisers of over 7,000 tons		8 inches	
Cruisers of under 7,000 tons	1,200 tons	(203.2 millimeters)	25 years.
Flotilla leaders		6 inches	
Torpedo-boat destroyers		(152.4 millimeters)	
Torpedo-boats	600 tons	4 inches	20 years.
Submarines		(101.6 millimeters)	
		4 inches	15 years.
		(101.6 millimeters)	

Note. — The standard displacement of a ship is the displacement of the ship complete, fully manned, with engines and boilers, equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements and supplies of every description that are intended to be carried in war, including fuel and reserve feed water for engines and boilers. The calculation must be made in metric tons.

Article 17.

The Contracting States agree to assume the following obligations :

(a) Not to use for warlike purposes warships which have been struck off the establishment of the fleet and replaced by new constructions (except in cases which may be specially provided for in supplementary technical Agreements);

(b) Not to hand over or sell their warships to foreign countries if the latter can use them as warships supernumerary to the establishment laid down for each State by the present Convention;

(c) Not to build or allow to be built in their territories any warships exceeding any of the limits laid down in Article 16 of the present Convention;

(d) Not to cause new vessels to be constructed in foreign yards over and above the limit laid down for each Contracting State;

(e) Not to equip merchant vessels with any apparatus or appliance enabling such vessels to be used for warlike purposes.

Article 18.

The Contracting States agree to limit the quantity of shells and torpedoes as follows :

(a) For guns of calibres from 8 to 12 inches (203.2 to 304.8 millimeters), 200 rounds each ;

(b) For guns of calibres from 4 to 7.9 inches (101.6 to 200.7 millimeters), 500 rounds each ;

(c) For guns of calibres less than 4 inches (101.6 millimeters), 1,000 rounds each ;

(d) For each torpedo-tube, two torpedoes.

Article 19.

All supplies of ammunition and torpedoes over and above the quantities specified in Article 18 must be destroyed.

CHAPTER III. — AIR ARMAMENTS.

Article 20.

Within one year from the entry into force of the present Convention, all military dirigibles and aircraft (whether heavier or lighter than air) shall be disarmed and placed in a condition precluding their utilisation for military purposes.

Note. — The disarmament of aircraft belonging to the armed forces includes the removal of guns, machine-guns and special appliances for the discharge of bombs and other instruments of destruction.

Article 21.

In conformity with the Preamble to the present Convention, the Contracting States agree, when carrying into effect the reduction of air armaments, to divide all States into the following main groups :

(a) Group E : States having more than 200 aeroplanes in service in their armed forces ;

(b) Group F : States having from 100 to 200 aeroplanes in service in their armed forces ;

(c) Group G : States having fewer than 100 aeroplanes in service in their armed forces.

States in Group E shall reduce their air forces by one-half; States in Group F by one-third, and States in Group G by one-quarter, with a simultaneous reduction of the engine-power of each aeroplane to 400 horse-power on the ground.

Article 22.

In addition to the standard laid down in Article 21, reserve machines, and engines for these machines, up to a number not exceeding 25 per cent of the total number of aeroplanes in service after their reduction, may be maintained in the establishment of the air forces.

Article 23.

All other machines, whether in service or in reserve, together with the engines for these machines, in excess of the limits laid down in Articles 21 and 22 of the present Convention shall be destroyed.

Article 24.

When applying Articles 21, 22 and 23 of the present Convention, aeroplanes with engines of over 400 horse-power shall be the first to be destroyed.

Article 25.

All arming of civil aircraft and all fittings enabling them to be armed or to be utilised for war are prohibited.

Article 26.

With regard to the types of aeroplanes and their armaments, Article 6 of the present Convention shall apply. The armament of military air forces is included in the standards laid down in Article 10 of the present Convention.

Article 27.

All stocks of air bombs and other instruments of destruction intended to be discharged by aircraft shall be destroyed within three months of the entry into force of the present Convention. It shall henceforth be prohibited to manufacture or retain them in the army or in the reserve of the military air forces.

Article 28.

The effectives of the military air forces must be reduced in proportion to the decrease in the number of machines in service.

Article 29.

The precise maximum numbers of machines in service and in reserve, of the engines intended for their use, and of the military air force effectives, classified as officers, pilots and other personnel serving on board aircraft, which must not be exceeded by the Contracting States shall be fixed in conformity with Articles 21 and 28 of the present Convention in a supplementary Convention.

To the latter shall be annexed the following tables :

Table I : Maximum armed air forces stationed in the home country ;

Table II : Maximum armed air forces stationed in each colony, dominion or other oversea possession ;

Table III : Maximum of all armed air forces.

Article 30.

With a view to restricting the production of military aeroplanes and the trade therein, the Contracting States agree to conclude, within three months from the entry into force of the present Convention, a supplementary Convention on the limitation to be imposed on the manufacture and trade in war aeroplanes in proportion to the legitimate requirements of the new effectives of the military air forces as fixed in the tables indicated in Article 29.

CHAPTER IV. — CHEMICAL METHODS OF WARFARE.

Article 31.

All methods of and appliances for chemical aggression (all asphyxiating gases used for warlike purposes, as well as all appliances for their discharge, such as gas-projectors, pulverisers, balloons, flame-throwers and other devices) and for bacteriological warfare, whether in service with troops or in reserve or in process of manufacture, shall be destroyed within three months of the date of the entry into force of the present Convention.

Article 32.

The industrial undertakings engaged in or adapted for the production of the means of chemical aggression or bacteriological warfare indicated in Article 31 of the present Convention shall be converted to other uses within one year from the entry into force of the present Convention on the basis of an additional technical agreement.

Article 33.

The Contracting States undertake, within three months of the entry into force of the present Convention, to ratify the Protocol on the Prohibition of Chemical Warfare signed at Geneva in 1925.

CHAPTER V. — ARMAMENTS BUDGETS.

Article 34.

The total amounts of the armaments budgets calculated at their true values shall be reduced in proportion to the reduction of land forces in Groups A, B and C, of air forces in Groups E, F and G, and of naval forces as provided for in Articles 12 and 13 of the present Convention. The said reduction in budgets shall also apply to the items of expenditure on personnel (pay, clothing, victualling, quarters) and those relating to orders for implements of war and ammunition and to their upkeep.

Article 35.

No secret funds intended to disguise extraordinary expenditure on special preparations for war and the strengthening of armaments may be excluded in State budgets.

In conformity with the above stipulation, all expenditure on the upkeep of the armed forces of each State shall be brought together in a single chapter of the State budget; it shall be open to publicity in all respects.

Article 36.

The reduction of the armaments budgets shall be carried out as from the year 1929 *pari passu* with the reduction of armed forces and of war material. As from 1930, the maximum figures of these budgets shall be fixed separately for each of the Contracting States. Thereafter, no increase shall be made in them.

CHAPTER VI. — TIME-LIMITS FOR THE EXECUTION OF THE CONVENTION.

Article 37.

The reduction of land, naval and air armaments in conformity with Articles 2, 5, 11, 21, 22, 23 and 28 of the present Convention shall be carried out by the Contracting States in the course of two years, the first year being devoted to preparatory work and the second to the practical application of all the measures relating to the reduction of armaments.

Article 38.

All the other measures for the reduction of armaments shall be carried out within the periods provided for in the relevant articles of the present Convention (Articles 20, 27, 31, 32 and 36).

CHAPTER VII. — CONTROL.

Article 39.

Within three months from the date of entry into force of the present Convention, a Permanent International Commission of Control shall be organised, with the following duties:

(a) The supervision, control and general co-ordination of the measures relating to the application of the present Convention, and the notification to each State of breaches of the provisions of the present Convention;

(b) The preparation of an agreement concerning the pressure to be brought to bear upon States which may fail to carry out the provisions of the present Convention and of the supplementary Conventions and technical Arrangements completing it;

(c) The selection of the places, the procedure and the technical conditions for the destruction of material, and the preparation of all the necessary supplementary technical Agreements;

(d) The study of questions relating to further reductions of armaments and the preparation of international Agreements relating thereto;

(e) Communication to the Contracting States and the public of information concerning progress in the work of reducing armaments.

Article 40.

The Permanent International Commission of Control shall consist of an equal number of representatives of the legislative bodies and of the trade unions and other workers' organisations of all States participating in the present Convention.

The Permanent International Commission of Control will later include representatives of international associations whose aim it is to establish pacific relations between States and which have pursued this aim with success, provided that these organisations express a wish to participate in the work of the Permanent International Commission of Control.

Article 41.

The Permanent International Commission of Control shall be assisted by a Permanent International Committee of Experts, consisting of an equal number of military, naval, air and other experts belonging to all the States acceding to the present Convention.

The Permanent International Committee of Experts shall act under the orders of the Permanent International Commission of Control.

Article 42.

The following may not be members of the Permanent International Commission of Control :

(a) Professional soldiers and officials of Ministries of War, Marine and Military Aviation ;

(b) Owners of and shareholders in military industrial undertakings, owners of and large shareholders in banking and commercial enterprises with interests in military undertakings and the traffic in arms, and higher employees in all these undertakings.

Article 43.

With a view to ensuring genuine control, the Permanent International Commission of Control shall be entitled to carry out investigations on the spot in the event of reasonable suspicion of a breach of the present Convention and of the subsequent supplementary Agreements on the reduction and limitation of armaments, and to appoint for this purpose special commissions of enquiry.

Article 44.

In enterprises for the production of war material or in enterprises capable of being utilised for the manufacture of armaments, a permanent labour control may be organised by the workers' committees of the factories or by other organs of the trade unions operating in the respective enterprises, with a view to limiting the possibility of breaches of the corresponding articles of the present Convention.

A similar control shall be set up in the various branches of the chemical industry, of which a list shall be drawn up by the Permanent International Commission of Control.

Article 45.

The Contracting States undertake to furnish the Permanent International Commission of Control, within the time-limits fixed by it, with full information as to the situation of their armed forces, in accordance with the list and tables prescribed by the present Convention and the subsequent supplementary Agreements on the reduction and limitation of armaments, as well as with particulars of the number of aeroplanes and dirigibles in civil aviation registered as such in the territory of each of the Contracting States.

Article 46.

The statutes of the Permanent International Commission of Control, the procedure for examining complaints concerning the non-observance of the obligations entered into for the reduction and limitation of armaments, the organisation of the procedure to be followed in local investigations, and the nature of labour control in regard to production (Article 44) shall be settled by means of a supplementary Convention within not more than three months from the date of the entry into force of the present Convention.

— CHAPTER VIII. — RATIFICATION AND APPLICATION OF THE CONVENTION.

Article 47.

The present Convention shall enter into force as from the date of its ratification, in conformity with the legislative practice of the Contracting States, by all the States in Groups A and B for the reduction of land armaments, as laid down in Article 1 of the present Convention, or in the first group for the reduction of naval armaments, as laid down in paragraph (a) of Article 12 of the present Convention.

Article 48.

All subsequent supplementary Conventions to be concluded in consequence of the present Convention shall be signed and ratified within not less than six months from the date of the entry into force of the latter.

Article 49.

The instruments of ratification shall be drawn up in five copies and shall be deposited in the capital of a State in each of the five continents.

The ratification of the present Convention in conformity with the provisions laid down in Article 47 shall be notified to all the Contracting States by

ANNEX 6.

EXCHANGE OF LETTERS BETWEEN M. LITVINOFF, DELEGATE OF THE UNION OF SOCIALIST SOVIET REPUBLICS, AND M. LOUDON, PRESIDENT OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

C.P.D. 120.

FROM M. LITVINOFF TO M. LOUDON.

Geneva, March 26th, 1928.

It would have been as unusual for me to dispute the closing speech of a President of an international meeting as was a certain passage in your speech at the closing of the fifth session unusual and contrary to the impartiality expected on such occasions. I am, however, unable to refrain from writing to you to express my surprise at the insinuation against the Soviet delegation which you thought fit to make in that speech. Not only was this insinuation unusual—to say the least of it—it was unjustified by the actual line pursued by the Soviet delegation.

You admitted in the same speech that the discussion of our draft Convention for total disarmament had been interesting and valuable. Indeed, but for this, there would have been nothing left for the fifth session of the Preparatory Commission but to disperse after its second or third sitting—a procedure hardly conducive to the raising of its prestige. It has, moreover, been admitted by many delegates that our draft Conventions—both for total and partial disarmament—contain many elements which might be useful for the further labours of the Commission. Indeed, the resolution introduced by yourself, Mr President, on behalf of the Bureau, acknowledged that not only were our proposals in harmony with the ideals of humanity but they could be made useful, in part at least, by various Governments.

Our proposals, it is true, were intended to substitute other schemes already discussed a year ago at the Commission's third session and, as it seems to the Soviet delegation, offering no hope of a solution of the problem of disarmament. Constructive work frequently implies the undoing of a certain amount of previous work found to be incorrect or impracticable.

I think it must be obvious to all that nothing has been done or said by the Soviet delegation during the fourth and fifth sessions of the Preparatory Commission to justify the allusions of an impartial President to the possibility of the Soviet delegation coming to any session of the Commission for any other purpose but constructive work.

My motive in writing this letter, Mr. President, is to let you know how deeply the passage in your closing speech to which I have already referred was resented by the Soviet delegation.

(Signed) LITVINOFF.

P.S. — I trust that you will see your way to having this letter included in the Minutes of the fifth session.

FROM M. LOUDON TO M. LITVINOFF.

Paris, April 2nd, 1928.

Your letter of March 26th has much surprised me because, on glancing at the Minutes of the fifth session of our Commission, I can find nothing in my closing speech that could be construed as contrary to the impartiality which behoves a President.

In using the words: "I will, however, ask that delegation in all seriousness to attend our next and any ensuing meetings in a constructive spirit and not with the idea of destroying the work we have already done", I merely uttered a request founded upon the fact that both your original draft Convention and speech clearly pointed towards undoing the work we had already accomplished. As to your latest proposals, they will, as I said, be submitted to the different Governments, and the Commission will then see what use can be made of them; yet you stated that, independently of acceptance or non-acceptance of your second Draft, your delegation reserved to itself the right to return to its original draft Convention at the coming International Disarmament Conference, although it is clear that the Commission considers that original Draft unacceptable.

It was in view of pursuing our laborious preparatory task on the lines which the Commission has hitherto followed and has firmly decided not to depart from that I begged you to join us in an upbuilding spirit. I can therefore only confirm what I have said, nor can I see any reason for your resentment of the above passage, the less so as I distinctly stated that your delegation's collaboration and criticism are and will be very useful to our discussions.

(Signed) J. LOUDON.

P.S. — I have no objection to this letter as well as yours of March 26th being added to the Minutes of the fifth session.