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MEETINGS OF THE COMMITTEES

MINUTES

OF THE

THIRD COMMITTEE

(REDUCTION OF ARMAMENTS)

GENEVA, 1928

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LIST OF MEMBERS

Chairman : Count H. CARTON DE WIART (Belgium).

Vice-Chairman : His Excellency M. B. O. UNDÉN (Sweden).

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Albania :	
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Austria :	His Excellency M. E. PFLÜGL.
Belgium :	Count H. CARTON DE WIART, Baron ROLIN JAEQUEMYNS, M. LOUWERS (Substitute).
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Haiti :	His Excellency M. A. NEMOURS.
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Japan :	His Excellency M. N. Sato.
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Liberia :	M. N. Ooms.
Lithuania :	His Excellency Professor A. Voldemaras, His Excellency M. V. Sidzikauskas.
Luxemburg :	M. G. Diderich, M. A. Wehrer.
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Panama :	His Excellency M. O. Mendez Pereira.
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Kingdom of the Serbs, Croats and Slovenes :	His Excellency M. M. Rakitch, General Nenadovitch (Substitute), M. C. Fotitch (Substitute).
Siam :	His Highness Prince Varnvaidya, Nai Thavin Arthayukti (Substitute).
South Africa :	Mr. J. S. Smit.
Spain :	His Excellency M. E. de Palacios y Fau, His Excellency M. E. Cobián (Substitute).
Sweden :	His Excellency M. B. O. Undén, M. T. M. Höjer (Substitute), M. K. I. Westman (Substitute).
Switzerland :	His Excellency M. G. Motta, M. W. Burckhardt (Substitute).
Uruguay :	His Excellency Dr. A. de Castro, His Excellency M. P. Cosio.
Venezuela :	His Excellency M. D. Escalante.

THIRD COMMITTEE

F

(REDUCTION OF ARMAMENTS.)

AGENDA.

I. REPORT ON THE WORK OF THE COMMITTEE ON ARBITRATION AND SECURITY (document A.20.1928.IX — see *Official Journal*, August 1928).

(*a*) Pacific Settlement of International Disputes (*Official Journal*, August 1928, pages 1146-1176).

(*b*) Non-Aggression and Mutual Assistance (*Official Journal*, August 1928, pages 1176-1194).

(*c*) Articles of the Covenant:

1. Resolution concerning M. Rutgers' Memorandum on Articles 10, 11 and 16 of the Covenant (*Official Journal*, May 1928, pages 651-706; August 1928, page 1194).
2. Resolution concerning Communications of the League in Times of Emergency (*Official Journal*, August 1928, page 1195; see also No. II below).
3. Resolution regarding Financial Assistance (*Official Journal*, August 1928, pages 1195-1208; October 1928, page 1738).

(*d*) Model Treaty to strengthen the Means of preventing War (*Official Journal*, August 1928, pages 1209-1218).

II. COMMUNICATIONS OF THE LEAGUE OF NATIONS IN TIMES OF EMERGENCY: ESTABLISHMENT OF A LEAGUE OF NATIONS RADIO-TELEGRAPHIC STATION.

Report by the Advisory and Technical Committee for Communications and Transit (*Official Journal*, July 1928, pages 1105-1113; September 1928, pages 1369-1378; December 1928, pages 1974-1978).

III. PREPARATION OF A DRAFT CONVENTION ON SUPERVISION OF THE PRIVATE MANUFACTURE AND PUBLICITY OF THE MANUFACTURE OF ARMS AND AMMUNITION AND OF IMPLEMENTS OF WAR.

Report of the Special Commission (*Official Journal*, October 1928, pages 1584-1588).

Draft Resolution submitted by the Delegation of Salvador (Records of the Ninth Ordinary Session of the Assembly: Plenary Meetings, September 7th, 1928, afternoon).

IV. WORK OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

Records of the Ninth Ordinary Session of the Assembly: Plenary Meetings, Annex 2.

V. VARIOUS QUESTIONS DEALT WITH IN THE REPORT ON THE WORK OF THE COUNCIL AND ON THE WORK OF THE SECRETARIAT.

FIRST MEETING.

Held on Tuesday, September 4th, 1928, at 11 a.m.

Chairman: Count CARTON DE WIART (Belgium).

1. Opening of the Committee's Work.

In declaring the Committee open, the CHAIRMAN desired to express once more to his colleagues his surprise at the honour done him in appointing him Chairman. He was the more overwhelmed when he noted how distinguished were the members of the Committee and how serious and difficult the problems with which they had to deal.

He ventured to say that the only explanation, the only excuse he could see for his appointment, was the desire to pay a tribute to his country for its constant devotion to the League of Nations and to the great work of reconciliation and peace jointly pursued by all its Members.

In renewing his thanks to the Committee, he appealed to the good-will and indulgence of his colleagues, and assured them of his own.

2. Appointment of Vice-Chairman.

M. MOTTA (Switzerland) submitted the name of M. Undén, Swedish delegate, as Vice-Chairman. There was no need for him to say anything in support of this candidature; the facts spoke for themselves.

M. GUERRERO (Salvador) supported the proposal.

M. UNDÉN (Sweden) *was elected by acclamation Vice-Chairman of the Third Committee*

M. UNDÉN (Sweden), Vice-Chairman, thanked the Committee for the great honour done him and for the confidence it showed in him in appointing him Vice-Chairman.

(At the invitation of the Chairman, M. Undén took his place with the Bureau.)

3. Preparation of the Agenda.

The CHAIRMAN reminded the Committee that the Assembly, at its second meeting on September 3rd, referred to the Third Committee Items 22 and 23, which the Council had placed on the agenda of the Assembly :

22. Report on the Work of the Committee on Arbitration and Security.
23. Establishment of a League of Nations Radio-telegraphic Station : Report by the Advisory and Technical Committee for Communications and Transit.

He also recalled the fact that the Assembly had referred to the Third Committee the question of the private manufacture and publicity of the manufacture of arms, ammunition and implements of war.

Moreover, M. Loudon, the Netherlands representative, intended to propose to the Assembly that the chapters of the General Report and Supplementary Report concerning the reduction of armaments should be referred to the Committee.

Finally, he pointed out that other questions might also be referred to the Committee; the latter could therefore only draw up an agenda of a provisional character.

The Chairman would prepare a draft agenda for the next meeting, the date of which would be fixed by the General Committee of the Assembly; this agenda, together with the necessary documentation, would be submitted to his colleagues in due course.

(The meeting rose at 11.25 a.m.)

SECOND MEETING.

Held on Tuesday, September 11th, 1928, at 4 p.m.

Chairman: Count CARTON DE WIART (Belgium).

4. Publicity of Meetings.

The Committee decided that in principle its meetings would be public.

5. Adoption of the Agenda.

The CHAIRMAN said that, before they came to consider the agenda, he would like, speaking in his personal capacity, to offer a few general comments.

The work of the Third Committee differed in certain respects from that of the other Committees of the Assembly : its task was not so much to settle current business as to seek by what means the League of Nations could satisfy the desire of the peoples for the limitation of armaments.

Anxiety and even disappointment had been expressed on this subject, to such an extent indeed that people were sometimes led to wonder whether the League's numerous efforts did not rather resemble the futile tasks to which, in ancient mythology, the Danaids or Sisyphus were condemned. But if they were to compare the results they were about to reach with the situation in 1921, or even in 1924, they must surely realise that they were nearing a solution and that the general outline of an agreement — possible as much as desirable — was beginning to evolve. A further justification for their hopes lay in the interest which was being taken in the many enquiries conducted last year which our Committee would have to discuss.

The Third Committee was setting to work on the task entrusted to it in a general atmosphere which seemed to him to be more favourable than that of previous years. The signature of the Paris Pact and other symptoms certainly helped to diminish the worldwide feeling of uneasiness and to encourage the hopes which he expressed on behalf of his colleagues.

He had desired to express to the Third Committee, now about to begin its labours, the hope that the authority and prestige of the League might be still further enhanced and might be increasingly respected.

The Chairman read the following Provisional Agenda :

I. Report on the Work of the Committee on Arbitration and Security (document A.20.1928.IX):

(*a*) Pacific Settlement of International Disputes (document A.20.1928.IX, pages 6-36).

(*b*) Non-Aggression and Mutual Assistance (document A.20.1928.IX, pages 36-54).

(*c*) Articles of the Covenant :

1. Resolution concerning M. Rutgers' Memorandum on Articles 10, 11 and 16 of the Covenant (documents C.A.S.10, and A.20.1928.IX, page 54).

2. Resolution concerning Communications of the League in Times of Emergency (document A.20.1928.IX, page 55 ; see also No. II below).

3. Resolution regarding Financial Assistance (document A.20.1928.IX, pages 55-68 ; document A.45.1928.II, page 4).

(*d*) Model Treaty to strengthen the Means of preventing War (document A.20. 1928.IX, pages 69-78).

II. Communications of the League of Nations in Times of Emergency. Establishment of a League of Nations Radio-Telegraphic Station.
Report by the Advisory and Technical Committee for Communications and Transit (documents A.22.1928.VIII, A.23.1928.VIII, and A.31.1928.VIII).

III. Preparation of a Draft Convention on Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War.
Report of the Special Commission (documents A.43.1928.IX, and A.49.1928.IX).

IV. Work of the Preparatory Commission for the Disarmament Conference.
Document A.6 and A.6 (*a*). 1928, Extract No. 5, pages 10, 11 and 18.

V. Various Questions dealt with in the Report on the Work of the Council and on the Work of the Secretariat.

This agenda was adopted.

6. Statement by the Chairman of the Committee on Arbitration and Security concerning the Work of this Committee.

The CHAIRMAN announced his intention of proposing that they should refer certain questions on the agenda to other Committees of the Assembly. He thought, however, that it would be desirable for the Committee first to hear M. Beneš, Chairman of the Committee on Arbitration and Security, who would make a statement concerning the work of this Committee.

M. BENEŠ (Czechoslovakia) read the following statement concerning the work of the Committee on Arbitration and Security :

" Mr. Chairman — Among the important matters that the Assembly has referred to our Committee is the report of the Committee on Arbitration and Security, which was set up on November 30th, 1927, by the Preparatory Commission in consequence of the resolution of the Assembly at its eight ordinary session, passed on September 26th, 1927, and the Council resolution of September 27th, 1927.

" In the documents of the Committee on Arbitration and Security, which you have before you, will be found full and detailed particulars of all the work done by the Committee and all the investigations it has carried out up to the present time.

" Since the Committee on Arbitration and Security has done me the great honour of electing me to the Chair, I may perhaps be allowed to give you a brief summary of the principal stages through which its work has passed and the results so far attained.

" The Committee has held three sessions. At the first session, in December 1927, it decided upon its programme of work, and, faithfully adhering to the directions provided in the last Assembly resolution, it appointed three of its distinguished members, M. Holsti, M. Politis and M. Rutgers, to draw up three memoranda, dealing respectively with arbitration in the broad sense of the term, with security and with Articles 10, 11 and 16 of the Covenant (including the questions of the League's communications at times of emergency and financial assistance to States victims of aggression).

" The three Rapporteurs met at Prague on January 26th, 1928, and proceeded, in consultation with the Chairman, to co-ordinate their reports, care being taken to give all possible weight to the various notes and observations which had in the meantime been submitted by a number of Governments. The three memoranda, together with an Introductory Note by the Chairman, were then laid before the Committee at its second session, which lasted from February 10th to March 7th, 1928.

" At this session the Committee accepted the views expressed in the Introductory Note, particularly those in regard to the value of the League Covenant itself as a guarantee of security, and drew up and subjected to a first reading three model Conventions of conciliation, arbitration and judicial settlement and three model treaties of non-aggression and mutual

assistance, as well as various draft resolutions. It was at this session also that the German delegation put forward a number of suggestions for strengthening the means of preventing war, and M. Rolin Jaequemyns was asked to examine these as Rapporteur.

" The Committee's third session lasted from June 27th to July 4th. A second reading was given to the models drawn up at the previous session, and three model bilateral Conventions for the pacific settlement of disputes and a model Treaty for strengthening the means of preventing war on the basis of the German Suggestions were also discussed. Further, the Committee adopted at this session a report on financial assistance to States victims of aggression, and the final text of the various resolutions to be submitted to the Assembly.

" Accordingly, the Committee's work as a whole may be set out as follows :

" 1. First, we have *six model Conventions on arbitration, conciliation and judicial settlement*, accompanied by an Introductory Note and two resolutions, one to recommend these models and the other concerning the good offices of the Council.

" It was not without mature reflection that the Committee decided to make no attempt to amalgamate all these models. Notwithstanding the marked progress of the ideas of conciliation and arbitration in recent years, the Committee felt that the time had not yet come when all countries could take an identical view of the conclusion of extensive and uniform arbitration treaties. It was therefore thought better to prepare several model Conventions offering sufficient variety to meet the wishes and requirements of the various Governments. The Committee wishes, moreover, to make it clear that it does not advocate any one model more strongly than the others. The Third Committee and the Assembly will have to examine all these models, and to decide how best to secure the adoption and putting into force of these Conventions as between as many countries as possible. With this object in view, the Committee on Arbitration and Security thinks it may be worth while to submit to the Assembly, as I have already observed, two draft resolutions, one to recommend the model Conventions and the other providing for the good offices of the Council, which would undoubtedly be of value.

" 2. The Committee furthermore considered that the measures for imparting a fresh impetus to the movement for settling disputes by pacific methods might well be supplemented by an Assembly resolution concerning the *Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice.*

" This draft resolution is intended to attract the attention of Governments to the elasticity of the Optional Clause, which should, it is thought, to a large extent reduce the obstacles which have hitherto prevented many States from acceding to it.

" 3. Thirdly, the Committee submits to us *three model Treaties of non-aggression and mutual assistance*, accompanied by an Introductory Note and two resolutions. As in the case of the model Conventions for judicial settlement, arbitration and conciliation, the Committee felt it advisable to prepare three different models. Draft D is clearly the most far-reaching, since it provides, not only for non-aggression and the pacific settlement of disputes, but also for mutual assistance. It is to a large extent based on the Rhine Pact of Locarno, although at the same time it offers certain differences which you will find explained in the Introductory Note. I am anxious to make it clear that, in the opinion of the Committee on Arbitration and Security, the Models D, E and F were not to be put forward as unalterable drafts. It would be for the States concerned to consider whether they should introduce certain modifications which would make allowance for their special circumstances. The Committee itself, moreover, suggested in its Introductory Note certain such variations. Model D also raises certain important questions concerning the participation of States non-Members of the League of Nations. In this connection, the Turkish delegation, which joined us during the third session of the Committee, submitted certain interesting proposals ; owing, however, to the complexity and great importance of these questions, their consideration had to be deferred until a later session. As in the case of Models A, B, C and a, b, c, our Committee and the Assembly will have to decide on the resolutions to be adopted in order to recommend Models D, E and F to the various States, and in order to put at their disposal the good offices of the Council.

" 4. The Committee further lays before us a draft resolution concerning *M. Rutger's Memorandum on Articles 10, 11 and 16 of the Covenant.* This Memorandum is a careful and detailed study of the possibilities afforded by the Covenant of the League of Nations for the pacific solution of disputes and for the security of States, without either adding to or taking from the obligations of Members of the League, without adhering to any one interpretation of the Covenant and without proposing any rigid and detailed procedure.

" 5. There will also be submitted to you a draft resolution concerning *the communications of the League of Nations in times of emergency.* This draft resolution lays stress on the great importance of the work carried out by the Committee for Communications and Transit and on the desirability of the Assembly taking steps at the present session to put these schemes into effect, more particularly as regards the establishment of a radio-telegraphic station. This latter problem is also submitted to us as a special question under No. 23 of the Assembly agenda.

" 6. *The question of financial assistance to States victims of aggression* has been examined by a Joint Committee consisting of four members of the Committee on Arbitration and Security and three members of the Financial Committee. This Joint Committee drew up a report which was approved by the Committee on Arbitration and Security. You will note that one of the questions dealt with in this report, the problem of the Council's vote, which would put into operation the measures agreed upon for providing financial assistance, gave rise to a prolonged debate, at the end of which no unanimous decision could be reached. The Committee on Arbitration and Security therefore decided to request the Assembly to give its opinion on the questions thus raised, particularly with regard to the vote of the Council. The discussion which will be opened on this subject in our Committee will show whether it is possible to reach any solution during the present session of the Assembly, or whether it would be advisable to adjourn these questions for subsequent consideration.

" 7. Finally, the Committee submits to us a *model Treaty to strengthen the means of preventing war*, accompanied by an Introductory Note and a resolution.

" The Committee unanimously agreed that the Suggestions made in this connection by the German delegation included provisions which might usefully be added to the other measures designed to prevent war. Since, however, these proposals were only submitted during its second session, the Committee was unable to do more than draw up the model before us at a first reading. In the meantime, Governments have been requested to give their delegations necessary instructions in order that the investigation of this important matter may be continued and, if possible, completed during the present session of the Assembly.

" The foregoing is a brief general survey of the problems dealt with by the Committee on Arbitration and Security and now submitted to you for discussion.

" In my view, the work which the Committee has done in its three sessions is considerable. All the countries represented have taken part in the discussions, and every aspect of the problem has been exhaustively considered. Only the concrete results of these discussions are before you. To appreciate the wide scope and the detailed nature of our debates you should also consult all the Minutes, and you would find that no special question, no aspect of the problem, no delicate shade of meaning, has been neglected, and that practical consideration has been given to the interests of every country. I should add that many of the formulæ finally adopted are the outcome of protracted and delicate negotiations among the delegations, which have by no means failed to realise the practical political importance of these formulæ and of the draft treaties prepared.

" I need hardly say, therefore, that we feel that every question which might be raised in this Committee by those of our colleagues who do not take part in the work of the Committee on Arbitration and Security has already been examined, or at any rate touched upon, and that all of us who did take part in those debates are willing to furnish our colleagues with any explanations or details that may be needed. This, I think, should help the Third Committee to do its work more easily and rapidly.

" As you all know, the Committee's work proceeded simultaneously with the negotiations for the Pact for the Renunciation of War. The signing of this Pact, which will always remain a memorable date in post-war history, should encourage us to pursue our task in the Third Committee. There is no need now to discuss in detail in what way our draft treaties would add precision, substance and efficacy to the engagements embodied in the Pact for the Renunciation of War. A glance at the Pact and at the draft treaties will make this immediately clear.

" In this Committee, therefore, all we have to do is to continue our work without interruption and without hesitation. I hoped that during the next few years, when a vote of the Assembly sanctions the draft treaties and resolutions, we shall see the positive results of the efforts we are making to-day.

" Of the value of the Committee's work I will say nothing. You are yourselves about to examine it, and your judgment will be expressed by the final vote. My dearest wish is that hereafter, if you adopt them, the draft treaties may be of the greatest possible service in establishing lasting peaceful relations among the different countries, and that a further important step may thus be taken in the direction of European and world peace. "

The CHAIRMAN said he felt sure that he expressed the wishes of the Committee in thanking M. Beneš for his statement, which so clearly summarised the work of the Committee on Arbitration and Security.

7. Reference to the First Committee of the Part of the Work of the Committee on Arbitration and Security concerning the Pacific Settlement of International Disputes.

The CHAIRMAN submitted to the Committee the following draft resolution :

" The Third Committee requests the First Committee to examine from a legal point of view the part of the work of the Committee on Arbitration and Security concerning the Pacific Settlement of International Disputes, namely :

" (*a*) Model Conventions for judicial settlement, arbitration and conciliation.

" (*b*) Draft resolution concerning model Conventions on conciliation, arbitration and judicial settlement.

" (*c*) Draft resolution regarding the good offices of the Council.

" (*d*) Draft resolution concerning the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice. "

M. BENEŠ (Czechoslovakia) said he thought that it would be desirable to refer to the First Committee for an opinion the points (*a*), (*b*) and (*d*), as these three questions possessed a distinctly legal aspect. Point (*c*), however, " Draft resolution regarding the good offices of the Council ", was of a purely political character and the Third Committee itself might consider this point.

Count APPONYI (Hungary) said he thought that point (*c*) also had certain legal aspects and that it would be logical to refer it as well to the First Committee.

M. BENEŠ (Czechoslovakia) said he saw no reason why they should not also refer this point to the First Committee if, in the course of the discussions, they found that this was necessary. For the present, he thought it would be better for the Third Committee to consider first of all the purely political side of this draft resolution.

The CHAIRMAN pointed out that there was really very little difference between these two suggestions : Count Apponyi proposed that point (*c*) should immediately be referred to the First Committee, whereas M. Beneš proposed that it should only be referred to that Committee, if necessary, after it had been discussed by the Third Committee.

Count APPONYI (Hungary) said he did not see what they had to lose by referring this point to the First Committee forthwith. Why should they not immediately settle all the preliminary questions ? Otherwise, they might find themselves obliged to stop considering a question in the very midst of their discussions. He therefore ventured to insist on immediate reference.

M. DE PALACIOS (Spain) said he would like to know the exact terms of this reference they were proposing. Would the First Committee, after it had considered this question, submit its report to the Assembly direct, or would the question come back before the Third Committee ?

The CHAIRMAN replied that, if the Committee decided to refer the question to the First Committee, its intention would be that the First Committee should report, not direct to the Assembly, but to the Third Committee, and that as soon as possible.

M. CASSIN (France) asked whether they could not forthwith instruct a small sub-committee of the Third Committee to get into touch with the First Committee, so that they might submit to the Third Committee as soon as possible the conclusions which had already been jointly reached with the First Committee. A similar procedure had been followed in previous years — for instance, in 1924, in the case of the Protocol — and had always given good results.

M. BENEŠ (Czechoslovakia) said he wished to offer certain explanations in view of Count Apponyi's insistence.

He had proposed that point (*c*) should be considered by the Third Committee itself because the latter had always dealt with political questions, whereas the First Committee examined the legal side of the various questions. He was anxious to avoid the opening of a political discussion in both Committees. He would not, however, raise any objection to this question being referred to the First Committee if such a course were found to be really necessary.

M. FERRARA (Cuba) pointed out that, if the First Committee discussed the legal side of the Conventions referred to under (*a*), and if the Third Committee then considered the same question, there would be two identical discussions on the same subject. The only political aspect of arbitration conventions was the fact that they existed. He quite agreed with M. Cassin that they should appoint a sub-committee to remain in constant contact with the First Committee ; it would thus, in agreement with the First Committee, arrive at conclusions which the Third Committee would have to consider in turn, before submitting a report on them to the Assembly.

The CHAIRMAN said he understood that M. Cassin was not asking them to take an immediate decision on this proposal, but to take it into consideration in the course of their discussion.

M. MOTTA (Switzerland) referred to the procedure which had been followed in previous years. When legal questions had been laid before the First Committee, the latter had submitted a report on the subject to the Third Committee. The Third Committee then incorporated this report in its own report to the Assembly. They had in fact to try to discover the best method of co-ordinating efforts in order to obtain the desired result.

He understood M. Cassin's suggestion to be as follows : they should refer to the First Committee the model conventions under (*a*) ; the First Committee could not prepare its report without first appointing a sub-committee. The Third Committee would find itself in the same position. It would therefore be well, he thought — and that was doubtless also M. Ferrara's and M. Cassin's idea — to decide, in principle at least, to appoint a sub-committee which would keep in touch with the sub-committee of the First Committee, in order to avoid contradictions and overlapping.

M. CASSIN (France) said that M. Motta had himself proved the utility of the method proposed. They should therefore : (1) decide in favour of reference ; and (2) set up a

sub-committee. The First Committee would adopt what method it chose and would maintain its entire freedom.

Baron ROLIN JAEQUEMYNS (Belgium) was quite prepared to support M. Cassin's proposal as defined by M. Motta. He would, however, point out that the proposal should not apply solely to the model Conventions on conciliation and arbitration, whether general or bilateral; there was another group of conventions in which the legal form was of great importance. The same principles which would be applied to the legal aspect of the Conventions on arbitration and conciliation should also be applied to the Conventions on non-aggression and mutual assistance, and also the draft Treaty for the prevention of war drafted as a result of the German Suggestions.

The Committee should therefore decide, first of all, whether it was going to instruct a joint committee, set up in agreement with the First Committee, to consider, not only the juridical value of the Conventions on arbitration and security, but also the juridical value of the Conventions on non-aggression and mutual assistance and of the draft Treaty drawn up as a result of the German Suggestions.

M. DE PALACIOS (Spain) considered that the various proposals were consistent with each other, but that the Committee must decide on the principle of the conventions from the political point of view. It would perhaps appear absurd to anticipate their rejection, but it would not do to ask the opinion of the First Committee on questions which had not been approved by the Third Committee. The best method would therefore probably be to adopt the principle of the conventions and then to refer them to the First Committee for its opinion, at the same time informing it that a sub-committee of the Third Committee was prepared to co-operate with any sub-committee which it might itself appoint.

The CHAIRMAN desired to draw the attention of the Spanish delegate to the fact that the matters under discussion were by no means new. These questions had been studied at great length by the Committee on Arbitration and Security in virtue of a resolution of the Assembly. It might therefore be assumed that the Committee was favourably disposed, and it would thus be possible to dismiss the hypothesis — which M. de Palacios had himself described as absurd — that the principles of the conventions might be rejected.

On the other hand, it appeared that there was no general agreement with regard to the choice of questions to be referred to the First Committee. A decision must be reached on this point.

M. BENEŠ (Czechoslovakia) thought that it was possible to refer to the First Committee questions on which agreement had been reached. The latter would then state its opinion. Three of the questions were almost entirely legal in character, and agreement had been reached with regard to their political aspects, since the Assembly at its last session had given precise and definite instructions in this connection.

All members of the Committee were agreed that the model Conventions on arbitration and conciliation must be submitted. From the legal point of view, certain difficulties might occur, but not from the political point of view. Questions (*a*), (*b*) and (*d*) did not offer any obstacle. Certain delegates might require to formulate reservations or objections of a political character in regard to question (*c*). This question (*c*) could not, indeed, be referred to the First Committee for examination from the legal point of view until it had been discussed by the present Committee.

M. GUERRERO (Salvador) thought that a distinction should be drawn between those questions in which the legal aspect was predominant and those where the political aspect was predominant. It would be useless for this Committee to refer to the First Committee a question on which agreement could not be reached from the political point of view.

The CHAIRMAN enquired whether the Committee was in favour of immediately referring to the First Committee questions (*a*), (*b*) and (*d*) of the draft resolution submitted by him.

It was decided to refer the points in question to the First Committee.

8. Question of the League of Nations Radio-Telegraphic Station.

The CHAIRMAN drew the Committee's attention to the question of the radio-telegraphic station of the League of Nations with which the Fourth Committee was concerned. The Committee must consider the fundamental question involved as soon as possible in order to be able, should the circumstances require it, to refer the matter without delay to the Fourth Committee, which would examine it from the financial point of view.

This proposal was adopted.

9. Question of Financial Assistance to States Victims of Aggression.

The CHAIRMAN informed the Committee that the Acting Chairman of the Financial Committee would be available on and after Thursday to assist in the discussion on financial assistance in the event of aggression. It would not be possible to refer the matter, should the circumstances require it, to the Second Committee until after this discussion had taken place.

This proposal was adopted.

10. Procedure.

The CHAIRMAN thought it was premature to appoint Rapporteurs at the present time, but it would nevertheless assist the Bureau if proposals could be made at one of the next meetings. The Chairman desired to know whether it was desirable to open a general discussion of the problems submitted to the Committee as a whole before undertaking the examination of the individual questions on its agenda.

M. Beneš (Czechoslovakia) thought it desirable to do so with regard to the essential points of the Committee's work, and particularly with regard to the question of the private manufacture of munitions and implements of war and the work of the Preparatory Commission for the Disarmament Conference.

It was decided to have a general discussion on the agenda as a whole.

11. General Discussion on the Agenda as a whole.

M. Lange (Norway) apologised for being the first to speak, but pointed out that his country had not had an opportunity of participating in the work of the Preparatory Commission. His Government had instructed him to express its earnest desire that something should be accomplished towards disarmament in accordance with Article 8 of the Covenant. He had noted with much satisfaction the speeches on this subject by statesmen so well qualified to speak as M. Briand and Lord Cushendun.

He thought it would be a good plan to adopt as starting-point for this discussion the Assembly resolution which in 1925 created the Preparatory Commission for the Disarmament Conference.

This Commission was characterised by the fact that it was both preparatory and technical. In disarmament questions the technical aspect was of great importance and had not previously been investigated. There was another idea — political this time — underlying the Assembly resolution of 1925, namely, that the technical work should be carried out as quickly as possible so that all might be ready at the right moment.

The 1928 Assembly was, he thought, called upon to take stock of the position and to see whether the technical work could be regarded as satisfactory, whether anything had been omitted, and whether the psychological moment was approaching. It was not without good reason that, at the last two sessions of the Assembly, the Norwegian delegation had voted for resolutions calling for an early meeting of the Disarmament Conference. The speaker thought he had been one of the keenest in pressing forward this work, but it seemed to him that the matter had not always been considered in its true light. The position with regard to disarmament should, properly speaking, be considered in the light of political conceptions. First of all, what did Article 8 of the Covenant say ? It provided — in fact, it required — a reduction of armaments to the lowest point consistent with national safety and the provisions of the Covenant. He thought that the fundamental idea of this phrase was to prevent any State possessing military, naval or other power which might constitute a threat against peace or a temptation to such State to abuse this power if an opportunity offered. On these grounds it was therefore necessary to examine the problem of disarmament, *i.e.*, a political and technical problem, simultaneously with the problem of security.

M. Lange considered that the Committee should congratulate itself on the work undertaken by the Committee on Arbitration and Security under the chairmanship of M. Beneš; he would refrain from going into details, but would express the special satisfaction of his delegation, first, that arbitration had been recognised as a factor in security, and, secondly, that the Committee had taken a definite stand against the idea that more or less exclusive groups could be admitted within the structure of the League. It had been unanimously decided that the Treaties of non-aggression and mutual assistance should not be directed against any State whatsoever, for otherwise there would inevitably be a danger of reverting to the old system of alliances and opposing groups.

Coming to the question of the reduction of armaments properly so called, M. Lange had to admit that the situation was much less satisfactory. It was here, if anywhere, that the Assembly should give a new stimulus to the work of the Committee. M. Lange had been careful to read all the Minutes of the Preparatory Commission. He paid a tribute to the intellectual level of the discussions, but he felt that, from the moral, international and political points of view, this level was really a very low one. If the public was one day told that it was only technical difficulties that prevented Governments from fulfilling their obligations under Article 8 of the Covenant, it was to be feared that they would conclude that there had been a breach of faith. M. Lange felt that a warning of this kind by a small State with no ambitious designs and outside all political groupings might have a certain value.

It should be laid down as a principle from the start that, in political questions, political authorities must not be hindered or dominated by the technical services and military experts. This principle should in particular be applied in connection with the private manufacture of arms. The conclusions of the Special Commission on this question were somewhat discouraging, although no doubt it was of some value that very definite positions had been taken up.

The conclusion of the Franco-British Agreement, to which M. Briand and Lord Cushendun had referred, was a matter for congratulation. M. Lange was quite willing to believe that this Agreement was inspired by a sincere desire to facilitate the work of the Preparatory Commission, but it would be as well to dissipate any uneasiness on the subject. It would be worth while, perhaps, to consider the possibility of getting other similar agreements concluded.

M. Lange agreed with M. Briand that it was incorrect to say that armaments have increased since the war; nevertheless, the reductions so far effected were not sufficient to inspire mutual confidence.

It was essential that the convention drawn up by the Preparatory Commission should leave no loophole for recommencing the competition in armaments. Apart from purely technical provisions and in order to ensure their full effectiveness, it would, according to the speaker, be essential to fix a definite maximum of armaments by means of a limitation of

the expenditure on them Such a measure would have the triple advantage of reducing war potential, of facilitating control and of providing a starting-point for a further reduction of armaments.

M. Lange was also in favour of creating a Permanent Study Committee entrusted by the League of Nations with the task of following the development of the armaments problem from the political point of view. Both these suggestions had already been made, though unsuccessfully, by the French delegation to the Preparatory Commission.

The Preparatory Commission should aim at drawing up a convention putting a very definite check to the development of armaments. The military and naval organisation of States was so closely associated with the conception of the State itself that a long time would elapse before it was possible to transfer this section of the political life of States from its present chaotic position to a conventional basis. If two such steps forward could be made in the course of the next two years, they might be considered as contributing a very happy outcome of the efforts of the Commission.

The Third Committee should present a request to the Assembly for the Preparatory Commission to resume its work. Certain factors seem to point to the possibility of a new meeting of the Commission. In the first place, as M. Briand had stated, the international atmosphere was better. In the second place, there was Locarno. In the north of Europe, there was a system of arbitration treaties without reservations. In the centre of Europe, Switzerland had concluded a series of all-in arbitration treaties with all her neighbours. Italy and Germany had concluded a series of arbitration treaties with nearly all their neighbours. Finally, there was the Briand-Kellogg Treaty. This treaty contained, it was true, disquieting reservations, but the important point was that, in consequence of this treaty, the United States had refrained from taking steps for an important increase to their fleet. The original proposal had been to build seventy-one new ships. That number had been reduced to sixteen and the Senate had subsequently decided not even to discuss the question again during that session. Another encouraging fact was that, apart from the United States, two States which were not Members of the League of Nations had participated in the work of the Preparatory Commission.

The Committee should examine what new form of mandate it should give to the Preparatory Commission for continuing its work. It was inconceivable that the desired solution should be retarded by technical considerations. Considerations of peace and social progress must come before all others.

M. D'OLIVEIRA (Portugal) said he was encouraged to speak by the example of his old friend M. Lange, which took him back to the time when, at the Hague Conference in 1907, he had entered by his side upon the great battle of compulsory arbitration, a recollection of which he was proud. Although only partially successful, the result was at least to furnish the foundations on which the League of Nations was building with encouraging success. He also hoped for the approbation of his colleague, M. Fromageot, who, in company with M. Léon Renault and M. Léon Bourgeois, had, despite many obstacles, helped to elaborate a draft Convention for compulsory world arbitration ; this project, which had been based on a proposal made by the Portuguese delegation, did not secure complete unanimity at the Hague Conference, but it had at least received the approval of an imposing majority, headed, as now, by several of the leading liberal Powers of Europe.

The speaker noted with approval that considerable progress had been accomplished since then in the matter of arbitration. The spirit of mockery had disappeared. At that time, some of his witty colleagues used to refer to compulsory arbitration as contraband of peace. The time was past when the venerable President of the Conference, despairing of the success of his efforts, remarked in confidence to his friends that it was much easier to pacify two belligerents than forty-five neutrals.

None the less, M. d'Oliveira felt that some grateful remembrance was due to the work of The Hague, and he particularly desired to acquaint the Committee with the opinion of his own country and to say that now, as formerly, Portugal would always be happy to be in the forefront of those who were endeavouring to further the work of peace.

He did not dare to discuss in detail the complex question of the reduction of armaments ; Portugal was too slightly armed for her opinion to carry much weight in such matters. He was content to add his appeals to those of M. Lange : that in this respect the League of Nations should now make a definite step, however small, in the direction expected by public opinion, and he asked his colleagues to concentrate on finding a formula affording a basis for real hope that the delicate and complicated task that had occupied them so many years would not be discontinued.

M. d'Oliveira wished also to signify his country's cordial and unreserved adhesion to the model Conventions on arbitration and conciliation which it was suggested to propose to the Governments. Portugal, who had endeavoured at The Hague to establish an obligatory world arbitration treaty, was obviously ready to sign more modest undertakings.

Portugal had quite recently concluded arbitration treaties without reservations on the Swiss and Scandinavian models with her great neighbour Spain, with France and also with Belgium, whose African colonies were neighbours to those of Portugal, and formed with them an economic association that should develop considerably in the future. Still better, the Convention with Belgium had been concluded under the article of the Covenant which names mutual respect for the territorial integrity of States as one of the bases of universal peace. This is the first time that this formula has been included in an arbitration treaty.

He saw from the models before him that it was admitted that certain countries might not be prepared, even in the case of conciliation conventions, to sign even a general or world convention. He hoped that any such hesitation would disappear, and that all the Members of the League of Nations would shortly sign a general conciliation convention. Under these conventions, conciliation would be more thoroughly and completely organised than under the Covenant. Why could not all the Members of the League of Nations subscribe to a treaty of that kind when all, or almost all, had signed or were about to sign the Paris Pact ?

In this connection, be referred to an idea expressed by Mr. Kellogg which he had seen in an article in a review advocating conciliation in preference to arbitration as the truly effective method for peacefully settling international disputes. Mr. Kellogg had raised objections against the arbitration method which they might not share, but which, in view of their origin, must not be disregarded ; on the contrary, he held that the method of conciliation was the ideal one for the peaceful settlement of all international disputes.

In conclusion, he felt, at the moment when States had signed or were about to sign the multilateral Pact for the Renunciation of War, that the time seemed to be at hand when they should at least sign general conciliation conventions. By so doing, they would give further proof of their genuine desire to foster and consolidate the evolution of opinion which was taking place in the world to-day with regard to peace methods.

12. Appointment of a Committee to act in Liaison with the First Committee.

The CHAIRMAN proposed that the Committee which was to act in liaison with the First Committee should consist of M. Motta (Switzerland), M. Guerrero (Salvador) and M. Cassin (France).

M. MOTTA (Switzerland), while thanking the Chairman, suggested that it would be advisable to enlarge the Committee to include five or seven members.

The CHAIRMAN pointed out that they were electing a Committee to act in concert with representatives of the First Committee, which in all probability would not appoint more than three members. It would, moreover, be advisable not to appoint too large a Committee, but he would be guided entirely by the decision of the Committee.

M. MOTTA (Switzerland) thought that the First Committee would appoint more than three members and that, to avoid discrepancy between the number of representatives of the Third Committee and that of the representatives of the First Committee, he suggested the addition of two colleagues to those who had already been proposed by the Chairman.

M. SATO (Japan) supported M. Motta's proposal. He congratulated the Chairman on the choice of the three colleagues he had appointed, all of whom were amply qualified to carry out their appointed task ; but there were other delegates besides who had taken a particularly active part in all the work of the Committee. From among these the two other members of the Liaison Committee might with advantage be selected. He was not making a definite proposal, but left the choice to the discretion of the Chairman.

M. GUERRERO (Salvador) supported M. Motta's proposal, and expressed the desire that M. Beneš (Czechoslovakia) and M. Politis (Greece), whose presence appeared to him ndispensable, should be appointed as members by the Committee.

The CHAIRMAN therefore proposed to the Committee that the Liaison Committee should ibe composed of M. MOTTA, M. GUERRERO, M. CASSIN, M. BENEŠ and M. POLITIS.

The proposal was adopted.

(The meeting rose at 6.40 p.m.)

THIRD MEETING.

Held on Wednesday, September 12th, 1928, at 3.30 p.m.

Chairman : Count CARTON DE WIART (Belgium).

13. Communication by the Chairman of the First Committee concerning the Liaison Committee.

The CHAIRMAN informed the Committee that, in view of the fact that they had appointed five members to examine certain questions with the First Committee, the Chairman of the First Committee had informed him that M. GAUS (or M. VON SIMSON), M. Henri ROLIN and M. UNDÉN had been appointed to co-operate with the Committee of Five.

14. General Discussion on the Agenda as a whole (Continuation).

Count APPONYI (Hungary) said he thought that the report submitted to the Committee by the Committee on Arbitration and Security was intimately connected with the reduction of armaments. M. Lange's speech and those which had been delivered in the Assembly made it

unnecessary for him to deal at length with this subject in the Committee, but, when the Report on Security and Arbitration came to be discussed in the Assembly, he would be obliged to speak.

It was quite comprehensible that so vast a task as the general reduction of armaments could not be completed in one day; but they must not mark time. He had the impression that at present they were marking time. Countries which were in an easy position with regard to armaments might readily resign themselves to the slowness of this evolution, but not so the countries which were now in a humiliating position on account of the unilateral disarmament which had been forced upon them.

It had been rightly said that an atmosphere of confidence was essential for the League. It was not sufficient to state this truth; an attempt should be made to bring about a situation which would make tranquillity of mind possible. Such tranquillity of mind was impossible in countries surrounded by armed States which endeavoured daily to increase their armaments. M. Briand had spoken of France, but France's case was more or less unique, Hungary had 3,000 guns trained on her and was threatened by 500,000 men in arms, whereas she possessed not one yard of strategic frontier and had no means of defending herself. That was a morally intolerable situation. He would repeat the expression " intolerable ". The increasing bitterness resulting from this situation made it necessary for him to be prudent in accepting the proposals put forward and he wished to obtain some guarantee that this state of affairs would not continue.

It was important that they should realise the connection between the progress which might be made in the question of the reduction of armaments and the Report on Security and Arbitration. Unfortunately, the acceptance of this report by the Assembly would probably not carry the reduction of armaments much further. His pessimism was justified by the report itself, which frankly admitted " that it was premature to attempt at present to establish the connection which ought to exist between the Treaties of assistance and the limitation and reduction of armaments ". What, then, were they to say of all the other treaties which had been submitted to the Committee if the Treaties of mutual assistance could not be connected with the question of disarmament ? He strongly desired to see a speeding up of the movement towards the reduction of armaments, but he did not feel himself morally bound to accept without criticism all that was connected with this subject, since the report itself was pessimistic on that very point.

It was a known fact that the work of the Committee on Arbitration and Security was connected with the problem of the reduction of armaments. When the Protocol was being prepared in 1924, the object had been to provide States with security so that they might then proceed to disarm. The Protocol had failed, and they had endeavoured to establish in its place a series of regional conventions providing, one after another, the guarantees of security which the Protocol would have given immediately to the whole world. The present situation — and this reflection was not inspired by exaggerated national self-esteem or unhealthy emotionalism — was that, although under the Locarno Treaties the West of Europe had already taken a step forward which they would like to see imitated by all, the same was not the case in Central Europe. Hungary was very intimately concerned in this question and indeed had often been in the minds of speakers in the course of the discussion; he was surprised that they had not thought fit to ask her to participate in the preliminary work connected with the solution of the problem, whereas three neighbouring States had been represented. Hungary would have availed herself of this occasion to point out the special difficulties of her case, and possibly, by defining these obstacles, she might have indicated the means to overcome them. However, there the matter stood.

He desired to pay a tribute to the work accomplished by the Committee on Arbitration and Security; he would be obliged to submit a few objections on various points of detail, but thought that the results obtained were noteworthy and, from a technical point of view, merited the admiration and approval of the Committee.

But it was not there that the difficulties lay. If they came to look at the conditions under which Hungary would be called upon to conclude conventions with her neighbours, they would see that this was not mainly a question of legal formulæ. Certain elements of discord and misunderstanding, some of them already existing and others to be feared, would have to be analysed, and they would have to reach an agreement on certain questions before they could attempt, with any hope of success, to elaborate the proposed formulæ. He reserved the right to address the Assembly itself on this point. Only after certain preliminary arrangements had been reached could the model agreements proposed acquire full force; until then, they would be nothing more than empty words.

One step could, however, be taken and the Hungarian Government was anxious to help, as far as it could, to establish that atmosphere of security which the world required. It would sign the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice, for five years, without any other reservations than those of reciprocity and ratification, which were already implied, this being beyond all doubt. Hungary felt, therefore, that she had given to the principle of arbitration all she could give, and hoped that the neighbouring States would do the same. Thus, in the legal sphere, all that the report required, and even more, would be achieved.

With regard to conciliation, he thought the Covenant was sufficient. The Committee on Arbitration and Security had hoped to satisfy all needs by submitting its model conventions; he thought, however, that the Committee had not taken into consideration the situation of States which would be perfectly prepared to conclude treaties of arbitration,

but would be unable to sign treaties of conciliation going beyond the provisions of the Covenant.

These were the observations he had felt obliged to submit to the Committee ; he requested the Committee to note that, if he reserved entire freedom to intervene later as the discussion developed, that did not mean that he desired to place any obstacle in the way of the acceptance of these model treaties. His attitude would be determined by events. For instance, a few explanations would be necessary when they came to discuss the proposed resolution concerning the good offices of the Council.

Count BERNSTORFF (Germany) said that it had not been his intention to speak at this stage, for he had hoped first of all to obtain information on a point of special interest to him, that is, whether and, if so, in what way, they intended to give emphatic instructions to the Preparatory Commission and to the Special Commission on the Manufacture of Arms to go on with their work. He hoped that later in the debate a reply would be forthcoming to the question.

With regard to the question of disarmament, he now merely wished to recall that part of the German Chancellor's speech to the Assembly which contained, not the programme of a party, but the programme of the last three Governments which he (the speaker) had had the honour of representing on the Preparatory Commission and on the Third Committee since the admission of Germany into the League of Nations. That programme, he went on to say, had the support of an overwhelming majority of the German nation. The part of the Chancellor's speech to which he referred was as follows :

> " Germany has never intended to put forward an unattainable maximum in her demands. From the beginning, she agreed to the idea that the problem should be solved progressively and by stages. The resolution of the previous year, as well as the resolution of 1926, which it strengthened, gave a clear and definite statement of the premises necessary to accomplish the first stage. This first stage could and must mean a material reduction in the present quantity of armaments and that reduction should cover all the elements of military, naval and air armaments. That stage should also include a guarantee for full and entire publication of all sorts of armaments. He urged the Assembly, therefore, to decide definitely to convene a first Disarmament Conference in order that it could take measures immediately to complete the technical work of the Preparatory Commission. "

If, in the course of the debate, it became evident that there was no intention of giving emphatic instructions to the Preparatory Commission, he would then probably submit certain resolutions to the Committee. There would, moreover, be opportunities of reverting later to other details of the question of disarmament.

M. BENEŠ (Czechoslovakia) wished to make two observations on Count Apponyi's speech. Count Apponyi had quoted, from the report of the Committee on Arbitration and Security, a passage dealing with the connection between Treaties of mutual assistance and the question of disarmament, and he had drawn from the passage a conclusion which was wholly at variance with the idea pervading the debates of that Committee. The passage quoted had been inserted with the intention of emphasising the very clear and well-defined connection between the work of the Committee and the Treaties of mutual assistance. This was clearly shown in the Minutes of the debates, for the intention was obviously to emphasise the advisability of including that question in the scheme for the reduction in armaments. After the discussion, there was general agreement that it would be premature to deal with special points and that it would be better to keep to general questions. It was at the request of the German delegate that no attempt was made to define these ideas more precisely. He went on to say that there was no justification, therefore, for drawing from the paragraph referred to any pessimistic conclusion whatever, and he wished to emphasise that point so as to obviate any possibility of misunderstanding.

He also desired to make a further remark on another subject, although he would not have done so if the Hungarian delegate had not referred to the situation in Central Europe — a matter which also particularly concerned his own country. He wished to say that, when the arbitration and security treaties had been discussed, no special area had been mentioned. In the League of Nations, questions were dealt with from a universal point of view, and they endeavoured to find general arrangements which would be applicable everywhere. When any special situation arose, an attempt was made to apply, as far as possible, principles of universality and equality. There was no doubt that in some parts of Europe certain preliminary arrangements were necessary before a general agreement could be reached, but he was convinced that the difficulties mentioned by Count Apponyi were not of an insuperable kind, provided they were approached with goodwill and in the spirit of the League of Nations. He therefore remained quite optimistic in spite of everything.

M. POLITIS (Greece) desired to remove a misapprehension which had, he thought, arisen from Count Apponyi's quotation of the following sentence, from the final report of the Committee on Arbitration and Security, concerning the work carried out during its three sessions :

> " It is premature to attempt at present to establish the connection which ought to exist between the Treaties of mutual assistance and the limitation and reduction of armaments. "

This sentence did, indeed, appear to justify the misgivings expressed by Count Apponyi. It might give rise to the idea that the Committee on Arbitration and Security was not very sure whether the conclusion of Treaties of mutual assistance would have any effect on the realisation of the great reform for which they were striving — the reduction and limitation of armaments.

There were, as a matter of fact, two kinds of connection between the work of the Committee on Arbitration and Security and the question of disarmament. The first was fundamental and constitutional. The Committee on Arbitration and Security had in fact been appointed to discover further guarantees of security which would facilitate the work of disarmament. The other connection was accidental. In 1923, the draft Treaty of Mutual Assistance and, in 1924, the Geneva Protocol had already established an intimate connection between a State's right to claim assistance and the execution by the said State of obligations assumed by it to reduce and limit armaments.

The speaker recalled the fact that, in the Memorandum which he had that year submitted to the Committee on Arbitration and Security, he had made the following statement on the subject :

> " *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, paragraphs 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.
>
> " 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. "

These two connections — the one constitutional, the other occasional — were completely different. It was the second that the Committee on Arbitration and Security had regarded as premature. There had been no question of this in the case of the first.

After having given this necessary explanation, he desired to reply to an argument put forward by Count Apponyi. The latter was of opinion that, in order to conclude regional agreements between neighbours, it was necessary first of all to settle a number of questions which might separate the parties to the probable agreement. On the other hand, the speaker thought that the conclusion of a Treaty of mutual assistance and non-aggression would only facilitate the solution of such questions by strengthening the feeling of confidence and the good neighbourly relations existing between the contracting parties. If the conclusion of such treaties — which he thought indispensable if serious progress in disarmament was to be made — were to be delayed until all the difficulties had been removed, it was to be feared that there would be some time to wait. The work of disarmament would accordingly receive a set-back which would not be attributable to those who asked for guarantees of security before limiting their national forces.

M. VON SIMSON (Germany) thanked M. Politis for his statements, but he feared that, in trying to remove one misunderstanding, M. Politis had created another.

M. Politis had just said that, in the view of the Committee on Arbitration and Security, the reduction of armaments was conditional upon the conclusion of Treaties of non-aggression and of mutual assistance.

He wished to recall the point of view of his Government, which he had always upheld, *i.e.*, that the degree of security afforded by the Covenant itself was sufficient to allow of the reduction of armaments. This security might be strengthened in many ways and, in particular, by arbitration conventions and treaties of mutual assistance. Such conventions and treaties could, however, only be concluded in a certain political atmosphere which did not always exist. But on the basis of the security already existing, certain reductions in armaments might be effected.

M. SATO (Japan) desired to give certain particulars as to his country's armaments. In 1914, there was a land army of about 300,000 men. Immediately after the world war, the Japanese Government, acting on its own initiative and supported by public opinion, reduced its effectives. At the present moment, the Japanese army consisted of not more than 200,000 men. For a country which consisted of many islands situated at a considerable distance from each other and which had a population of 80 millions, this figure was certainly not excessive.

As regards naval armaments, the Japanese Government had signed the Washington Treaty for the limitation of capital ships and aircraft-carriers of large size, and had faithfully carried out this treaty. As to the limitation and reduction of auxiliary ships, he would recall his country's attitude last year at the Geneva Naval Conference.

He had referred to these facts because he wished to convince the Committee that there was no ulterior motive in what he was going to say and that the Japanese Government sincerely desired an equitable limitation of armaments as soon as possible.

M. Lange yesterday expressed the opinion that the reduction of armaments could not be brought about by the stroke of a magic wand, but they must be content with a limitation to start with. The Japanese delegation was entirely of this opinion. It was no use attempting the impossible ; they must be wise and progress by slow and sure stages. The main thing was

to achieve practical results, and if they could shortly come to agreement for limiting the armaments of each country to the minimum compatible with national security, this would already be an appreciable step. In a few years it might perhaps be possible to convene a second Conference to follow up this first move.

During the period which would elapse between these two Conferences it would no doubt be advisable, as M. Lange suggested, to set up a permanent committee to study the question of armaments in every country.

The same method of progressive realisation might be applied to the supervision of the manufacture of arms and ammunition and implements of war. Whatever had been said on the subject, the results already obtained by the Special Commission on the Manufacture of Arms, Ammunition and Implements of War were fairly important, and the main differences of opinion which had existed up to the last meeting haa been removed. Here, as in the question of disarmament, it was necessary to be satisfied at first with modest but practical results, leaving to the future the task of completing the work in gradual stages.

M. GUERRERO (Salvador) said he had been induced to rise by M. Sato's remarks on the private manufacture of arms. He did not think that the question of the reduction and limitation of armaments should be left to the Powers most directly interested, for this question, like peace, was of general interest; the delegates of the smaller countries must be given the chance of contributing their humble share to this great work. They need not give way to pessimism on this point. There was a direct relation between the reduction of armaments and arbitration and security, and that was the reason why last year a Committee was appointed to consider these last two questions. They must await the various Governments' reception of that Committee's proposals in order to see what could be done next in the way of a limitation of armaments.

M. Sato ascribed equal importance to the question of the private manufacture of arms and that of the limitation of armaments, but if the latter was a complex matter and they were bound to go slowly, the former was much easier of solution. They already had an obligation in the Covenant of the League under Article 8, and a further obligation assumed when the Convention on the International Trade in Arms was concluded. A Committee was appointed to prepare a draft convention. At its first session it was agreed that supervision by licence should be established for the private manufacture of arms, and that certain information should be published relating to the number, weight and value of all the implements of war manufactured by private concerns and Government arsenals. They would surely be justified in asking for this information.

A few days ago, they had met again with the object of preparing a single draft, but they had then found themselves faced with insuperable obstacles. Certain Powers would not consent to the publication of anything more than the value of war material. This item by itself, however, was practically useless, for the value might be reckoned in different ways; it might be either the cost price or the market price. He thought that they had taken a retrograde step. The Special Commission had found itself in the position of having to present a really pessimistic report, and the speaker wondered what was to happen now. Were they to report to the Assembly that they could not agree, and that there were fundamental differences between the various points of view? The question had long been under consideration and there were a whole series of very definite Council and Assembly resolutions concerning it. They could not set about convening an international conference unless there was a hope of it being a success. The public would be discouraged if, after so long, it was told that agreement was impossible. Accordingly, the speaker felt he must appeal to those Powers which had opposed the contemplated agreement in the Special Commission, and beg them to take a step forward so that it might be possible to submit a new draft convention. With this in view, he had ventured to propose a draft resolution to the Assembly.

Count APPONYI (Hungary) felt bound to make some comments on the last speech. M. Guerrero had said that the Members of the League were bound, in regard to the general reduction of armaments, by the obligation embodied in Article 8 of the Covenant; that was true, but there was also an obligation under the Peace Treaties. These were imposed upon the vanquished countries as a transitional measure --- a unilateral disarmament to facilitate general disarmament. This obligation applied to all signatories of the Treaties. In spite of the distressed condition to which Hungary was reduced, she would not have signed a treaty which imposed permanently her present humiliating situation, that of a disarmed nation surrounded by armed nations. She had only signed because it had been a question of a transitional measure.

M. PAUL-BONCOUR (France) felt that it was more expedient for him to wait until they came to discuss the definite points on the Committee's agenda. The French delegation had definite views and he reserved his right to bring before the Assembly such reflections as might suggest themselves to him on the subject of the resolutions for the reduction of armaments which the Committee would certainly submit. He would take that opportunity of saying what he thought, not only of the present state of affairs with regard to disarmament, but also of the hopes and fears to which it might give rise. At any rate, he would justify the consistent position which the French delegation had taken up throughout the work.

The speaker wished, however, to say at once that he was almost painfully anxious that they should reach what must be a practical outcome of the year's work Whatever the value

and necessity of that work, it would be summed up in a date. On this point he was in full agreement with the delegate of Germany, a fact which must not surprise that gentleman, since it had already happened before, as Count Bernstorff himself had observed with some solemnity at the March session, and it would happen again. The main thing was that they should fix the date when the Preparatory Commission was to meet, and that this time it should be the right meeting.

Count Bernstorff had spoken of an imperative resolution, but perhaps this expression was hardly suitable in the relations of the Third Committee and the Preparatory Commission. It would be well for the Third Committee simply to make a recommendation. That did not mean that, fundamentally, he was not in agreement with the German delegate ; he wished that the recommendation should be so clear and express so unanimous a desire that the President of the Preparatory Commission, who alone was authorised to fix the date, would certainly take account of it. Only they must, so far as possible, be assured of a successful issue. It was impossible to go on trying the patience of the public as hitherto, and so important a Commission could not meet this time without accomplishing what was its real object, and moreover its only object, namely, to pave the way for the Conference by drawing up a preliminary draft convention. It was extremely desirable that this draft should be framed at the next session and that the session should be held at a very early date.

While desirous, by his own abstention, to help the Committee to get through its work quickly, the speaker felt bound to tell them what he thought of certain opinions expressed during the discussion. The one which had most struck him, for it concerned a deep conviction of his own as well as the consistent position of the French delegation, was that put forward by Count Apponyi.

The French delegate had thought it best to leave the answer to those members of the Committee best qualified to give it, namely, M. Beneš and M. Politis, Chairman and Rapporteur of the Committee on Arbitration and Security. They had replied so clearly to Count Apponyi that there would be no doubt left in his mind as to the real meaning of the passage that had alarmed him. If that passage had had the meaning which the Hungarian delegate seemed to attribute to it, the speaker would not have approved the report, but — and his recollection of that point had been refreshed by the previous speakers — the intention of the passage complained of had been, on the contrary, to create the necessary link between security and the reduction of armaments.

M. von Simson, the degate of Germany, need not be afraid that this would in any way alter the programme before the Committee, which was to accomplish the first stage, and that still remained the same.

It was probably futile to renew the same old controversies at each meeting. The delegates' conceptions of the relation between security and the reduction of armaments varied. Anyone with a good memory who constantly attended the Committee's meetings could guess what each one of them was going to say before he spoke. But action dominated these controversies, and it was action that led to results. " In the beginning was action ", and, far more than theory, it was action that reconciled conflicting views and made fulfilment possible. The French delegation in 1925 had taken the initiative in instituting the Preparatory Commission, and in so doing it was true to its conceptions. The Covenant, though it had created a favourable atmosphere, had not appeared to be precise enough to bring about disarmament. The Protocol was intended to provide the necessary clearness. But in 1925 it was set aside — for the time being only, that was certain — and the speaker would never cease fighting for it. The Locarno Agreements, then on the point of conclusion, were destined to apply the principle of the Protocol to a considerable area of Europe and show the connection between security and the reduction of armaments. The preparatory work for disarmament had begun on the basis of the Locarno articles and the reduction of armaments already imposed on certain countries by the Treaties of Peace.

They must not, then, the speaker concluded, juggle with words. Even now, while they were seeking a fresh guarantee of security, a partial reduction of armaments should be made on the basis of the partial security at present existing. In the light of that statement, Count Apponyi might judge whether those who had approved the passage which had momentarily alarmed him had ever thought of giving it the meaning attributed to it by the delegate of Hungary.

The work of the Committee on Arbitration and Security had one great advantage : it had indicated the wise method which had been adopted, a method which one of the most passionate adherents and oldest protagonists of the reduction of armaments, M. Lange, had unconditionally approved in a very fine speech. This method was to proceed gradually and by stages, and, indeed, no other method was possible. The French delegate recalled, moreover, that Count Bernstorff, in his turn, had declared that his own country took the same view. This proved that, notwithstanding all theoretical differences, a practical ground could be found where it was possible to work in common and, false humility apart, the men who drafted the various model treaties could boast of having done useful work.

It was true that all the work had been on paper, but when the papers had been approved by the Assembly, they would pass into the sphere of politics. Then, perhaps, the delegate of France might find himself opposed to Count Apponyi when it came to the question of the good offices of the Council. For the authors of the drafts in question had not the slightest intention of allowing them to lie useless in any archives or in any library, however fine. By their efforts the authors of these drafts would have helped to clear and strengthen the atmosphere of security — relative only, but real all the same — which even now existed. And

this beginning would make it possible to achieve successful results on the definite lines laid down and prepare the way for the next stages.

There must be a first stage, however, and for the time being he was concentrating only on that. But his ideas on the subject might be more seasonable and more clearly developed when the actual work of disarmament came up for discussion; then, perhaps, he would have some further remarks to make. He had only wished on the present occasion to tell them what he felt about certain statements which had been made in the Committee.

Lord CUSHENDUN (British Empire) expressed doubt as to the wisdom of fixing a definite date for the next meeting of the Preparatory Commission. He felt compelled to disagree with M. Paul-Boncour on that point, because it created a bad impression when that Commission met merely to adjourn after a short sitting, and it inevitably gave to the outside world the impression of some want of eagerness or of capacity on the part of those engaged in the work. He could not believe that any member of the Third Committee harboured any real suspicion that the members of the Preparatory Commission were deliberately delaying the work, and, this being so, he could see no possible objection to leaving to the discretion of the President the decision as to the time when the work should proceed.

He desired to remind his hearers that the present adjournment took place on the motion of the representative of the United States, who was acting in the best possible spirit, and who pointed out that, if a meeting was fixed for May 1st, or October 1st, the various Governments must bring their experts to Geneva, some of them having to make a very long journey, and if, on arriving, they found that, owing to the difficulty of reaching an agreement on some point, it was necessary to adjourn, all their labour and the expense incurred would be practically thrown away.

The question of an agreement upon international disarmament was, as he had endeavoured to show in the plenary session, beset with very serious difficulties. Those who had had experience of committee work knew how difficult it was to get a large measure of agreement between a number of different minds, even when those concerned were of one nationality and were dealing with matters of comparatively minor importance. How much more difficult must it be, therefore, when the Committee consisted of representatives of a number of different nations and dealt with matters of vital importance to the nations concerned. To his mind, no surprise ought to be felt that a complete agreement had not yet been arrived at. On the contrary, it appeared to him perfectly miraculous in the circumstances that so large a measure of agreement had been achieved. He wished to implore the Committee not to despair, not to display impatience, and, above all, to take no step which could be construed as implying want of good faith on the part of those who were endeavouring to do the work.

It was well known that one of the main difficulties with which the work had been confronted was a difficulty between the French and British Governments over the principle underlying disarmament at sea. As soon as that divergence of view became apparent, the two countries tried to reconcile their differences. In view of some recent public criticism, he desired to emphasise why it was that those two Governments had endeavoured to agree. All sorts of ulterior motives had been attributed to both parties, but this simply showed that the critics had not considered that that endeavour to reach agreement had arisen out of the work of the Preparatory Commission. The documents selected as the basis of its discussion were two draft conventions, one brought forward by the British Government and the other by the French Government, and the discussion endeavoured to produce an agreed text from the two rival drafts, both of which had found a certain amount of support, and that explained why the British and the French Governments were those which got into negotiation. If those Governments were wrong in that procedure, he would like someone to tell him by what other methods they could proceed. The discussions in the Commissions as a whole had not resulted in an agreement. The whole work had been held up and delays caused because in open discussion they had not been able to agree upon a text. Therefore, in spite of all that had been said, he could not imagine by what better method they could have proceeded than that of trying to reconcile their views with the French. It had had a certain measure of success up to the present. They had got their experts into consultation on each side and they hammered out the points on which there was a difference of opinion to see whether there was room for concession. A spirit of conciliation had been shown, with the result that they arrived at a compromise. It did not, of course, fully represent the views of both parties, since one side could not expect, when there were divergent views of that sort, to get all its own way. The British had given up something and the French Government had given up something, and they arrived at a perfectly amicable settlement on that particular point. It would be necessary, of course, to submit it to all other parties concerned, but unfortunately intimations had reached them that the compromise arrived at might be extremely distasteful to some of the other parties concerned who were just as well entitled to have their opinions represented. Therefore, although the accord with the French had certainly given them a large step forward, he would be too bold if he were to pronounce at the present moment that all difficulty was at an end and that, if they were called upon to settle a definite date for their next meeting, they would be able to go straight forward and sign an agreed convention.

On the question of date, there were certain considerations which he wished to submit to the Committee. They might, if they followed the impatience expressed in the public Press, feel disposed to say : " Well, this Preparatory Commission had been dilly-dallying and has not

done anything very much yet; let us fix an early date — October, November or December "; but he wished to remind the Committee that all the work they did there was unavoidably connected in some way with domestic politics in the countries they represented. Two countries had recently gone through the disturbing factors of a General Election — Germany and France —and other countries had elections coming on. Those sorts of events could not be safely left altogether out of account when considering a Conference between representatives of all the nations called upon to deal with matters of vital national interest. They were not matters he wished to discuss, but he thought that a wise President of a Commission like the Preparatory Commission would not be likely to leave them out of account, and probably he would be able to get information from various sources which would enable him to choose a prudent moment for the continuation of their work. Therefore, whilst he entirely agreed with M. Paul-Boncour in spirit (he was entirely in favour of a resumption of their work at the earliest possible moment), he had not enough information to say when he thought that moment should be, and he strongly deprecated the idea of fixing a definite date in that Committee where they had not the necessary information to enable them to judge of the most prudent moment.

With regard to the larger and more general question of disarmament, he had expressed his views on this subject at some length the previous day in the plenary session of the Assembly, and had not much to add. He had pointed out that the British Government, altogether outside the work of the Preparatory Commission, had already of its own motion carried out a very considerable measure of disarmament since the formation of the League, and that process was going on. There was no Government which, from every point of view, was more sincerely anxious to carry out to the greatest possible extent consistent with the conditions laid down in the Covenant itself the process of disarmament than the British Government. In England it was a byword that peace was their greatest interest. There certainly was no country in the world whose material interests were more damaged by war, or even menaced by the very thought of war, than were the great commercial interests which the British Government had under its charge. Therefore, altogether apart from the question of ideals, which were higher than any material interests, from a mere selfish standpoint of material, commercial and financial interests, there was no nation which would make greater sacrifices or greater efforts to avoid the abomination of war than the Government he represented. He would, however, be extremely sorry to represent his Government as moved exclusively, or even mainly, by material considerations. His Government recognised as clearly as any nation represented at Geneva the great moral force of the world which was moving in the direction of the outlawing and denunciation of war and the establishment of peace as the normal conditions. They recognised that as a great moral duty, and whether the actual work of the Preparatory Commission reached its fulfilment in the month of January, February or March, or whenever it might be, it was a matter to him of comparatively minor importance, since he knew that, whether armaments were more limited or less for the moment, war was every day becoming more unthinkable than it had ever been before among the civilised nations represented there.

Count BERNSTORFF (Germany) asked M. Guerrero to explain the draft resolution alluded to, as he did not know it.

The CHAIRMAN pointed out that a reference to the document in question would be found under Item III of the Committee's agenda.

General DE MARINIS (Italy) said that he wished to make a few observations, based on facts, to the Committee.

Several members had passed severe and pessimistic judgment on the work carried out during the year in the matter of disarmament, but he himself thought that they could record real progress in this sphere. Since the Assembly had recognised that disarmament was bound up with security, it must be admitted that the work carried out in framing Treaties of non-aggression, conciliation and arbitration had been of considerable value to the Committee, and was therefore a source of satisfaction.

Moreover, the Preparatory Commission itself had exhaustively studied the problem of disarmament. Now, for a question to be solved, it had first to be carefully considered and the difficulties involved in it appreciated. The Committee now had before it a definite draft and it knew what the various Governments thought of the suggestions on which it had been found impossible to reach a unanimous agreement.

He thought that, if progress was to be made, it would be wise to be content with incomplete results; these might be improved later.

In order to succeed, two equally dangerous tendencies must be guarded against — the desire to obtain complete success immediately, and the desire to remove all difficulties by solutions of the problem which, while appearing very simple, nevertheless had great disadvantages.

The Italian delegation was prepared to accept forthwith any reductions which might be thought desirable, but on condition that these reductions would lead to a levelling of armaments, for this would increase the feeling of security in every country.

He agreed with the resolutions proposed by the Committee on Arbitration and Security, subject to any amendments which might be subsequently introduced as a result of legal examination.

With regard to the meeting of the Preparatory Commission, it was to be hoped that it might be fixed for an early date, but he shared the fears of Lord Cushendun that the

Commission might find itself confronted by the same difficulties which had prevented agreement being reached at the last session. It was for this reason that he considered that the Commission should not be convened until agreement had been reached regarding the serious divergences of opinion still existing, and that it should be left to the President to convene the Commission when he considered it desirable.

M. DE PALACIOS (Spain) said that he wished to express the satisfaction of the Spanish delegation in participating in the work of the Committee after two years' absence.

He thought that the determination to secure peace had been steadily growing in the various countries and that real progress had been made in moral disarmament. It was certainly more difficult to achieve the same progress materially, but it seemed that every day a step was made towards the goal in view.

He wished to assure the Committee of the modest but loyal co-operation of the Spanish delegation.

(The general discussion was closed.)

15. **Agenda of the following Meeting.**

The CHAIRMAN proposed the following agenda for the next meeting :

Communications of the League of Nations in Times of Emergency : Establishment of a Radio-telegraphic Station.

Appointment of Rapporteurs.

Examination of Articles 10, 11 and 16 of the Covenant (Memorandum by M. Rutgers).

Draft Convention on the Manufacture of Arms.

The proposal was adopted.

(The Committee rose at 6.40 p.m.)

FOURTH MEETING.

Held on Thursday, September 13th, 1928, at 3.30 p.m.

Chairman : Count CARTON DE WIART (Belgium).

16. **Letter from the Chairman of the Fourth Committee.**

The CHAIRMAN read the following letter from the Chairman of the Fourth Committee :

" I have the honour to inform you that the Fourth Committee, at its fourth meeting, held on Wednesday, September 12th, adopted the following resolution :

" ' The Fourth Committee, having examined the draft budget for 1929 and noted the rapid increase in the credits demanded, which at present represents about 9 per cent as compared with the 1928 budget, draws the special attention of the other Assembly Committees to this position at the moment when they are about to consider the work contemplated for the League, and asks them to bear in mind the necessity for a reasonable limitation of the expenditure of the League.

" ' Similarly, the Fourth Committee requests the other Committees to revise the programme of Conferences for which provision is made for 1929 and to limit them to those which cannot be postponed till 1930 and, more generally, to examine especially the budgets of the Economic Organisation and the Transit Organisation, of the opium and humanitarian activities and of codification of international law, and to make proposals for restricting expenditure, and to suggest any other direction in which economy can be effected, taking account particularly of the effect that the new tasks may have on the increase of the permanent staff. ' "

The Chairman added that, with regard to the reduction of armaments item, the budget for the ensuing year showed a slight decrease, and that the estimates for forthcoming conferences were the same as in previous years.

17. **Communications of the League in Times of Emergency : Establishment of a Radio-Telegraphic Station : Constitution of a Committee.**

The CHAIRMAN reminded members of the Committee that they had received a number of documents on this question. The first thing to do, he thought, was to consider whether it was desirable that such a station should be established in order to ensure direct and continuous communication with other countries ; after which they should examine the various suggested methods of carrying the proposal into effect.

He observed that M. Haas, Chief of the Transit Section of the Secretariat, would be ready to furnish the Committee with any technical details that might be desired.

M. MOTTA (Switzerland) regretted that pressure of work had prevented him from submitting a report, as he would have liked to do. He hoped to be able to give in a few words an outline of the problem as the Swiss Government saw it. The idea at the bottom of the whole question was that it was desirable that the League should have a wireless telegraph station at Geneva in times of emergency. The Committee on Arbitration and Security had urged that this was necessary, and the necessity had not been questioned. In point of fact, it was important only in times of emergency, and there were two possible solutions. On one theory, if the League was to have a station in times of emergency, it must have one in ordinary times; on the other theory, on which the Swiss Government had been working, the station would be established by the Swiss Confederation, which would operate it in ordinary times and would transfer it to the sole control of the League of Nations when necessary, under certain safeguards which he was about to mention.

A technical discussion would be out of place, and in any case he was not competent to enter upon it. He had secured the assistance of the Swiss Director-General of Posts and Telegraphs, who would be able to furnish the Committee with any necessary explanations.

There existed two fundamental facts which he did not think anybody could call in question. The first was that, if the League wished to build the station itself, a very considerable outlay would be entailed. They would need a medium-wave transmitting station for Europe, and two short-wave stations — one for communications with the Far East and the other for communications with South America. Such a station would cost about two million Swiss francs to build.

If, on the other hand, the station were operated by the Confederation or by the Société Radio-Suisse, in which the Confederation had a controlling interest, working expenses would certainly be considerable, and would have to be borne in part by the League, since the station would have been built chiefly for the League's benefit; but the cost to the League of a station of its own would be at least twice as much — experts had mentioned a figure of 400,000 francs per annum — and, of course, that figure would have to appear in the budget year after year.

If the station were operated in ordinary times by the Société Radio-Suisse, it would be in a state of efficiency if ever an emergency arose; but emergencies were exceptional, and the League's traffic in ordinary times would not be very great (for obviously Switzerland could not transfer to it some of her own ordinary traffic), so that, if the League itself operated the station, the latter might not prove to be efficient when it was wanted. Thus, both financially and technically, the Swiss Government's solution was in harmony with the plain interests of the League.

The Federal Government had made this proposal as a testimony of its desire to aid the League to achieve its high purposes, and he hoped that anybody who wished to discuss the question would bear that fact in mind. He made that remark because he was now about to touch upon a much more delicate aspect of the question, on which he trusted nobody would disagree with him. He owed it to himself to explain his attitude frankly and honestly.

The erection of a wireless telegraph station, whether independent, or Swiss and placed under League control in times of emergency, raised a delicate political problem for the Confederation. Every country was to some extent responsible for what went on in its territory, and that principle applied just as much to a wireless station as to any other premises coming under the territorial sovereignty of a State. It was therefore by no means unimportant to the Swiss Government to know under what conditions the station would operate. There were also motives connected with national defence and with the international status of the Confederation, whose perpetual neutrality had been once more defined and established in February 1920 by a solemn declaration on the part of the Council of the League.

Keeping all eventualities in mind, the Federal Government had necessarily felt some hesitation, and it had raised an initial problem as to which there could be no kind of doubt. The League buildings, the projected wireless station, and everything directly or indirectly connected with the League's work which was attached to Swiss soil were thereby a portion of the national property, subject, of course, to the restrictions laid down by international law. The police or military protection of the League premises was a matter for Switzerland. He desired to point out that it was she herself who took the responsibility for providing protection, with her own resources, which she considered adequate, for the buildings of the League, and would consequently also be responsible for protecting the wireless station. She could not consent to her soil being defended by any other than Swiss forces; here honour was at stake and she could not forgo the responsibility.

In times of emergency, however, it was possible that things might happen at the wireless station of which it would be vitally important for the Confederation to have knowledge, and the Confederation could see only one way of avoiding collision or contradiction. That was that the League and the Confederation should display their confidence in each other by treating each other with the utmost respect and the most perfect understanding.

Hence the Confederation had asked, and still asked, that in times of crisis she should have an observer at Geneva attached to the wireless telegraph station. This was a requirement on which she must insist — he excused himself for such categorical language, but they expressed his Government's intentions, which were in accordance with law and justice.

Naturally, the Federal Government had no intention of abusing this situation in any way, but it desired to have at Geneva an observer, a liaison officer, a commissioner of the Swiss Government — call it what you will, the thing itself was what mattered. The Confederation did not claim to have a right of veto, but it wished to know what was happening, because the vital interests of the country might be involved.

Further, he continued, the Confederation, asked the League of Nations to safeguard it in the following circumstances. Although the League of Nations would be acting in entire good faith, it was possible that the activity of the wireless telegraph station would not be in all respects in harmony with the duties which, in the Federal Council's opinion, were incumbent on the Swiss State, and it was also possible that the country which was in conflict with the League of Nations or the States composing it might draw conclusions from the wireless station's activity involving Switzerland's international responsibility.

Switzerland therefore asked that, for the peace of mind of her Government and her people, it should be solemnly and unanimously acknowledged and declared that the activity of the telegraphic station in times of emergency should not be imputed to the Confederation as involving its international responsibility.

The fundamentals of the problem being thus laid down, the speaker hoped that it would be recognised that, in making this offer, the Swiss Government had desired to perform an act of co-operation with and friendliness towards the League of Nations. He thought it would be in the League's interest to declare that in principle the installation of a wireless telegraphic station at Geneva by the Confederation was considered useful, its operation being entrusted in normal times to the Swiss Administration, formally recognised and with very liberal rights of priority for the League of Nations, while in times of emergency this operation would pass directly into the hands of the League of Nations, subject to the conditions which he had just outlined.

In conclusion, he expressed the hope that a discussion on this subject would follow. The Committee might appoint a special committee to make a preliminary study or else, if it had been sufficiently enlightened by what its members had read and heard, it might confine itself to appointing a Rapporteur. He would accept whatever procedure was preferred, and if a Rapporteur was appointed, the Swiss delegation would be very happy to contribute to the solution of this important League problem by giving him every assistance in its power.

The Hon. A. CADOGAN (British Empire) said he understood that the Committee had been called upon in the first place to deal with the principle of the matter and therefore he would endeavour to confine himself to that. He had no doubt that, if the League could have at its disposal a wireless station of its own, or if, under the other suggestion, it could have special facilities for communicating with its Members, at no cost to itself, they would all support such a proposal. But in this case he thought they had to examine the proposals that had been made by weighing the value of the facilities against their cost. On the question of principle, he remembered that the proposal originated with a suggestion made by the French delegation at one of the first sittings of the Preparatory Commission as one of a number of suggestions for facilitating and making as rapid as possible the summoning of the Council in a time of crisis. He reminded the Committee of an incident which had already occurred necessitating the rapid calling together of the Council. He thought the present proposal had been made with a view to taking some precaution against a crisis of greater magnitude when it might be necessary to contemplate that the whole of the system of European communications would be in a state of confusion. He hoped that that was a remote and hypothetical case. The Council, however, agreed that it might be useful to study the possibility of taking some precautions against such an eventuality, and his Government was in entire sympathy with the suggestion. If it was a practical suggestion, he thought it deserved purely practical consideration. He briefly outlined the history of the case, referring to the report by the Committee appointed by the Council, with regard to which, when it was submitted to the Council last June, Sir Austen Chamberlain drew attention to the fact that, although the report showed that it was a technical possibility to erect such a station, it did not deal with another aspect of the case, namely, that it did not show clearly that a special station operated in ordinary times could have sufficient traffic to enable it to be entirely reliable in time of crisis. A Special Committee was already in existence for examining these other aspects and Sir Austen Chamberlain suggested that the Special Committee should be requested to pay particular attention to the aspect he referred to, and to consider whether the object aimed at would be better achieved by a special station or by arranging for special facilities with some existing wireless station. Shortly afterwards, the Swiss Government made the offer to which M. Motta had referred and the Special Committee met in July after the offer had been made, when it had two alternative schemes before it. In the first place, there was a scheme for a League station, which was very costly, and certainly the British Government were of the opinion that the benefits to be derived from it could not justify the expense. The Special Committee examined both schemes, and in regard to the first the majority of the experts on the Committee expressed the opinion that it was feasible, but the British expert had to dissent from that view, and he made a reservation to the effect that he could not agree that such a station would be able to carry out the work contemplated for it in time of crisis. Mr. Cadogan therefore hoped that the question of a separate League station might for the moment be ruled out of consideration. The Special Committee also examined the arrangement proposed by the Swiss Government, and there again the British expert, although admitting that in time of crisis such a station would probably be able to work efficiently, nevertheless expressed the opinion that the difficulty at such a time of

establishing communication on short waves with numerous distant countries would be very great. Mr. Cadogan feared that even that scheme would involve the League in considerable expense. His Government were perhaps optimistic, but they were not convinced of the likelihood of a situation arising where special wireless communication would be the only means of communicating with the outer world. For one thing, they were not sure that wireless was the most suitable form of transmission and they did not think that the League, especially at this time, would be justified in adding to its financial commitments. In his country there was very severe criticism of League expenditure, and the League was now, quite rightly, contemplating spending large sums of money on buildings which also gave rise to facetious comments in Great Britain. Therefore he did not think the moment was opportune for adding to the expenses of the League with a view to providing something which some people would say was a simple luxury.

M. PAUL-BONCOUR (France) felt that, since the original proposal came from the French delegation, he must endeavour to recall the state of mind which prevailed at the time when this suggestion was put forward.

A Committee of the Council had been established in order to consider whether the articles of the Covenant and the methods of applying them offered possibilities of defining and expediting the action the League of Nations must take in emergencies. In the course of this investigation it was found necessary to consider the material means at the Council's disposal by which it could communicate its decisions. He would recall the fact that in one dispute, which the League of Nations was fortunately able to stop, this happy result was only achieved thanks to the speed with which it was possible to convene the Council. If only they could be certain that the position would always be like this, there would be no need to concern themselves with the consideration of the material means of communication, either for summoning the Council or for Members to proceed to the meeting or for communicating the decisions adopted.

When making forecasts, however, it was advisable to adopt a pessimistic attitude, for the League of Nations must aim at never being taken unawares. They must reckon with the possibility that, if ever a large State should decide to take upon itself the appalling responsibility of an aggression, in this new atmosphere created by the League of Nations, such a State would doubtless endeavour to secure all possible advantages and, in consequence, means of communication and news transmission might be subject to certain disturbances which would place the Council in a somewhat awkward position.

For this reason they had decided to go very thoroughly into this question of the material means of communication and transmission. This enquiry, carried out by the Organisation for Communications and Transit, had furnished extremely valuable technical information.

It appeared that the means of communication which, to all appearance, offered the greatest independence might nevertheless stand at a serious disadvantage in so far as the League was concerned because they were controlled by private companies or belonged to certain States. It was therefore desirable that the League of Nations should possess its own means of transmission by wireless telegraphy.

He did not in any way deny that the misgivings regarding the financial aspect of the question which the British delegate had expressed were legitimate, and that they should be given due weight.

In any case, they must thank the Government of the Swiss Confederation for the new offer which it had been good enough to make through its representative, and for its assurance that the Swiss Government would itself be responsible for the safety of the means of communication and the buildings.

The considerations advanced by the representative of the Swiss Confederation should certainly be carefully examined, and the speaker thought that, in view of the seriousness of certain measures which the problem thus raised as it now stood might necessitate, it would be advisable to refer its consideration to a small committee, on which the Fourth Committee would be represented.

The speaker did not desire to make any definite proposal to this effect. He wished, however, to state that he still maintained the opinion that he had held at the time when the French delegation had made the original proposal, and at the same time he desired to stress that the remarks made by the representative of the Swiss Confederation, which deserved earnest consideration, naturally suggested the setting up of a committee to examine this problem.

M. GUERRERO (Salvador) wondered whether the question of principle really arose at the present time, for the matter had been thoroughly investigated by the Committee for Communications and Transit and was the subject of several reports to the Council and of a unanimous resolution adopted by the last Assembly.

Financial considerations should not be allowed to stand in the way when it was a question of ensuring peace; it would have been regrettable if reasons of this kind had prevented the creation of the League of Nations.

M. SOKAL (Poland) noted that the honourable representative of Salvador thought that the question of principle had been settled by a resolution of the last Assembly; the discussion which had just taken place proved, however, that it was extremely difficult to give a definite reply in the negative or affirmative without taking into consideration these political and financial aspects of the question.

M. Motta's very clear statement showed that the political aspects of this question was a very delicate matter.

It would be most desirable to have an independent station in order to guarantee direct communication with Governments — that was the accepted principle — but the Committee had not the necessary information to enable it to solve the practical difficulties; it was not, therefore, able to come to a decision. However, since the French proposal had been put forward two years ago and been considered by the Assembly last year, this question should be settled.

The speaker seconded the proposal to set up a small sub-committee, which would report to the Committee. It would be easier to solve all these delicate political and financial problems in such a sub-committee.

The Hon. C. A. DUNNING (Canada) was of opinion that the discussions showed that the question before the Committee resolved itself into the utility of such a station in times of emergency, since no complaint had been made that existing facilities were not adequate for normal times.

Apparently the argument with respect to the use of such a station in times of emergency arose from the fact, admitted in the various reports, that nations could and did interfere with land and other methods of communication in times of emergency. The report contemplated the possible closing of such means of communication and advanced the idea that communications by wireless rose superior to such difficulties. This raised, in his view, a technical question, *i.e.*, whether in times of emergency a nation in Europe which found it necessary or expedient in its own interests to close, censor or interfere in any way with ordinary means of communication would not find it equally possible to interfere with the wireless communications from a League of Nations station. In his opinion, such interference was not only possible but probable, and he considered the question a very important one, since the whole of the discussions of the Committee had centred around the facility of communications in times of emergency. Unless the question which he had raised could be answered satisfactorily, he personally would prefer to see the money expended on other activities of the League which were very much in need of funds. He was not opposed to the appointment of a sub-committee to examine the question.

M. POLITIS (Greece) suggested that an enquiry should also be made into the cost of such a station.

The CHAIRMAN thought that sufficiently definite details with regard to that point were given in the documents distributed to the Committee.

Mr. MCLACHLAN (Australia) wished to ask three technical questions :

Were there receiving stations in all the countries belonging to the League of Nations ?

Were these receiving stations in the hands of the respective Governments ?

Had the establishment of a station with wavelengths permitting long-distance communications been contemplated ?

Mr. FITZGERALD (Irish Free State) thought that, as certain questions had been put to the experts, the latter might answer them before the sub-committee. Could they not proceed at once to its appointment ?

The CHAIRMAN asked M. Haas to reply to the various questions put by the speakers.

M. HAAS (Chief of the Communications and Transit Section) said he would first reply to Mr. Dunning's questions. It seemed possible for certain favourably situated stations to jam the transmission from a wireless station. In practice it was not done, as experience during the last war showed, for the expenditure of power was prohibitive and the working of the post so employed was hindered for a certain time; and, moreover, it was generally considered more interesting to hear what was said than to prevent others from speaking.

With regard to the question put by the Australian delegate, he would be able to give more definite information later before the sub-committee. He pointed out that receiving stations able to pick up short-wave signals existed in the majority of States Members of the League of Nations, but a certain number were not yet supplied with them.

The control of receiving apparatus was a question of internal organisation, but even when they were in the hands of private companies, national interests were considered to be at stake and the Governments had reserved a certain right of control. In the majority of legislations, provision was made for handing over the management to the military authorities in times of crisis.

The range of the proposed post would be a world range. The post, composed of two short-wave transmitters, could be heard everywhere, after a few experiments, by adjusting the wavelengths to the countries it was desired to reach.

All particulars concerning the cost were given in the report; it had been estimated, taking into account the possibilities of receipts, at 150,000 francs per annum; this figure might be exceeded or, on the other hand, it might not be reached, and the very optimistic might hope for a post yielding profits. Indeed, the proposal submitted by the Swiss Government contained certain suggestions for the allocation of the net profits, which were thus not quite out of the question, but it was extremely unlikely that at the outset any profits would be forthcoming.

Lord LYTTON (India) said he had understood both M. Guerrero and M. Sokal to say that the question of principle on the matter under discussion had already been decided by Assembly. He wished to protest against this view, and to point out that the resolution which M. Guerrero

had read out did no more than commit the Assembly to expressing its satisfaction at the providence of the Council in having taken note of a possible future danger, and to approving of the further investigation of the problem. The point raised by M. Guerrero had, to his mind, an immediate significance, because he had understood M. Paul-Boncour to invite the Committee to submit the question to further examination by a sub-committee. He had no objection to that proposal, but that should not mean that the sub-committee's report had been accepted in advance. In so far as the facts were at present known to it, his Government were not convinced of the urgency of the matter or of the necessity of the proposed wireless station, and for two reasons they had instructed him to oppose it.

He thought that the enquiry which had already taken place had been of the utmost value because it had provided them with useful information both upon the technical and financial aspects and upon the cost of the alternative schemes. There was one matter, however, which he thought had not been made sufficiently clear, and he suggested that, if a sub-committee was formed, they should ask it to devote its attention specially to this matter. The operation of a wireless telegraph station involved the co-operation of two parties. The question of the transmission station had been fully discussed, but the point raised by Mr. McLachlan had not yet received sufficient examination, namely, the reception of the news sent out. He would ask the Committee to ascertain from the various nations represented how far they were at present able to deal with the communications from such a station, and if not at present able to do so, how far they were prepared to erect or equip stations and place them in communication with a League station. The Government of India had instructed him to say that they had not at the moment any station capable of reciprocating with a League station at Geneva and that they were not prepared to undertake the expense of erecting a special station for that purpose. Therefore, he thought it important to find out how far the various Members of the League were in a position to take advantage of such a station. He did not wish to say anything further on that subject, but he did feel it necessary to express what was in a sense a protest against the view that the mere examination of a proposal should be held to commit them to approval of the results of such an enquiry.

The CHAIRMAN, summing up the discussion, considered it would be well to know exactly what would be the work of the committee and what programme should be laid before it.

M. PAUL-BONCOUR (France) considered that the Special Committee should clear up all the points on which information had been asked. Definite replies had been given by the Chief of the Communications and Transit Section to certain definite questions, but there were other facts to be ascertained and that as soon as possible.

M. SATO (Japan) said he had no objection to the appointment of a sub-committee.

Without as yet giving an opinion upon the Swiss Government's proposal, he was anxious to express his delegation's gratitude for the efforts made by the Federal Government to promote the solution of a difficult problem.

As representative of one of the countries most remote from the centre of peace, he shared the misgiving expressed by the British delegate. It was probable, however, that there would not be many occasions on which it would be necessary to have recourse to the League of Nations station. In spite of all the rumours recently abroad concerning the Far East, he was practically convinced that there would be no need to resort to the use of the wireless station.

Moreover, a long-range short-wave station would be needed to reach Japan and it would be difficult to set up such a station. The Swiss scheme did indeed provide for a medium-wave station capable of corresponding with European countries, but the Swiss Government did not feel able to meet the full cost of a short-wave station. The expenses for this would have to be borne by the League of Nations, which naturally hesitated to consent to such an outlay.

He was aware that, to cover the working expenditure in times of crisis, the post would be used in times of peace, and he approved of that idea, which would serve to reduce expenses. He also drew the Committee's attention to the situation which would result from the construction of a medium-wave station only. Such a station would be powerful enough to communicate with European countries in times of peace and in times of crisis. But distant countries could not be reached. His country would hardly be willing to remain at such a disadvantage. He was making no concrete suggestions nor was he criticising the Federal Government's proposals. He merely desired to draw the Committee's attention to certain questions which needed further consideration.

The CHAIRMAN said that he desired, before proposing that the Committee should appoint a sub-committee and define its duties, to dispel a misunderstanding.

It had been suggested that the question had already been settled in principle by a decision of the Assembly at its eighth session. That was not the case, as they could see by referring to the text of the discussions of the Assembly, which had :

> " Congratulated the Council on having studied the question of communications between the League of Nations and its Members, and had requested the Council to continue its studies, particularly with regard to the establishment of a radio-telegraphic station at the seat of the League. "

He concluded that the question remained entirely open and had not been settled in any way. He would be glad to know whether the Committee agreed with him on this point.

M. MOTTA (Switzerland) thanked the various members of the Committee who, in their speeches, had adopted a favourable attitude towards the Swiss Government's proposal.

The question which arose was the following : Was it desirable or not that there should be at the seat of the League of Nations a wireless station which in times of crisis would become independent ? If the Committee answered this question in the affirmative, they might then proceed to consider the Swiss proposal. He thought that the trend of the whole discussion had been as follows : if the question were settled affirmatively, apart from matters of detail, hardly any other solution would be possible than that proposed by the Federal Council, since the idea of establishing an independent station — the constructional and running costs of which would be borne entirely by the League — had not found a single supporter in the Committee.

He therefore thought that they should refer the question in all its aspects, and particularly the Swiss proposal, to the Special Committee for consideration.

He desired to add that his Government's only intention had been to demonstrate its willingness to co-operate. It did not in any way wish to induce the League to incur expenditure ; on the contrary, its object was to assist the League in this matter if the League decided it wanted a wireless station. In any case, the question remained entirely open.

The CHAIRMAN said that, if the Committee approved M. Motta's views, the first question to be laid before the Special Committee would be the following point of principle : Ought the League to possess a wireless station in order to ensure direct and independent relations with its Members in times of crisis ?

If this question of principle was settled in the affirmative, the Special Committee would have to consider the Swiss Federal Government's proposal. But he did not think that, if the question of principle was settled in the affirmative, they must therefore abandon all idea of having an independent and autonomous wireless station at the seat of the League.

M. MOTTA (Switzerland) said he did not wish the Committee to imagine that, after the question of principle had been settled in the affirmative, no other solution would be possible than the Swiss proposal. He simply meant to say that he had gathered the impression, from the speeches of the various members of the Committee, that this solution might be a possible one. It was quite understood that the Special Committee would be left entirely free in this matter.

Baron ROLIN JAEQUEMYNS (Belgium) said he wondered whether the question to be submitted to the Third Committee should be defined as the Chairman had defined it.

A new factor had arisen since the discussions in the Assembly to which M. Guerrero had referred, namely, the Swiss proposal.

It would be premature for them to decide now whether a wireless station should or should not be established, without saying more, and when the Swiss proposal had not yet been fully defined in all its aspects.

He thought that the task of the Third Committee, and later, perhaps, the task of another committee working under subsequent terms of reference, should be to seek a more definite formula with regard to certain rather delicate points referred to by M. Motta, in order to determine the exact bearing of the Swiss proposal in all its aspects.

They must not forget, too, that another proposal existed — the proposal to establish a separate and independent station at the seat of the League. They would be asking a great deal of the Third Committee if they called upon it to decide at once in favour of the principle of the establishment of a wireless station at Geneva when it was not known whether this decision would result in the creation of an independent station or a station erected in accordance with the terms of the Swiss proposal. The more prudent course, therefore, would be to take no decision until they were fully acquainted with the two sides of the problem. He thought they should merely continue their enquiries. The Committee might possibly furnish some useful data on this subject and, if these data still seemed inadequate, the question might be referred by the Assembly to the Committee on Arbitration and Security in order to allow the enquiries to continue.

M. CASSIN (France) did not think it could be said that the principle of a wireless station had been irrevocably adopted and that all that remained for them to do was to discuss the method of carrying out the proposal.

The Committee ought therefore to proceed to examine very cautiously what would happen in each of the three following contingencies : if nothing were done ; if the offers of the Swiss Government were accepted ; if the League decided to build its own station.

Having considered these points, the Committee as a whole would then be in a better position to judge of the facts.

On the other hand, it should not be forgotten that the Assembly of the League had already made up its mind as to the necessity of adopting certain precautionary measures for times of emergency. Otherwise, indeed, the organisations of the League of Nations would lose their *raison d'être*, and the speaker enquired whether public opinion would not consider it rather surprising if the supreme international organisation, whose duty it was to ensure peace, neglected to take precautions against the most serious catastrophe that could be imagined, or was dilatory in doing so, when all national Governments regarded it as their sacred duty to make provision against emergencies.

The Hon. A. CADOGAN (British Empire) supported the observations made by the two previous speakers. He did not consider the question of principle was one with which the sub-committee could very well deal. He even went further and said that he did not consider there was a question of principle. The question before them was a question of two facts — efficiency and cost — and his Government was unable to see its way to accept any of the proposals that had been made, since they were not convinced that they would be effective, and feared that the cost involved would be disproportionate to the results achieved.

He thought the duty of the sub-committee was to endeavour to elucidate these points, and to find out how far efficient service could be rendered by any special means that might be devised, and also to find out what the cost would be, weighing one against the other and making its recommendation. If the sub-committee was not able to do this by itself, it might call in the assistance of some more expert body.

M. SOKAL (Poland) feared that, if the debate were continued, it would be very difficult to draft instructions for the sub-committee owing to the diversity of the views expressed. Would it not be better to appoint this sub-committee and give it the Minutes of to-day's meeting, so that it should have all necessary information at its disposal.

The CHAIRMAN noted that certain new ideas and objections had emerged from this exchange of views with regard to a problem which was not in itself a new one. If the Committee were to adopt M. Sokal's suggestion, the Bureau would propose the appointment of a sub-committee of six members, namely: M. PAUL-BONCOUR, Mr. CADOGAN, Mr. DUNNING, M. GUERRERO, M. SOKAL and M. MOTTA.

He hoped that these persons would be good enough to accept the task put before them, and requested this Sub-Committee to meet as soon as it could and to submit a report to the Committee.

This proposal was adopted.

18. Appointment of Rapporteurs.

The CHAIRMAN proposed that the Committee should immediately appoint Rapporteurs for the various questions on its agenda.

He proposed that M. POLITIS should be appointed for questions I (*a*), I (*b*), I (*c*) 1 of the agenda; M. GUERRERO for questions I (*c*) 2, II and III; Baron ROLIN JAEQUEMYNS for questions I (*c*) 3 and I (*d*); and M. BENEŠ for question IV.

These appointments were approved.

19. Agenda for the following Meeting.

The CHAIRMAN requested the Committee to consider on the following day the question of Financial Assistance to States Victims of Aggression, as the Chairman of the Financial Committee would be able to give them valuable information on this subject. The question of the manufacture of armaments would follow.

This proposal was adopted.

(The Committee rose at 6.45 p.m.)

FIFTH MEETING.

Held on Friday, September 14th, 1928, at 3.30 p.m.

Chairman: Count CARTON DE WIART (Belgium).

20. Discussion of the Work of the Committee on Arbitration and Security relating to Articles 10, 11 and 16 of the Covenant : Adoption of Draft Resolution.

The CHAIRMAN opened the discussion on M. Rutgers' Memorandum concerning Articles 10, 11 and 16 of the Covenant (documents of the Preparatory Commission, Series VI, page 142) by recalling the fact that this question had formed the subject of a draft resolution given in the Committee on Arbitration and Security's report (documents of the Preparatory Commission, Series VII, page 107).

He added that the Committee should discuss whether it was prepared to adopt this resolution and to submit it, *mutatis mutandis*, to the Assembly.

General TANCZOS (Hungary) wished to ask the Rapporteur for an explanation of a general nature concerning M. Rutgers' report.

He pointed out that Articles 11 and 15 had already been considered both by the Council and by the Assembly. Article 15, more especially, had been studied by a special Committee of Jurists appointed by the Council itself. The results of its work had been unanimously approved and adopted by the Council with great satisfaction on March 13th, 1924. These

articles, together with Articles 10, 16 and even 17, had thus already received the careful consideration of organs either of the Council or of the Assembly.

The Hungarian delegate wondered why such had not been the case with Article 13 of the Covenant, and more especially with its fourth paragraph, which says :

" The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto. "

He was well aware that the future sphere of action of the Committee on Arbitration and Security was not limited. He was equally aware that, in his study on Article 11, M. Rutgers had made some references to Article 13 of the Covenant, but it seemed to him that the two provisions contained in paragraph 4 of that article were of the utmost importance, especially from the point of view of security.

The conclusion of arbitration treaties would be useless if no steps were taken to ensure that the awards, once given, remained inviolable and were put into execution. A guarantee for the execution of awards was highly desirable, for it would inspire a real sense of security in mankind, which was now seeking effective solutions of the peace problem.

From the point of view of security, with which the Committee was now dealing, he could hardly find a more important clause in the Covenant than that which he had just read. He considered that, when an arbitration tribunal had been set up, the Council had no higher and more solemn duty than to ensure its independence and, once the award was given, to see that it was put into execution.

If public opinion could be reassured with regard to that point, the value of arbitration treaties would be greatly enhanced and the sense of security which these treaties were intended to create among the nations would be increased a hundredfold.

He ventured to ask the Rapporteur why a close study of that important paragraph of Article 13, which fell entirely within the scope of the League's work, had so far been omitted from the discussions of the Committee on Arbitration and Security, and he especially wished to know whether it would not be possible ultimately to make good this omission.

M. Politis (Greece), Rapporteur, replied that the Committee on Arbitration and Security had been compelled to limit its initial task and to make an immediate choice between the articles of the Covenant, for it was impossible to consider the articles as a whole.

They had in the first instance selected Articles 10, 11 and 16, but the Committee had specifically stated in M. Rutgers' report, paragraph 109, that this programme did not limit the future activities of the Committee. Indeed, it intended subsequently to deal with a whole series of articles which were equally deserving of close study.

With regard to Article 13, paragraph 4, of which the Hungarian delegate had just spoken, the speaker could only state that, although it did not figure upon the present programme of the Committee on Arbitration and Security, it had not been lost sight of by the authors of the memoranda. Certain hesitations with regard to compulsory arbitration had been allayed, because it was felt that in Article 13, paragraph 4, there already lay the germ of sanctions guaranteeing arbitral awards, so that, without there being any complete machinery for their enforcement, it might be said that this most important passage of the Covenant contained a sufficient basis for the ultimate development of compulsory arbitration.

This highly important provision had yet to be considered and he hoped that the Committee on Arbitration and Security would be able to undertake the work at one of its next meetings.

M. von Simson (Germany) wished to make a few statements which were not directly concerned with the memorandum, but it seemed to him that this would be his only opportunity of bringing them forward. The memorandum under discussion was not the only one which had served as a basis for the Committee's work. There were two other memoranda, and an Introductory Note, which had special weight because it had been submitted by the three Rapporteurs of the Committee and its Chairman, M. Beneš.

On the occasion of his first speech before the Committee on Arbitration and Security, he had been able to state that his Government had welcomed with peculiar satisfaction the remarks contained in the Introductory Note concerning the present state of security which had already been created by the Covenant. Further, at its second meeting, the Committee on Arbitration and Security had even accepted the following resolution :

" The Committee on Arbitration and Security,

" After studying the introduction to the Memoranda on Arbitration and 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, further, inexpedient to attempt to draw up in advance a complete list of measures for preserving international peace. "

This resolution had fallen into an oblivion which appeared undeserved. M. Beneš had very probably referred to it when he said, in his statement at the outset of the general discussion : " The Committee, having accepted the views expressed in the Introductory Note, particularly those with regard to the value of the Covenant . . . ".

He requested that the resolution in question should be taken into account when the report was drafted, in order to show that, thanks to the influence of the League of Nations, there was already a greater sense of security at the present time than in the past.

M. POLITIS (Greece) said that the question had been discussed at length, and that to take this resolution into account in the report would be paying tribute to truth.

M. SOKAL (Poland) had not before him the documents to which reference had just been made, but M. von Simson's remarks appeared to him to require supplementing. He thought that divergences of opinion had arisen within the Committee regarding this passage, and that, after discussion, amendments had been made to the draft.

He preferred to reserve his assent in case the Committee desired immediately to introduce into the report a passage such as M. von Simson had referred to.

M. VON SIMSON (Germany) thought that, if the Polish delegate had the documents in question before him, he would be convinced of his mistake. There had not actually been divergences of opinion with regard to the resolution he had read, which had been adopted at the suggestion of the British delegate. Opinions differed as to the degree of security achieved, some thinking that it was sufficient and others that it was not ; but they had been unanimously agreed that the Covenant did create a certain atmosphere of security.

M. SOKAL (Poland) thanked the German delegate for having made it clear that the whole of the Introductory Note was not in question, but a resolution proposed by the British delegate — a resolution which M. von Simson had, however, not quoted in full. The intervention of the German representative had been so unexpected that he thought it was preferable, in order not to prolong the discussion, that the draft report should merely be laid before the Committee in time for it to be considered.

The CHAIRMAN pointed out that the General Committee of the Assembly had, at its morning meeting, contemplated a meeting on Monday, and expressed the desire that Committees should refer to it certain questions so as to fill up the agenda. It appeared to him that the question under discussion might well be so referred. The Rapporteur had been appointed, and his work certainly would reflect the discussions which had taken place. There was therefore no need to prolong the discussion.

M. BENEŠ (Czechoslovakia) desired to confirm both M. von Simson's and M. Sokal's remarks. There were two trends of opinion in the Committee : one which laid stress upon the degree of security existing in virtue of the Covenant, the other which considered that such security was insufficient. It should be borne in mind, however, that work had been undertaken with a view to the limitation of armaments, and that they had finally agreed that account must be taken of the two tendencies, each of which, in practice, had its own value.

The CHAIRMAN requested the Committee's views on the following draft resolution which was, *mutatis mutandis*, that of the Committee on Arbitration and Security :

" The Assembly :

" Having noted the work of the Committee on Arbitration and Security in regard to Articles 10, 11 and 16 of the Covenant,

" Appreciates the great importance of the work done to apply the provisions in question ;

" Considers that the information concerning the question of the criteria of aggression contained in the Committee's documents usefully summarises the studies made by the Assembly and the Council and the provisions of certain treaties ;

" Recalls in particular that the action to be taken by the Council under Article 11 and other articles of the Covenant in the case of a conflict will provide it with important elements of appreciation likely to facilitate the determination of the aggressor in the event of war breaking out in spite of every effort ;

" Considers that the study of Article 11 of the Covenant, which stipulates that the League ' shall take any action that may be deemed wise and effectual to safeguard the peace of nations ', forms the natural counterpart of the study undertaken by the Committee of the Council and approved by the Council on December 6th, 1927, on the Assembly's reconmendation, and, without detracting from the value of the other articles of the Covenant, brings into prominence the fact that the League's first task is to forestall war, and that in all cases of armed conflict or of threats of armed conflict, of whatever nature, it must take action to prevent hostilities or to stop hostilities which have already begun ;

" Takes note of the suggestions concerning Article 16 contained in the Committee's documents relative to the study of the articles of the Covenant;

" Recommends to the Council the studies in question as a useful piece of work which, without proposing a hard-and-fast procedure in time of emergency, and without adding to or detracting from the rights and duties of the Members of the League, provides valuable indications as to the possibilities offered by the different articles of the Covenant and as to the way in which they may be applied, without prejudice to the different modes of procedure which the infinite variety of possible eventualities may render necessary in practice;

" In conclusion, recommends that a study should be undertaken of the other articles of the Covenant the conscientious and full application of which offers special guarantees of security. "

This draft resolution was adopted.

21. Financial Assistance to States Victims of Aggression : Discussion.

The CHAIRMAN recalled that the Committee on Arbitration and Security had examined the question jointly with the Financial Committee, and that it had adopted a resolution inviting the latter to continue its enquiries on the basis of the results obtained after the meeting of the Assembly, and recommending that the Assembly should give its opinion on certain political questions which were raised, and more particularly upon the following :

(1) " Must signatories of the Convention to be concluded for financial assistance to States victims of aggression renounce, in their capacity of guarantors, the application of Article 4, paragraph 5, of the Covenant, which stipulated that any Member of the League not represented on the Council was invited to be represented during the consideration of matters specially affecting its interests before the Council ? "

(2) " Would financial assistance come into operation with binding force for all guarantor States by a unanimous vote of the Council minus the votes of the parties to the dispute ? ".

M. de Chalendar (Chairman of the Financial Committee) was available to furnish the Committee with any information which it might desire.

M. DE CHALENDAR (Chairman of the Financial Committee) informed the Committee how this question had come before the Financial Committee.

The latter Committee had been asked two years ago to consider a plan of financial assistance to States victims of aggression: it had worked out the general outline of such a plan in its 1926 report. In the following year the report was communicated to the Assembly, which requested the Committee on Arbitration and Security to proceed to a further investigation of the question. A Joint Committee, consisting of members of the Financial Committee and the Committee on Arbitration and Security, was set up, and their report was in the hands of the members of the present Committee.

This Joint Committee came to eight main conclusions : they would be found in the report of the Committee on Arbitration and Security (documents of the Preparatory Commission, Series VII, page 110). Since then, the Financial Committee had endeavoured to define these main points in a plan drawn up in legal terms, which was still in the course of preparation. Before completing this work, it would be glad to have the general view of the Assembly on constitutional and political questions which did not fall within its competence, and of which the three following were the most important :

(1) " Should the Convention on Financial Assistance be an independent Convention or should it constitute an integral part of a general Disarmament Convention ? "

(2) " Should the plan for financial assistance apply in the case of a threat of war as well as in the case of actual war ? "

(3) " Would the Convention, when it had been finally established, come into force merely on the decision of the Council without consultation or exchange of views with the parties which had signed it ? Or, alternatively, must the consent of all signatory States be obtained when there was a threat of war or actual war in order to put the plan into operation ? "

The members of the Joint Committee were not agreed amongst themselves on this latter point, but the Financial Committee considered that the Convention would not be really effective unless it could be put into operation solely on the decision of the Council.

The views of the Assembly on this subject would be invaluable to the Committee in order to enable it to complete its work.

Baron ROLIN JAEQUEMYNS (Belgium) recalled that he had spoken during the discussion of the Committee on Arbitration and Security regarding the limitation of the obligation to be assumed by States; the views of the Belgian Government in this matter were fully met by the reply contained in the report of the Joint Committee and in M. Veverka's report.

In consequence, States would not be liable for a sum of which the interest and amortisation charges would vary according to circumstances; States would merely be undertaking a fixed annual obligation which could not be exceeded. This being the case, the Belgian Government was willing to proceed along the lines which were generally favoured.

Speaking now as Rapporteur — a duty which the Committee had entrusted to him the previous day — he referred to the report of the Joint Committee, which gave, so to speak, the guiding principles of its programme, with regard to which it would like to receive instructions before continuing its task.

These guiding principles, numbered 1 to 8, particularly in so far as political questions were concerned, were summarised in the three questions indicated by M. de Chalendar, if certain other points, which, strictly speaking, related to financial technique, might be left out of account, *e.g.*, Nos. 5 and 6, which dealt with the rate of interest and amortisation of loans and the undertakings required from States in order to issue loans. In connection with these latter points, the speaker thought that the Committee was prepared to trust the Financial Committee.

On the other hand, point 1 of the Joint Committee's report referred to the proposed Convention as being independent of the general Disarmament Convention; point 2 indicated that the Convention was open to all Members of the League; point 3 said that States not Members of the League might be allowed to participate by a decision of the Council; and point 4 that the machinery of the Convention should be so elastic that it would be possible for a State which had not signed the Convention to participate in the guarantees in general or in the guarantee of a specific loan.

The speaker said that this could all be summed up in the question whether the Committee would pronounce in favour of an independent Convention or would wish to make it a part of the general Disarmament Convention. From what had been said, he inferred that the Committee was in favour of a separate and open Convention.

But they must consider two still more delicate problems which were indicated in points 7 and 8.

The first of these problems (point 7) was to decide whether financial assistance should be given in the case of actual war (Article 16 of the Covenant), or also in the case of the threat of war (Article 11). From what had been said, the speaker thought that this financial assistance should be undertaken just as much in cases of a threat of war as in cases of actual war.

This was an important matter in view of the last point, which was the most delicate of all: if cases of a threat of war were also included, how was the Council vote to be taken? Could it be given without the participation of the States concerned? In this connection, it appeared that opinion, on the whole, favoured the view that the financial assistance should operate following a vote of the Council minus the votes of the parties to the dispute, as stated in point 8 of the Joint Committee's report.

One problem was still outstanding: When the Council considered that there was occasion for financial assistance, must its vote be unanimous? This appeared to be the general opinion.

On the other hand, must signatory States not represented on the Council give their assent in addition? It had been suggested that there might be objections arising from Article 4, paragraph 5, of the Covenant to Powers, and particularly those not permanently represented on the Council, being bound by the latter's decision, and, under Article 4 of the Covenant, it would appear to be the rule that they should give their opinions. But, on the other hand, it had been objected that if the Convention were signed by most Powers, and if it were necessary to summon delegates from all of them and await their arrival in Geneva before the Convention could become operative, it would be too late, and the whole scheme would be unworkable.

Because the Council could not bind the Powers without their consent, was it necessary to state that that provision of Article 4 of the Covenant was so categorical that it created an obligation even for the interested parties whose rights it protected? Was that clause so inelastic that, when it granted a right to States, the latter could not surrender that right in the interests of the scheme?

The speaker saw no legal difficulty to prevent the Council having power, under the terms of the Convention, to take a decision on behalf of all guarantor States.

As to the substance of the question, in view of the fact that the Financial Committee had redrafted its original form of obligation, and that it was understood that no State's liability could exceed a fixed annual amount, it would appear that States signatory to the Convention on Financial Assistance might, without disadvantage, renounce according to its terms their right of giving their consent in every instance, and be bound by the decision of the Council. Any other proceeding would introduce so many obstacles in the working of the Convention as to render it inoperative.

He had spoken as Rapporteur, but he did not wish to conclude his statement without declaring at the same time, as Belgian delegate, that Belgium, which was not represented on the Council, would nevertheless be prepared to be bound by its decision.

Dr. Beneš (Czechoslovakia) supported Baron Rolin Jaequemyns' remarks, which gave a clear answer to all the questions submitted to the Committee. He also considered:

(1) That the Convention should be independent;

(2) That it should apply not only to actual war but also to the threat of war;

(3) That the Council alone be responsible for a decision.

M. Lange (Norway) said that his Government had studied in a friendly spirit the report submitted to the Committee and that it was sympathetic to the principle of the proposed scheme.

He wished to emphasise that at present they were concerned only with a preliminary study; they were not obliged to take up a definite position as to the final action to be taken, for the simple reason that a financial undertaking would first require to be sanctioned by Parliaments.

The sympathy of the Norwegian Government was augmented by the fact that they were concerned with developing non-military sanctions, which were the kind most likely to produce satisfactory results, and, moreover, were those which a small country like Norway could accept without reservation.

He would reply, in accordance with the instructions he had received, to the three questions asked by the Chairman of the Financial Committee.

Should the provisions regarding financial assistance be embodied in an independent Convention or in a general Convention on the reduction of armaments ? It was difficult to say at present, for everything depended on the form in which the one or other of these instruments might ultimately be cast; but it seemed to him that the problem could not be studied as one completely apart. Any engagement contracted in respect of sanctions was necessarily related to a reduction of armaments; otherwise the task of making sanctions operative would be rendered more or less difficult.

Were they to rest content with a decision by the Council ? It was the view of the Norwegian Government that, in the circumstances mentioned by Baron Rolin Jaequemyns, confidence should be shown in the Council, and the Belgian representative's suggestion of a kind of delegation of powers to the Council would provide a very happy solution.

Would financial assistance operate not only in case of a breach of the Covenant — that is to say, in case of actual war — but also in the case of a threat of war ? On this point he had been instructed to make definite reservations. It would be necessary to submit this point to extremely careful study. The attitude to be taken eventually would depend on what guarantees could be given to ensure that there should be no possibility of abuse.

Lord LYTTON (India) stated that this Government was in full sympathy with the policy advocated by the Joint Committee in respect of financial assistance, but he desired to ask whether Governments would have an opportunity of considering the actual details of the clauses of the draft Convention before intimating their acceptance. He feared that, unless this Convention was studied very carefully by those concerned, it would suffer the fate of many — too many — Conventions which had been approved but not ratified.

The CHAIRMAN replied that it had already been decided that the Governments would be informed of the plan of financial assistance, and would be at liberty to consider it. In this connection, he recalled a statement by Lord Cushendun, who said that he was sure it was understood — and this was probably also the opinion of representatives of other countries — that, when the Joint Committee and the Committee in which he was speaking had arrived at a final text, it would be referred to all Governments for final approval.

M. SOKAL (Poland) remarked that this question had been outstanding for more than two years and that it was time to give the Financial Committee the necessary guiding principles to establish a draft Convention, which would, of course, be submitted to Governments before becoming definitive.

He was in complete agreement with the statement made by Baron Rolin Jaequemyns.

With regard to the first question, he thought that they ought to consider an independent Convention and not a general Convention.

In the second place, he wished the threat of war to be considered and not aggression, in view of the difficulty of defining the aggressor.

He considered that the decision should be taken by the Council; for it would be impossible to reach a conclusion if all the signatories were to be invited to sit on the Council in virtue of Article 4 of the Covenant.

There remained the question, raised by M. Valdés-Mendeville, of the scope of the Council's decision. This extremely important question had been raised neither by the Financial Committee nor by the representative of Belgium. For financial assistance to become a real element of security, all those who signed the Convention, and who might one day be the victims of aggression, must know in advance whether a unanimous decision of the Council on this subject was to be regarded by them as an invitation, a recommendation or an obligation.

He wished to make a suggestion with regard to procedure. If the Financial Committee was to be able to continue its work, the Committee must give it guiding principles of a political nature. The reservations made by M. Lange constituted a first obstacle. It was to be feared that unanimous agreement would not be reached. In these circumstances, he proposed that the Financial Committee should provide, in its consideration of the question, for different cases — the working of the Convention in the case of a threat of war or of actual war; decision to be taken by the Council or by the signatories; general Convention or independent Convention.

M. DE CHALENDAR (Chairman of the Financial Committee) replied that it would serve no useful purpose for the Financial Committee to prepare two alternative plans.

In the plan that he had outlined he had provided for both the threat of war and for actual war: he had not chosen between them, because he was awaiting the instructions of the Assembly on this precise question, which had nothing to do with technical finance but was pre-eminently of a political nature.

In his opinion, the necessary and sufficient condition for the entry into operation of the plan was unanimity on the part of the Council. Whether this decision were taken in case of war or of a threat of war would have no effect on the technical structure of the plan provided.

The most delicate question, and the one on which the Financial Committee required a definite opinion, was to know whether unanimity on the part of the Council would be sufficient for putting the plan into operation, or whether the opinion of all the States signing the Convention was necessary. It would be wise not to make a definite decision on this particular point without having considered the financial consequences. The Economic Committee was well aware that this question entailed serious consequences. But it was convinced that its plan would not be practicable if an opinion were to be required from all the signatories. Consequently, its plan was based on the authority of the Council, and on that authority alone.

The Hon. A. CADOGAN (British Empire) said that, as far as the so-called political aspect of the question was concerned, the views of his Government had been very aptly defined by the Belgian delegate. As regarded the question whether the proposed Convention should be drafted as an independent text or as part of a general Disarmament Convention, his Government had no objection to the Convention being — in form, at any rate — a separate act: possibly it might have to be a separate act. He wished, however, to reiterate one reservation which had already been made by his Government on several occasions with regard to the Finnish proposal, namely, that any scheme for financial assistance must form part of a general scheme for the reduction and limitation of armaments.

M. LANGE (Norway) feared that he had been misunderstood. He was in no way opposed to further examination of the question, nor had he said that the scheme for financial assistance should not be applicable in the case of threat of war. He had merely stated his opinion that the question was a very delicate one and that all requisite guarantees should be provided. He was therefore entirely in favour of a further examination of the question.

General TANCZOS (Hungary) assured the Committee that his Government's point of view coincided with the principles embodied in point 5, paragraph 1, of the Committee's report, which said that:

> " Instead of fixing a minimum rate of interest and amortisation for any loans that may be granted, the proposal would be to fix for each guarantor State the annual maximum amount up to which it might guarantee the service of the loan. "

The Hungarian delegation was following the progress of this question with great interest.

Baron ROLIN JAEQUEMYNS (Belgium) asked the Committee to excuse him for again intervening in the debate, but, in spite of the observations of several members of the Committee, he thought that his ideas had not been expressed with sufficient clearness. M. Lange's comments in particular had confirmed this impression.

It must be understood that there could be no question at the present moment of persuading States to enter into undertakings. They would only be asked to give their views (which were practically identical) in order to allow the Financial Committee to pursue its task. It would only be complicating the problem if they were to ask the Financial Committee to consider questions from the various hypothetical standpoints mentioned. He thought that the great majority of the members of the Committee would be in favour of taking into consideration both the state of declared war (Article 16 of the Covenant) and the case of threat of war (Article 11 of the Covenant). In any case, it did not in any way alter the Financial Committee's scheme. When once the scheme had been prepared, it would be easy to decide to what cases it should apply. His own feeling in the matter was, however, that, once war had been declared, financial action would be of very little importance; whereas financial action in the case of a threat of war might be vital. It might prevent war breaking out.

Replying to the British delegate's remarks, he said that he had, up to the present, had a separate Convention in view; naturally, it was understood that this separate Convention would form part of a general plan for the reduction of armaments.

In reply to General Tanczos, he said that he attached the highest importance to the manner in which he had been supported regarding the definite limited undertakings to be entered into by the Powers; he asked that this view of future undertakings should be defined in the report. Unless the Committee decided otherwise, he would draft that part of the report accordingly.

M. SATO (Japan) said that, with regard to financial action in case of threat of war, his Government maintained an attitude different from that adopted by most of the speakers. Like the Norwegian delegation, the Japanese delegation was unable to approve the idea of extending financial assistance to cases which might arise under the terms of Article 11, paragraph 1, of the Covenant. He did not think that such assistance would be likely to pacify the parties to the dispute and dispel an international crisis — which was their object.

On the other hand, the Japanese delegation thought that it would be very desirable for the League to remind the parties to the dispute of the existence of a scheme for financial assistance which would operate in support of any party which became the victim of another's aggression.

With regard to the two other points raised by the Chairman of the Financial Committee, the Japanese delegation entirely agreed with the ideas put forward by Baron Rolin Jaequemyns at the beginning of the discussion.

M. von Simson (Germany) said that the scheme of financial assistance to States victims of aggression had the full support of his Government. He absolutely endorsed what Baron Rolin Jaequemyns had said, and quite agreed that the further study of this question should be asked for.

He would point out at the outset certain difficulties which his Government thought might arise with regard to action in the case of a threat of war. First of all, there was a difficulty of procedure. Baron Rolin Jaequemyns, in his first speech, referring to the procedure under Article 11, had said that the general rule that the parties concerned had the right to vote should be changed.

Baron Rolin Jaequemyns (Belgium), intervening, said that, by exercising its right to give full powers to a third party, a State could renounce its right of vote, without any change being made in the Covenant.

M. von Simson (Germany) said that, nevertheless, that really amounted to a change, and he questioned whether it was wise and desirable to change a fundamental rule of the Covenant for the sake of so very special a thing as the particular Convention under discussion. He feared, moreover, that in actual fact the position of the Council might even in that way be rendered more difficult. Under the procedure of Article 11, the Council acted as mediator and it might make this position more difficult if it took sides in a situation not yet clearly established. It might impair its own authority as mediator by granting a loan to one of the parties.

Secondly, the position might change and, as events developed, it might happen that State A did nothing reprehensible, whilst State B, which had received the loan, attacked A, so that the Council might be compelled also to grant a loan to A.

The German delegate wished to make reservations on this point, though he had no objection to the Financial Committee pursuing the study of the question.

M. Politis (Greece) had not intended to take part in the discussion, as his ideas coincided exactly with the Rapporteur's. But the turn the discussion had taken, and particularly the remarks of the German and Japanese delegates, made him want to say a few words.

The crux of the question was really whether and in what conditions the contemplated financial assistance could or should extend to the case of a threat of aggression. The speaker agreed with Baron Rolin Jaequemyns that it was above all in the case of a threat of aggression that financial assistance would be useful, and likely to be effective, politically as well as technically.

He thought he was not mistaken in saying that, from the technical financial standpoint, it would be easier to float a loan before hostilities had started than when war had already broken out and many Governments would find themselves faced with financial complications.

He thought that, if there was a Convention whereby a State which felt itself menaced by aggression could immediately receive financial assistance to put it in a position to use its right of legitimate defence, the State having warlike intentions might think twice before putting its threat into execution and declaring war.

Replying next to M. von Simson on the question of the machinery of financial assistance in the case of a threat of aggression, M. Politis concurred in the Rapporteur's idea, which had been shared by several other speakers, namely, that the unanimous decision of the Council in favour of financial assistance, that is to say, in favour of the application of the Convention relating thereto, should be sufficient, and that it should be quite unnecessary to secure the consent of all the other signatories. The Chairman of the Financial Committee had said that to require the explicit consent of a large number of States at the moment of applying the Convention would be to render the scheme financially almost unworkable.

Legally and politically he did not see the slightest obstacle in the Covenant, especially in Article 11. M. von Simson had said it was undesirable to change the Covenant, but the Covenant indicated the minimum of their obligations and it was open to Members of the League to go further and increase them — indeed, this was the whole aim of the Committee's work.

Moreover, had not the Locarno Agreements added to the obligations of the contracting parties ? If in Article 16 it is a question of recommendations only and not of decisions, in the Locarno Agreements, on the other hand, it is a resolution which must be immediately carried out by the contracting parties. Why could the States not do the same as regards financial assistance ?

Of course, they were no longer on the ground of Article 16 but of Article 11, and it was quite true that, in Article 11, the Council had to act as mediator and that its decisions were only of value if both parties accepted them. But was that an imperative provision ? Could not the parties accept the Council's decision beforehand as binding and immediately operative ? This seemed consistent with the spirit of Article 11, which says expressly that the Council " shall take any action that may be deemed wise and effectual to safeguard the peace of nations ".

M. Cassin (France) said he had also thought that the Rapporteur's last statements had closed the general discussion, but since it had been reopened, he considered it opportune to

look at the plan under review in relation to the general measures which the Committee on Arbitration and Security was examining for the prevention of war and aggression.

As representative of the French delegation, he noted with satisfaction the progress made since the Finnish proposal had been submitted and the British delegation had lent its valuable support. The work of the year had been of considerable importance and Baron Rolin Jaequemyns' statement — which he was glad to see had not been contradicted as regards the thesis relating to the operation of measures of assistance provided simply the Council was unanimous — was evidence of the progress which could be made in the League in the most pacific of directions, that of mutual conviction.

The proposal was part of a general movement towards measures for preventing war. He was sure that financial assistance afforded to a State at a time of crisis was a better method of preventing war than financial assistance promised to the victim of aggression when such aggression had already taken place.

Baron Rolin Jaequemyns had modestly enquired why he had been appointed Rapporteur both for this question and for the question of the German Suggestions. The reason was that there was a link between them and this link again appeared in the application of Article 11. It had been said that, in connection with Article 11, it would be a delicate matter to assume further obligations than those which are laid down in the article, but M. von Simson's suggestions, which had been in the main approved by the French delegation, also aimed at supplementing in a spirit of goodwill the obligations entered into. They even provided that resolutions adopted without unanimity, but with a simple or qualified majority, might be accepted. It was therefore legally possible for States — which, like France, thought that financial assistance formed part of the measures which the Council might take at a crisis — to maintain this attitude. It only remained to examine the method of application, and on this point certain reservations must be made. No Powers Members of the League which entered on their own account into wider undertakings than those laid down in Article 11 — for example, an undertaking to renounce the unanimity of the Council — could pledge third Powers. A Power which had not signed the Convention could not be compelled to give financial assistance unless unanimity had been reached. These legal questions, however, did not appear to raise difficulties as to the principle involved.

M. UNDÉN (Sweden) said that he desired to leave on one side the important questions raised by M. Cassin concerning the interpretation of the articles of the Covenant; they had been studied in M. Rutgers' Memorandum and the Committee had just come to a decision on the subject.

According to the explanations furnished by Baron Rolin Jaequemyns, the question before them was, not of binding Governments by a Convention, but of giving guiding principles to the Financial Committee. It was understood that the latter would be asked to frame a text, taking as a basis the hypothesis of a unanimous decision by the Council without the participation of States which were not Members of the Council. The draft would then be submitted to the Committee on Arbitration and Security and would be finally submitted to the next ordinary session of the Assembly or to the Disarmament Conference, according to circumstances.

The CHAIRMAN thought that M. Undén had given an excellent summary of the discussion and that, in the light of the statements made, the Committee might ask the Rapporteur to submit, as soon as he found it convenient, a report on which it would take a decision.

The proposal was adopted.

The CHAIRMAN thought he was interpreting the Committee's wishes in thanking the Chairman of the Financial Committee for his valuable help and lucid explanations.

22. Preparation of a Draft Convention on the Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War: Discussion.

The CHAIRMAN reminded the Committee that the Assembly at its eighth ordinary session had asked the Special Commission entrusted with the study of this question to draw up a single text which would allow of an international Conference being convened as early as possible. After having tried to reconcile the various points of view, the Commission had only been able to record the fact that the divergences of opinion had been irreconcilable, and that it could not submit a final single text.

On the other hand, the following draft resolution, submitted by the delegation of Salvador, had been referred to the Committee by the President of the Assembly:

" The Assembly,

" Having taken note of the report and preliminary draft Convention drawn up by the Special Commission appointed to prepare a draft Convention on the Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War, as also of the resolution adopted by the Council on this subject on August 30th, 1928,

" Observes with regret that, owing to fundamental differences of opinion which still exist, the Commission has not found it possible to submit a single final text as desired by the Assembly;

" Being convinced of the urgent necessity of drawing up a Convention which, while placing non-producing and producing countries on an equal footing, would facilitate the ratification of the Convention on the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva on June 17th, 1925,

" Refers to its successive resolutions passed at each of its previous ordinary sessions, beginning with the first session in 1920, in which resolutions it has constantly urged the importance of the problem of the manufacture of arms and the necessity of convening a Conference as speedily as possible, and refers also to the numerous resolutions adopted by the Council on the same question; and

" Requests the Council to exert its influence with the States Members of the League of Nations in order to overcome the obstacles which have hitherto prevented the holding of such a Conference, and thus make it possible to convene a Conference in the spring of 1929. "

Count BERNSTORFF (Germany), Chairman of the Special Commission, stated that, in spite of the pessimistic tone of the report adopted by the Special Commission — a tone which was, to a certain extent, justifiable — there was nevertheless one point on which progress had been achieved.

He recalled the fact that the work of the Special Commission had been based mainly on the Third Committee's report to the 1927 Assembly, and he read the following passage from this document:

" The Committee was almost unanimous in considering that this solution might perhaps be sought in a Convention which, while subjecting private manufacture to supervision, would extend to State manufacture such of the supervisory regulations as more particularly concern publicity; this would satisfy the non-producing countries, and at the same time would meet the wish of certain other countries that consideration should be given to the special conditions of State manufacture. "

Up to its last meeting, the Commission had not been able to reach unanimity on the principle in question. At the present moment, unanimity had been reached, but there were still differences of opinion as regards the extent of supervision and publicity, so much so that it had been thought impossible to submit a single text and to frame a preliminary draft, because this would not admit of the principal aim being attained, namely, the ratification of the Convention on the Trade in Arms, which was delayed by the fact that the Convention on the Manufacture of Arms did not yet exist.

The essential question for the moment was to know what action was to be taken; they could not sit with folded hands. The Committee's Rapporteur, M. Guerrero, had submitted a draft resolution asking the Council to use its influence with the States Members of the League in order to remove the obstacles which had prevented the Conference from meeting. He himself further submitted to his colleagues the idea of convening the Special Commission anew, either before or after the next meeting of the Council. Perhaps at the end of three months, the distance between the various points of view would not be so great.

It had been thought that the next meeting of the Special Commission might commence simultaneously with that of the Preparatory Commission. The hopes expressed by the French representative on the subject of this Commission had been somewhat dashed by Lord Cushendun's speech, and it was no longer certain that the Preparatory Commission would meet next winter.

In any case, he asked the Committee to see what could be done to ensure the continuance of the work on the manufacture of arms.

(The continuation of the discussion was adjourned to the next meeting.)

(The Committee rose at 6.45 p.m.)

SIXTH MEETING.

Held on Saturday, September 15th, 1928, at 4.15 p.m.

Chairman : Count CARTON DE WIART (Belgium).

23. Preparation of a Draft Convention on Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War (Continuation of the discussion) : Appointment of a Drafting Committee.

M. SATO (Japan) said he agreed with what Count Bernstorff had said the day before as to the future work of the Special Commission, and thought, like him, that the work already done should not be scrapped and that they should go on striving to reach a complete understanding. He therefore suggested that an amendment be made in the last paragraph of the draft resolution submitted by the delegate of Salvador, which did not make it quite clear whether the Governments were requested to continue the discussion in the Special Commission, and merely expressed the hope that the Conference would be convened.

The delegate of Japan suggested that the last paragraph of the draft resolution be redrafted as follows :

" The Assembly,

" Requests the Council to appeal to the States Members of the League of Nations with a view to submitting the differences of opinion to an exhaustive examination on their part, and to contemplate another meeting of the Special Commission before the next session of the Council in order that the Conference may be convened at the nearest possible date. "

M. GUERRERO (Salvador), Rapporteur, did not think that stress should be laid upon the immediate necessity for solving the difficulties.

A resolution for an enquiry into the private manufacture of arms had been adopted at the first session of the Assembly; it was only at the second ordinary session of the Assembly that, under this first head, supervision of the international trade in arms was added. It was an interesting fact that this second question was the first to be ready for submission to an international conference, while the supervision over private manufacture, prescribed by Article 8 of the Covenant, was still under discussion.

The Special Commission had done its best to agree upon a single text, but insuperable differences of views had arisen. M. Guerrero thought that a way might be found to reconcile these difficulties, which related to two points : the classes of armaments to be included in the Convention and the degree of publicity to be required for State manufactures.

These were fundamental differences and the speaker did not think the Third Committee was in a position to ask the Assembly to convene a Conference. A last attempt should be made and perhaps it might prove successful. The members who had objected to publishing the weights, numbers and value of State manufactures, as was provided for in the first draft Convention, had given no reason for their opposition and perhaps they might not persist in it.

As regards procedure, M. Guerrero did not quite agree with M. Sato, and he thought the Chairman of the Special Commission should be asked to appoint a sub-committee which would make a final effort to reach an agreement on the questions outstanding.

In conclusion, M. Guerrero urged that the public must not be allowed to think agreement was impossible on a question which everybody, and especially the League of Nations, had been exploring.

The CHAIRMAN asked M. Guerrero if the committee he contemplated would have to be appointed at once.

M. GUERRERO (Salvador), Rapporteur, replied in the affirmative.

The CHAIRMAN observed that the Special Commission included States which did not belong to the League of Nations.

M. GUERRERO (Salvador), Rapporteur, did not think that was a decisive objection. The reservations expressed in the Special Commission were not personal opinions, but the utterances of the States through their delegates.

On the other hand, it was impossible to ask the Council to convene an international Conference for spring 1929 unless the obstacles encountered by the Committee had first been eliminated.

Count BERNSTORFF (Germany) did not think his powers as Chairman of the Special Commission enabled him to appoint a sub-committee without consulting the Commission. This would mean first summoning the Special Commission, and he doubted whether the United States would be able to send a representative at once.

M. GUERRERO (Salvador), Rapporteur, said that, since the question had been brought before the Third Committee, the Chairman of that Committee could decide to appoint a sub-committee.

The CHAIRMAN proposed that the Committee should take a decision with regard to M. Guerrero's proposal at the end of the discussion.

M. JOUHAUX (France) reminded the members that as, during the earlier stages of the work, he had displayed marked optimism, they must not accuse him of pessimism after hearing the statement which he was about to make. There was a right time for saying all things.

The problem before the Third Committee was an important factor of the general question of disarmament, because there could be no security if complete freedom in the manufacture of arms and ammunition continued to exist. The phrase in Article 8 of the Covenant which had given rise to so much discussion had been inserted precisely because it was considered that the private manufacture of arms was liable to have dangerous effects upon the peace of the world. This consideration had led the Council to appoint the Temporary Mixed Commission, which had got to work with youthful enthusiasm and possibly with too great a measure of confidence. The first Chairman of that Commission showed the faith of its members. In his opening speech, he pointed out that the essential matter was not so much to embody principles in a text as to endeavour to apply those principles. It was always possible to support a principle and yet really oppose it by making the methods of its application inoperative.

On examining the present situation, M. Jouhaux had been led to the conclusion that, even if they had not retreated from their original position in regard to this question,

Governments had at any rate very much marked time. In his opinion, the draft Convention on the Manufacture of Arms somewhat resembled the *Peau de Chagrin*. The original proposal drawn up by the Temporary Mixed Commission was possibly too complete and provided too many guarantees. That text had not, however, been accepted, and a second draft had been prepared, which had also been cut down considerably. What the Commission now had before it was a considerably modified version of that text.

It was true that Governments which formerly opposed publicity in regard to State manufacture had now agreed to this, but this apparent progress, instead of strengthening the Convention, had lessened its value from the point of view of supervision. After recognising the necessity of treating State and private manufacture on identical lines, although by different methods, the authors of the text had endeavoured to give the first place to publicity in regard to State manufacture, with the result that, under cover of this modest measure of publicity, private manufacture would recover a certain amount of the freedom of which the Convention deprived it.

M. Jouhaux stated that he could not accept the proposed text, because he considered that, by so doing, not only would the members of the Committee be made to look rather ridiculous, but they would be lying to themselves and deceiving public opinion.

Although he supported publicity in regard to State manufacture, he recognised the difference between State and private manufacture. State manufacture of arms was in any case subject to a certain measure of supervision — though this might be thought inadequate — on the part of public opinion.

It was alleged that private manufacture in the different countries was also subject to supervision, but certain recent events, which it was unnecessary to recall, had shown that this supervision was much too elastic, since private firms had been able, in certain cases, to supply arms and thus prolong wars, increasing the number of victims by tens of thousands. This fact should be borne in mind in drawing up a Convention on the Private Manufacture of Arms.

Lastly, as M. Guerrero had reminded them, the question of the supervision of private manufacture had been raised in principle by the Covenant and thus lay at the foundation of the whole structure of the League of Nations. This principle had led the Temporary Mixed Commission to draw up the Convention on the International Trade in Arms. That Convention existed, but it had not been ratified. When they accepted it, States manufacturing arms, recognising the legitimate claims put forward by importing States, assumed the moral obligation to accept a Convention on the Private Manufacture of Arms, which should serve to supplement the Convention on the International Trade in Arms and establish equality of treatment for all concerned. States were therefore under this moral obligation, which must not be forgotten, and the Committee was right in asking for positive, not fictitious, results.

M. Jouhaux said that he desired to draw the Committee's attention to a certain point connected with publicity. It was considered desirable that the rules of publicity should be the same for private and for State manufacture. This publicity was originally to include three items: weight, number and value. It was later decided that publicity should be confined to value.

As regards State manufacture, value might be a useful indication, since means existed for ascertaining this, such as parliamentary decisions and the budgets of the various States. Moreover, in the case of the State manufacture of arms, profits were excluded and the value represented the cost price.

When dealing with private manufacture, it would be necessary to specify whether the value indicated represented the cost price or the sale price. This point might give rise to disputes, suspicions and difficulties between the various States. As far as public opinion was concerned, therefore, the total value of privately manufactured arms was useless as an element of publicity.

M. Jouhaux also pointed out that, in the draft Convention, certain delegations had declared themselves against publicity in regard to aircraft, on the ground that it was difficult to distinguish between civil and military aircraft. He had taken part in many discussions on the matter in the Temporary Mixed Commission and the experts had unanimously agreed that it was possible to distinguish between civil and military aircraft and also that it was very easy to convert civil into military aircraft. In contemplating the possibility of war, it was always contemplated as consisting of chemical warfare and air warfare, and therefore to say that there should be no mention of aircraft in publicity with regard to armaments would mean that this publicity would be totally inadequate. Category II of the Convention on the Trade in Arms covered " arms and ammunition capable of use both for military and other purposes ". Aircraft certainly came under that heading.

The League of Nations had been created to combat war and to make it impossible, and whenever questions similar to that now occupying the Committee's attention were under discussion, the possibility of war was *a priori* raised. He did not see why, in the event of war, neutral States which might be threatened by war should be relieved of their obligations to publish particulars of the arms manufactured by them. Who was to decide whether neutral States were really threatened by war ? If neutral States which were no longer under the obligation of publishing the statistics desired were thus able to furnish arms to the belligerents, the inclusion of a stipulation to this effect in a Convention was certainly not going to help to combat war.

He therefore thought that they should get to work again. They could not claim to have drawn up a text which satisfied public opinion, and it was to be feared that, if they

merely began to discuss it again, without any further revision, the same negative results would be obtained. It was necessary to find out in the first place whether the members of a Committee engaged on work of this kind were genuinely desirous of achieving definite results, or whether the aim of certain delegates was not rather to put forward views conflicting one with another and making the Committee's task an absolutely impossible one. This question, which was of fundamental importance from the moral standpoint, affected, not only the Commission dealing with the question of the manufacture of arms, but the whole work of the League of Nations. Sincerity must not merely be displayed in drafting texts, but in acts also ; otherwise, a deadlock was inevitable.

It would not do, however, to endeavour to atone for the absence of an International Disarmament Conference next year by convening an International Conference on the Manufacture of Arms. The compensation would be somewhat meagre and was not likely to satisfy the legitimate demands of public opinion.

Moreover, State manufacture, as referred to in the Convention to be concluded, was intimately connected with the question of State armaments, and it was only natural that on this point the question should be bound up with a Convention for the general limitation of armaments. He thought that, instead of replacing a general Disarmament Conference by a Conference on the Manufacture of Arms, it would be more advantageous to hold the two Conferences at the same time or, better still, convene only one Conference, at which a special section would be reserved for the question of the manufacture of arms. In this way, a further Conference at a later date to co-ordinate the texts adopted at the earlier Conferences would be unnecessary. It was therefore advisable to connect up the two questions, which could quite easily be done.

On the other hand, it might be said that, with regard to security, the preparatory work had gone as far as it could go. The means were available and the only question to be considered was whether they were going to be used. It was the essential duty of the League to see that they were used. Otherwise people would fail to understand the League's utility.

In conclusion, M. Jouhaux expressed the wish that the question should be brought before the Assembly, and that the Commission's difficulties should be submitted to that body, to enable it to realise the important moral issues involved. He trusted that, with full particulars before it, the Assembly would be able to give precise indications for the future course of the work and would record its opinion that the time had come to pass from words to deeds, in order that a Conference on the Manufacture of Arms, forming part of an international Disarmament Conference, might become a reality.

The CHAIRMAN pointed out that the report of Baron Rolin Jaequemyns on the subject of financial assistance to States victims of aggression had just been circulated. He thanked the Rapporteur for his promptness and expressed the desire to see the Commission come to a decision that day on the document, so that the Assembly might include the draft in its agenda.

The Hon. A. CADOGAN (British Empire) said the speaker who had preceded him had dealt with one or two points on which the Special Commission had met with difficulties which appeared for the moment insuperable, one of which he had described as a point of capital importance, namely, the point which occurred in the remarks annexed to Article 5 (document A.43.1928). The first of those remarks was to the effect that certain delegations declared themselves against the inclusion of Categories I B, II B and IV in that article. Category IV was aircraft, and was divided into two headings : (1) aircraft, assembled or dismantled ; and (2) aircraft engines. As representing his Government at the recent meeting of the Special Commission, he felt that he bore most, if not all, of the responsibility for that remark. His Government had started from the principle that it was impossible to discriminate between civil and military aircraft, and considered that it would be inappropriate, in a Convention which dealt explicitly with the manufacture of arms and munitions and implements of war, to restrict civil aviation, which was now being used in certain remote parts of the world to make life tolerable, if not actually possible.

The attention of the British Government had been drawn to the fact that there already existed a Category II, which referred to articles capable of use both for military and other purposes. That was true, but he submitted that that was rather a different case. A reference to the headings to that category would show that the articles referred to in it were essentially lethal weapons. On the other hand, aeroplanes were capable in peace-time of the most beneficient uses, and his Government felt that any attempt to hamper the aircraft industry might be a retrograde step.

He hoped, however, to be able to dispel some of the gloom that had brooded over the discussion by saying that his Government, having reflected carefully on the discussions of the Special Commission, while still maintaining their point of view and reserving their doubts, were yet prepared, in the interests of conciliation, to agree to the inclusion in the Convention of all aircraft under the same conditions as articles appearing in the other categories.

There might be other points on which the views of the British Government might be modified, but if, as he understood, the Committee was not at present entering on a full discussion of the terms of the Convention, it was perhaps unnecessary for him at the moment to go into them.

M. DE PALACIOS (Spain) said that since he had put his name down the debate had considerably developed. The delegate of France had raised the question of a fusion between the general Conference on Disarmament and the Conference on the Supervision of the

Manufacture of Arms. If this were a definite proposal, a prior question would thereby be raised. The Spanish delegation did not object to that way of thinking, but, so far, only two texts had been laid before the Committee, those by M. Guerrero and M. Sato respectively, and he thought that they should confine themselves to those two documents.

The general opinion seemed to be that there was no room for optimism. Differences of opinion still persisted and had been mentioned in the report of the last session of the Special Commission. Nor could they expect a sudden change of attitude on the part of the Governments.

They could request the Assembly to ask the Council to renew its efforts towards removing the difficulties which had arisen, so that the Conference might assemble at the earliest possible date.

The Committee could not bind the Council, which must remain free to decide what action it should take. If it considered, as one might hope, the wishes of the Assembly, it would communicate once more with the Governments. What attitude would these adopt ? It is impossible to forecast, but the possibility of convening the Special Commission would depend on their answer. It was therefore impossible to foresee the date of the Conference on Supervision of Private Manufacture.

The speaker had studied those problems for many years and he was in favour of the idea of supervision, but he did not think it advisable to convene a Conference prematurely, for such action could be harmful to the prestige of the League.

M. Guerrero had said that the Commission could appoint a sub-committee, but the latter could do no more than submit a report to the Third Committee. The situation would, however, be the same in two days as it was that afternoon, nor was it probable that it would change between then and the following Friday.

M. JOUHAUX (France) wished to submit a draft resolution. He apologised for the hasty drafting of the text, and also for the necessity in which he was placed of having to ascertain the opinion of his delegation. The draft resolution contained the substance of M. Guerrero's and M. Sato's proposals and it upheld the existing connection between the two Conventions, while leaving the Council entirely free to decide the question of convening a separate Conference if necessary. It was as follows :

" The Assembly,

" Considering that there is a connecting link between the general Convention on the Limitation of Armaments and the Conventions on the international trade in and the manufacture of arms and ammunition and of implements of war,

" Requests the Council to send an appeal to the States Members of the League of Nations with the object of submitting the differences of opinion which emerged during the discussion of the draft Convention on the Manufacture of Arms and Ammunition and of Implements of War to a careful examination which would enable a further meeting of the Special Commission to be called in order that the preparatory work of that Commission may be completed by the time of the convening of the general Conference on Disarmament, and, failing such a general Conference, that a special Conference on the Supervision of the Manufacture of Arms may be held. "

M. GUERRERO (Salvador), Rapporteur, was of opinion that the Committee was engaged in exhausting all possible burial formulæ, for a similar text to that of M. Jouhaux had already been adopted by the Assembly in 1926.

This text showed the connection between the question under discussion and the more general question of the reduction of armaments. In 1927, however, it was realised that this would lead to nothing and that agreement could perhaps be more easily reached on a relatively simple question — the supervision of private manufacture, for instance — than on the much more complex question of reduction of armaments.

His conclusion was that M. Jouhaux's proposal went back to the state of things existing in 1926, and he could not therefore agree with M. Jouhaux.

He also understood now that the convening of the sub-committee, which he had proposed would not serve any useful purpose. He noted the persistence of differences of opinion and the fact that none of the reservations had been withdrawn which occurred in the draft single text submitted to the Council.

It was likewise useless to hope that the Council could convene a Conference for next year.

Under those conditions, the speaker concluded by expressing his intention of maintaining his first proposal, as corrected by M. Sato's amendment, for to go on speaking of a connection between the supervision of the manufacture of arms and disarmament would be the best means of delaying agreement on the question of the private manufacture of arms.

General DE MARINIS (Italy) supported the draft resolution submitted by M. Jouhaux, although its text was not final.

The text mentioned a connection between the question of the private manufacture of arms and the general disarmament question. He (the speaker) seemed to remember that, at the last Assembly, a number of delegations had asserted the close relation which existed between these two questions.

M. Jouhaux's proposal, moreover, adopted that of the delegate of Japan, which had been supported by M. de Palacios, and which he (the speaker) considered very sound. He could not see how in one and the same text one could say that fundamental differences of opinion

existed and then go on to say that a Conference should be convened as quickly as possible. How could such differences of opinion be removed unless the Special Commission made a further study ?

He therefore contemplated the convening of the Special Commission at the earliest possible date before the next Council, and he was confident that it would succeed in its work.

He said that he had followed the whole of the work which had been done that year, and as a result he considered the pessimism which was shown during the debate entirely unjustified. There were deep differences of opinion among the members of the Commission on the point whether State manufactures should be subject to supervision and publicity, but these differences no longer existed. On other questions complete agreement had not been reached, but these were far from being of equal importance. On one of them, indeed, the British delegation already shared the opinion of the Commission majority. They ought not, therefore, to give up hope of a possible agreement.

Count BERNSTORFF (Germany) pointed out the need, if it was desired that the Special Commission should meet once more, for a definite resolution to that effect. The date of that meeting depended on the agreement arrived at among the members of that Commission.

He therefore suggested that a Drafting Committee should be elected for the purpose of submitting a text co-ordinating the various proposals submitted.

The answer to the question whether there would be one Conference only or two could be deferred to a later date : it would perhaps be advisable to create a kind of emulation between the Preparatory Commission and the Special Commission, so that one of these two Conferences should be able to meet without waiting until the other had been convened.

The CHAIRMAN said he would submit to the Committee before the end of the meeting the question of the election of a Drafting Committee.

M. MOTTA (Switzerland) said that certain essential and welcome truths had emerged from the discussion : first, M. de Marinis's statement that fundamental divergences no longer existed ; then the fairly widespread hope that if the Special Commission was to meet again, there was a chance that an agreement would be reached ; and, finally, that it was premature to contemplate a date for the international Conference and even to consider at the present time the question whether this Conference would be a special one or connected with the general Conference on Disarmament.

He expressed the hope that this Conference would be able to meet at the end of 1929 or at the beginning of 1930. Many ideas were in the air. The best thing, therefore, would be to form a sub-committee, composed of M. Guerrero, M. Sato and M. Jouhaux, to draw up a text and submit a formula for unanimous acceptance.

M. LANGE (Norway) expressed the same doubts as M. Guerrero, and was of opinion that, if the problem was approached from the aspect indicated by M. Jouhaux, they would lay themselves open to disappointment.

He admired the robust optimism of General de Marinis, who had stated even in 1926 that a close connection should be established between the two problems, thanks to which a speedy meeting of the general Conference on the Reduction of Armaments might be hoped for. But, after the experience of the last two years, he could not feel convinced by the Italian representative's arguments.

It was true that a connection did exist between the two problems, but it was also undeniable that the question of the supervision of the manufacture of arms could be solved independently of the general problem of disarmament.

He had wished to express this opinion so that the Drafting Committee might clearly see that M. Guerrero's ideas were shared by some of his colleagues. If the point of view developed in M. Jouhaux's amendment were urged, it would perhaps be difficult to arrive at satisfactory results.

M. SATO (Japan) hoped that the date accepted by the Japanese delegation for the convening of the Special Commission would be accepted by the other delegations.

Hitherto the Japanese delegation had been criticised for its unyielding attitude. This year the position was different; in any event, however, the Japanese Government would, as always, co-operate in the future work of the Commission with all possible goodwill.

M. JOUHAUX (France) desired to define his idea and intentions.

His proposal implied that the Special Commission could not meet until the Assembly had given an opinion on the matter under discussion, had indicated the lines on which this Special Commission was to work, and had made a solemn appeal to the Governments.

He would point out that, directly the question of State manufacture had arisen, the question of the manufacture of arms had been bound up with that of disarmament. In point of fact, in speaking of State manufacture, they were speaking of the armaments of a State.

If M. Lange feared that the Conference on the Manufacture of Arms would be postponed indefinitely because the general Conference on Disarmament would not be held, he, for his part, might fear that a Conference on the Manufacture of Arms might be substituted for a general Conference on Disarmament. He further reminded the Committee that the last paragraph of his proposal ran as follows : " failing such a general Conference, that a special Conference on the Manufacture of Arms may be held ".

He agreed to form part of a Drafting Committee.

The CHAIRMAN proposed that the Drafting Committee the appointment of which had been suggested by M. Motta should be composed of the following members : Count BERNSTORFF, M. GUERRERO, M. SATO and M. JOUHAUX.

The proposal was adopted.

24. **Adoption of the Report and Draft Resolution concerning Financial Assistance to States Victims of Aggression** (Annex 1).

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, submitted to the Committee his draft report and the following draft resolution :

" The Assembly :

" (1) Expresses its satisfaction with the work of the Committee on Arbitration and Security and the Financial Committee in connection with the scheme for financial assistance ;

" (2) Requests the Council to invite the Financial Committee to continue the preparation of this scheme in the form of a draft Convention, bearing in mind the directions given in the report submitted to the Assembly at its ninth ordinary session on behalf of its Third Committee ;

" (3) Expresses the hope that a full draft Convention, complete in all its details, may be submitted to the Assembly at its tenth ordinary session. "

Perhaps, suggested the Rapporteur, the following paragraph might be added to the end of the draft resolution :

" Invites the Secretary-General to submit the draft Convention, as soon as it is prepared, to the Governments in order that they may give instructions to their delegates at the tenth ordinary session of the Assembly. "

M. MOTTA (Switzerland) warmly supported the amendment proposed by the Rapporteur, since it clearly expressed the idea that the Governments were not yet pledged, and that they had merely to undertake to study the matter.

General TANCZOS (Hungary) approved M. Motta's statement.

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, explained that this addition confirmed what was already contained in the report, but that it was really not necessary, as the whole report was conceived in that spirit.

M. HOLSTI (Finland) thought it his duty to thank the Special Commission and the Financial Committee for their work during the past year, in view of the fact that certain delegates had been good enough, at the previous meeting, to refer to the scheme for financial assistance as the " Finnish proposal ". A comparison of the work accomplished at that afternoon's meeting and the situation a year ago would show the extent of the progress realised.

The report and draft resolution, with the amendment proposed, were adopted.

(The Committee rose at 7 p.m.)

SEVENTH MEETING.

Held on Monday, September 17th, 1928, at 4 p.m.

Chairman : Count CARTON DE WIART (Belgium).

25. **Adoption of the Draft Resolution relating to Supervision of the Private Manufacture and Publicity of the Manufacture of Arms, and Ammunition and of Implements of War.**

The CHAIRMAN opened the discussion on the following draft resolution, submitted by the Drafting Committee :

" The Assembly,

" Having taken note of the report and preliminary draft Convention drawn up by the Special Commission appointed to prepare a draft Convention on the Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War ;

" Observing that the Commission has not yet found it possible to submit a single final text as desired by the Assembly ;

" Affirming the urgent necessity of drawing up a Convention which, while placing non-producing and producing countries on an equal footing, would facilitate the ratification of the Convention on the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva on June 17th, 1925;

" Referring to its successive resolutions passed at each of its previous ordinary sessions, beginning with the first session in 1920, in which resolutions it has constantly urged the importance of the problem of the manufacture of arms and the necessity for convening a Conference as speedily as possible;

" Confirming the fact that a connection exists between the general question of the reduction and limitation of armaments and the question of the international trade in arms and also of that of the manufacture of arms and ammunition and of implements of war:

" Requests the Council to make an appeal, at its present session, to the Governments represented on the Special Commission to examine carefully the differences of view revealed during the last session of the Commission, and to consider calling another meeting of the Commission before the next Council session, in order that the work of the Commission may be completed as soon as possible and submitted to a special Conference, which would meet either at the same time as the general Conference for the Reduction and Limitation of Armaments, or at an earlier date. "

M. LOUDON (Netherlands) approved of the draft resolution submitted to the Committee, but he wished to move an amendment to it. It was pointed out, in the course of the discussion, by Count Bernstorff and General de Marinis among others, that some progress had been made and that reasonable optimism was justified. He thought some mention of this should be made in the resolution and that the following words should be added to the second paragraph 2 : " although the Commission agreed that the principle of publicity should extend to government manufactures ".

Count BERNSTORFF (Germany) did not believe that the Drafting Committee would take any exception to that proposal.

General DE MARINIS (Italy) supported M. Loudon's proposal.

The amendment was adopted.

M. LOUWERS (Belgium) noted that it was stated in the resolution that there was a connection between the general question of the reduction of armaments and the question of the international trade in arms. He did not dispute that view, but it should be clearly understood that the reservations made by the Belgian delegation on the question of the arms which should be subjected to regulations were not affected thereby.

It was further stated in the draft resolution that the Assembly " requests the Council to send, during the present session, an appeal . . . ". Should this be done before the end of the session ?

Count BERNSTORFF (Germany), as the Chairman of the Drafting Committee, wished it to be understood that all reservations remained in force until the subject came up for discussion again. As regarded the passage referred to by M. Louwers, the speaker explained that the idea was that they should ask the present Council to make that appeal at the present session so that, thanks to that appeal, the Special Commission might arrive at a result in the course of its next session, which would take place in December or in January, according to the decision which might be adopted as to the date and number of Council sessions.

M. LOUDON (Netherlands) was of opinion that the essential point was to state that the Conference was to establish a Convention. This could be done by adding at the end of the last paragraph the words : " and which would establish a Convention providing for the supervision of private manufacture and for effective publicity with regard to the State manufacture of arms, ammunition and implements of war ".

M. GUERRERO (Salvador), Rapporteur, supported this proposal, and, in regard to the first part of the last paragraph, presumed that the Council, in sending its appeal to the Governments represented on the Special Commission, would at the same time forward to them the Minutes of the last session of the Special Commission, in order that they might see exactly what the differences of opinion were which had arisen. He thought that mention of this should be made in the report.

Count BERNSTORFF (Germany) had no objection. He said that, if the point raised by M. Loudon had not been brought out so explicitly in the resolution, it was because the Drafting Committee had thought that the first paragraph of the resolution was sufficient. He had no objection to the adoption of the amendment.

The CHAIRMAN thought that the decision to adopt M. Loudon's first amendment was the right one, but he did not think it advisable to define too closely the terms of reference of the Special Commission, or its nature and task, for this might give rise to certain apprehensions on the part of the Governments represented.

M. CABALLERO (Paraguay) supported M. Loudon's amendment, but he pointed out that it contained no provision in regard to the publicity of the private manufacture of arms, unless it was held that the word " supervision " also covered publicity.

M. LOUDON (Netherlands) did not insist further on his amendment, since there seemed to be general agreement on the idea he had put forward.

The draft resolution was adopted, with the proposed amendment in the second paragraph.

26. **Adoption of the Report on the Work of the Committee on Arbitration and Security relating to Articles 10, 11 and 16 of the Covenant** (Annex 2).

M. POLITIS (Greece), Rapporteur, submitted his draft report. He merely wished to state that, in drafting it, he had taken account of what had been said during the discussion and, in doing so, he thought that the best way to proceed was to quote as much of the text as possible, otherwise he would have had to go into detailed explanations which would have added unduly to the length of his report.

He noted that there had been some hesitation in regard to the last paragraph of the draft resolution, in which the desire was expressed that other articles of the Covenant should likewise be examined. His attention had been called to the fact that the Chairman of the Committee on Arbitration and Security had declared, at the close of the third session, that the continuation of the Committee's work depended on a resolution of the Assembly.

He had therefore refrained from saying, as had been originally intended, " that the other articles would be referred for examination to the Committee on Arbitration and Security in the course of its subsequent sessions ", and he had used somewhat less definite terms. If the Committee decided to adopt the vaguer formula of the draft resolution, it would be necessary to alter the end of the third paragraph, which read as follows : " substantial support in Article 13, paragraph 4, a thorough study of which should be undertaken at one of the next sessions of the Committee ", and to replace these words by : " which it would be desirable to study ".

M. PAUL-BONCOUR (France) expressed concern at the reasons adduced by M. Politis in support of the alterations in the draft, which he proposed on the strength of considerations of a rather perplexing nature.

They seemed to imply that the Committee on Arbitration and Security, which had been appointed within the Preparatory Commission, was not a permanent organ, and that the Preparatory Commission would not be entitled to refer to that body questions which it would be opportune or desirable to examine in view of the aims they were pursuing. If this interpretation were correct, it might tend to narrow down to a considerable extent the Committee on Arbitration and Security's terms of reference.

The speaker then read the following passage of the resolution adopted by the last Assembly, by which the Committee had been created :

> " 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. "

The conclusion M. Paul-Boncour drew therefrom was that the Committee's programme was of a vast and comprehensive nature and that, however hard they might have worked, they could not claim to have exhausted it. It would therefore be highly undesirable to create an impression that the Preparatory Commission could be deprived of the means to study the measures calculated to facilitate its task.

The speaker held the opinion, no doubt shared by many of his colleagues, that the Committee on Arbitration and Security should be put in a position to pursue its work concurrently with the work of the Preparatory Commission.

M. BENEŠ (Czechoslovakia) stated that M. Politis had drawn his attention to words which he, M. Benes, had said in one of the Committee's debates. These words might lead to a wrong inference. They were as follows :

" We do not know whether the Assembly will entrust other work to us, but, in any case, we have completed the tasks which so far have been assigned to us. "

The delegate of Czechoslovakia would not like the inference to be drawn from his words that he himself was of opinion that the programme entrusted to the Committee had been exhausted. He had merely wished to convey : (1) that certain concrete questions calling for immediate settlement had been settled ; (2) that the other questions for discussion would be examined as and when the Council and the Assembly so decided.

The speaker further pointed out that it was beyond doubt — and the Minutes of the proceedings bore him out — that, in the intention of those who recommended the creation of the Committee on Arbitration and Security, that Committee was to remain in existence as long as the Preparatory Commission itself.

He wished to offer a third and last remark : the principal questions earmarked for examination this year had been dealt with, although some questions which had not yet been sufficiently studied had been reserved for a later session. In the course of last year's debates a new session of the Committee had been contemplated, but no final decision had as yet been adopted on that point.

The CHAIRMAN asked M. Paul-Boncour whether the explanations given by M. Beneš seemed to him satisfactory.

M. PAUL-BONCOUR (France) replied in the affirmative.

M. POLITIS (Greece), Rapporteur, was also satisfied with M. Beneš' explanations, which had made clear that the Committee had not finished its work, that it was not dissolved and that it was still a durable, if not a permanent, organ.

He would like to have one point very definitely fixed to prevent any confusion later, namely, that the Committee on Arbitration and Security, being a Committee appointed by the Preparatory Commission, did not require an Assembly vote or instructions from the Council in order to continue its work, but simply a decision of the Preparatory Commission.

M. BENEŠ (Czechoslovakia) said that this was quite in accordance with precedent.

The Preparatory Commission had appointed the Committee on Arbitration and Security and had settled the Committee's original programme of work at its first meeting. It was, therefore the business of the Preparatory Commission to give instructions to the Committee on Arbitration and Security and indicate the lines on which its work should be continued.

General TANCZOS (Hungary) thought that, if this point of view were adopted, the original text of M. Politis' report might stand.

He desired to ask what would be the membership of the Committee on Arbitration and Security in the future.

M. BENEŠ (Czechoslovakia) replied that it was for the Council to determine the composition of the Preparatory Commission and, consequently, of the Committee on Arbitration and Security.

The CHAIRMAN reminded the Committee that the resolution adopted at the last ordinary session of the Assembly laid down that the Committee should consist of representatives of all the States which had seats on the Commission and were Members of the League, the other States represented on the Commission being invited to sit on it if they so desired.

M. POLITIS (Greece), Rapporteur, thought it would be best to keep to the original text of his report. In that case, the end of the draft resolution would have to be brought into line with his draft.

Baron ROLIN JAEQUEMYNS (Belgium) did not think that, in the ordinary course, it was for the Assembly or the Council to fix the date of the meetings and settle the agenda of the Committee on Arbitration and Security. The Committee had been brought into being by the Preparatory Commission and was under that Commission. It should not take instructions from more than one quarter.

M. MOTTA (Switzerland) was glad to see that all doubts had been removed as to the existence of the Committee, and that it remained an instrument at the disposal of the Preparatory Commission.

That being the case, the last part of the resolution, which had been intentionally drafted in somewhat vague terms, would have to be made more definite. The passage ran : "recommends that a study should be undertaken of the other articles of the Covenant . . . ", without stating to whom the recommendation was addressed. It would have to be made clear that it was to the Committee on Arbitration and Security.

Baron ROLIN JAEQUEMYNS (Belgium) thought that the wording of the third paragraph of the report should be altered. Moreover, he did not approve of the amendment proposed

for the last sentence of the resolution. He took the view that the decision here belonged to the Preparatory Commission. It was therefore unnecessary for the Assembly to recommend that the study should be made by the Committee on Arbitration and Security.

The CHAIRMAN observed that there was some disagreement among members of the Committee, since the amendment to the report, which had been dropped by its author, was now taken up by Baron Rolin Jaequemyns.

M. POLITIS (Greece), Rapporteur, said he had submitted a new wording to meet the wishes expressed by several members of the Committee, but that he personally would prefer to keep the original wording.

M. VON SIMSON (Germany) suggested that the third paragraph of the report should end as follows :

". . . A thorough study of which should be embarked upon as soon as possible."

M. BENEŠ (Czechoslovakia) suggested that this comparatively unimportant discussion might end. He gathered that they were all agreed that it was for the Preparatory Commission to decide in the last instance and to instruct the Committee on Arbitration and Security.

Mr. MCLACHLAN (Australia) proposed a version which should follow the Rapporteur's suggestions and not only recommend that a study be undertaken but also make a definite assumption that it would be undertaken, and he suggested that the last paragraph of the resolution be amplified as follows :

" In conclusion, approves the study to be undertaken of the other articles of the Covenant, the conscientious and full application of which . . . "

The CHAIRMAN suggested that the Committee adopt the wording submitted by M. von Simson for the end of the third paragraph of the report :

" . . . A thorough study of which should be embarked upon as soon as possible. "

M. von Simson's amendment was adopted.

M. POLITIS (Greece), Rapporteur, asked whether the resolution would also have to be amended.

The CHAIRMAN thought it would be enough if the discussion which had taken place were mentioned in the Minutes. Especially now that M. von Simson's suggestion had been adopted, the logical inference was that it would be the business of the Preparatory Commission to submit the question to the Committee on Arbitration and Security.

The draft resolution was adopted without amendment.

M. LANGE (Norway) observed that M. Politis, in his report, had touched on the important question of sanctions in connection with compulsory arbitration. In refutation of the Rapporteur's doctrine, which was well known, he (M. Lange) had laid before the Assembly last year certain historical facts in support of the opposite view. While protesting that he had an entirely open mind on the subject, he thought it would perhaps be premature to take up a position at the present moment.

At any rate, as he found in the report signs of a doctrine which he could not approve, he suggested that the words in paragraph 3 : " In the absence of a complete system of sanctions ", should be deleted.

M. POLITIS (Greece), Rapporteur, repeated the arguments he had already more than once developed, which were based on his conception of the social organisation of States ; he refused to believe that Governments would be more gentle and angelic than men in the most highly policed societies were. Just as there was no domestic system which did not include means of enforcement, he did not see how international justice could be organised without the principle of obligation being some day strengthened by a procedure for enforcement.

In any case, if M. Lange and he had been unable to agree, it was because they were looking at the question from different angles. M. Lange had indeed said, at the last Assembly, that he did not know of any single case in which an arbitral award had not been carried out, and that he did not see the necessity for means of enforcement, but the awards in question were awards under a system of optional arbitration, submitted to by agreement. He himself had always contended that, though sanctions were not necessary in optional arbitration, the position was very different in compulsory arbitration, where the award might be given long after the States had pledged themselves to resort to judgment.

In any case, he thought M. Lange might quite well accept the words he wished to have deleted, for the view they expressed was not sponsored by the Assembly, but only by the Committee on Arbitration and Security. The members of the Committee on Arbitration and Security had come to the conclusion that compulsory arbitration needed something to support it, and they thought that support might be found in a system of sanctions. The fact was, however, that no such system existed. But the members of the Committee thought that if Article 13, paragraph 4, of the Covenant were brought into play and if, by careful study, they could deduce from it measures which the Council could propose to the various countries with a view to ensuring the observance of arbitral and judicial awards, they might secure the assent of a number of countries which did not wish to submit their disputes to compulsory arbitration unless sanctions were provided.

In other words, pending the establishment of a more complete system of sanctions, there was still something to go on in Article 13 of the Covenant; the whole of the League machinery might be brought into operation in the event of an arbitral award not being carried out. That was all the report said. It merely recorded a fact. As long as that fact was not denied, he thought that the passage objected to by M. Lange should not give rise to any criticism.

M. LANGE (Norway) did not press his point, but maintained his reservation regarding a phrase which seemed to express a not altogether wise view.

At the same time, he questioned the accuracy of some of the historical facts referred to by M. Politis. Among the cases to which he himself had alluded were cases of compulsory arbitration. The United States Constitution provided no sanction against the several States of the Union, though as between them there was compulsory arbitration.

He did not deny that it might be necessary to establish a system of sanctions some day, but, so far, history did not demonstrate the necessity of such a system, which might even have certain disadvantages. He did not press for the deletion of the passage, but simply maintained his reservation.

M. SOKAL (Poland) wished to make a request of the Rapporteur. The latter had been good enough, after an argument which took place at the last meeting between the representative of Germany and M. Sokal himself, to insert in the report a resolution adopted by the Committee on Arbitration and Security. Immediately before that, M. Politis spoke of the ideas embodied in the Introductory Note to the report, and linked them with the resolution adopted by the Committee by the words : " they were adopted in principle." The transition from the Introductory Note to the resolution was not so smooth as this sentence might suggest.

It would perhaps be necessary to point out that between the Introductory Note and the adoption of the resolution there was a discussion, and to realise this they had only to recall M. Beneš' words at the last meeting after the argument between the representatives of Germany and Poland.

He hoped that the German delegate, who was originally responsible for the insertion of this resolution, would agree that a summary of M. Beneš' remarks ought to be put in the report in order properly to reflect the situation.

M. POLITIS (Greece), Rapporteur, suggested the adoption of the following wording, which would meet M. Sokal's objection :

> " They gave rise to a detailed discussion in which two currents of opinion emerged, one emphasising the degree of security afforded by the Covenant and the other affirming its inadequacy. Finally, the Committee adopted a resolution in the following terms ."

M. SOKAL (Poland) said he was satisfied.

The draft report was adopted with this amendment and M. von Simson's amendment to the third paragraph.

27. **Model Treaty to strengthen the Means for Preventing War** (*Official Journal*, August 1928, page 1209) : **Discussion.**

The CHAIRMAN said that, according to the Introductory Note, it had only been possible to give the draft model Treaty a first reading, and that the Committee, when submitting the model to the Governments, had asked them to give their delegates to the Assembly the necessary instructions in order that the matter might be further considered.

He therefore assumed that the delegations were in a position to state what instructions they had received.

M. SATO (Japan) said he had expressed the opinion of his Government with regard to the German Suggestions during the third meeting of the Committee on Arbitration and Security. That opinion remained unaltered, and he still believed that the acceptance of the Suggestions would unduly restrict the freedom of action of the Council, which should be left a free hand to decide what measures should be taken in times of emergency, these measures varying according to the nature of the situations to be met. To lay down beforehand definite and rigid measures that the Council must take might lead to the very opposite result to that which was desired, namely, the maintenance of peaceful relations.

The Japanese delegation felt it would be impossible to apply Articles 1 and 2 of the Treaty rigorously without at the same time raising the whole problem of military supervision, on which it seemed impossible in the present circumstances to attain unanimity. During the earlier discussions, a certain number of delegations had expressed the view that the conservatory measures proposed were valueless except so far as their execution could be assured, whilst other States had held that supervision would be ineffectual and impracticable. That difference of opinion still seemed to subsist.

With regard to Articles 3, 4 and 5, he thought that such operations would in practice meet with such terrible difficulties that it was doubtful whether they could be effectively carried out. Moreover, those measures implied the existence or the establishment of a detailed and rigorous military supervision, which was open to the objections he had just mentioned.

On the other hand, merely to give the Council the right to see to the observation and enforcement of measures, if need were, was not sufficiently drastic and explicit to attain the end in view.

All these objections made the adoption of the proposed model Treaty a matter of difficulty, but if the Committee was in favour of its adoption, the Japanese Government had no intention, in view of the provisions contained in Article 6, of putting any obstacle in the way of the realisation of the scheme, which aimed at the maintenance of peace, a motive with which his Government was wholly in sympathy.

General DE MARINIS (Italy) said he shared the views expressed by M. Sato. The Italian delegation had on many occasions expressed its point of view regarding the possibility of applying certain provisions mentioned in this Treaty. It considered that the adoption of the draft Treaty presented grave difficulties, which might place the Council in an awkward predicament when carrying out its task.

However, his delegation would not oppose the acceptance of the draft, as it was merely a suggestion for a treaty, and was open to those who felt that it was desirable to accept it, the rest retaining complete freedom of action.

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, said he would not enter again into details which had already been adequately discussed in the Committee on Arbitration and Security.

An essential point of the third German Suggestion, he said, was the reference to a kind of compulsory armistice. It had been generally felt that this question might give rise to difficulties still greater than those now feared by some of the delegates. A draft of Article 3 had therefore been prepared referring, not to an armistice, but to an undertaking to adopt the measures suggested by the Council. To have gone into details would have been a matter of some delicacy and the idea was set aside.

It was probably because the reference to enforcement had been couched in very moderate terms that those of the delegates who had expressed apprehensions had likewise displayed much moderation, and had stated that, although their Governments would probably not adhere to such a Convention, it was quite possible that other States might accept Conventions of such a kind.

He pointed out that this was not an open Protocol. The draft submitted to the Committee had been prepared with the same idea as the Treaties of non-aggression and mutual assistance. It was a model Treaty, and States had the option of varying its terms; this was indeed what would generally happen. Even if the draft were formally accepted by the Assembly, it would not be binding upon any Government. Each Government would merely give its moral approval, declaring that it might be well to sign such a Treaty under certain circumstances.

This removed all cause for objections of a general nature.

Reference had just been made to supervision, and one of the Japanese delegate's objections appeared to be that Articles 1 and 2, on the one hand, and 3, 4 and 5, on the other, implied supervision. On the contrary, that idea had been discarded, and a reference to the explanations in the Introductory Note would show that supervision was one of the very questions that had given rise to protracted discussion. The Polish delegation had, indeed, proposed a text differing from that which had been adopted, and worded as follows :

> " The High Contracting Parties, considering that the provisions referred to above will not be effective unless accompanied by a system of prompt control, undertake forthwith to conform to such measures of supervision as may be applied by the direction of the Council. "

That text had not been accepted.

He referred to the actual text of Article 4, which was very different and contained no reference to " supervision ". States which pledged themselves by such Conventions might provide for a certain measure of supervision, but the draft itself was not intended to convey that idea definitely.

Another question which had given rise to discussion was that of the Council's vote. It had been decided to introduce into the Convention an article stating definitely that :

> " In the cases referred to in Articles 3 and 4, the High Contracting Parties undertake 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. "

Some members of the Committee thought that it would be reasonable to apply this proviso to Article 1 in the case of a dispute in which hostilities had not broken out; but mature consideration would suggest that this idea was somewhat overbold and contrary to the spirit of the Covenant. As long as hostilities had not broken out, it was obvious that the type of treaty proposed could not lay down that the parties should not have a share in the discussion. That would, on the other hand, be quite natural if hostilities had actually broken out.

Lastly, he referred to sub-paragraph (*e*) of the Introductory Note, which had been discussed at some length. It stated that " the Committee did not feel that it could accept the idea of a general protocol open to the signature of all States ". The proposal, therefore, was simply to adopt a model which any Governments desiring to do so might adopt, but which would lay no obligation upon the others.

Consequently, he felt that all States might consent to the submission of this model Treaty to the Assembly, and he wished to emphasise this point, which he thought should secure the unreserved assent of all the delegates.

M. Beneš (Czechoslovakia) admitted that the Committee on Arbitration and Security had fully realised all the difficulties offered by the draft Treaty, observed that Baron Rolin Jaequemyns had now again emphasised the character of the proposal before the Committee and specified the exact nature of the draft. There was thus no question of a protocol, and, in reply to a question raised by the Chairman at the opening of the discussion, he (M. Beneš) stated that, in view of the non-contentious character of the proposal, he thought that it was in no wise necessary to submit the German Suggestions to the Committee on Arbitration and Security for a second reading. He was convinced that further study, however exhaustive, could not be productive of modifications likely to remove the difficulties which had been anticipated.

The Hon. A. Cadogan (British Empire) said it would be remembered that, when the question first came before the Committee on Arbitration and Security, Lord Cushendun had expressed various misgivings in regard to the provisions of the draft Treaty, and as he saw that the resolution submitted by the Committee on Arbitration and Security " requests the Secretary-General to forward the said model . . . to the Governments in order that they may give the necessary instructions to their delegations at the Assembly ", he felt bound to say one word to explain that, if they now let this draft pass in silence, it must not be taken as indicating any real change of mind on the part of the British Government. On the contrary, after careful consideration, they still had certain misgivings about certain provisions in the draft. They were, in point of fact, not yet convinced of the necessity or the utility of such a model Treaty and he could not hold out any prospect of their being able to sign a document of the kind. On the other hand, they were assured in the Committee on Arbitration and Security — an assurance which had been repeated and referred to in that Committee — that the document was in the nature simply of a model for, as it were, the assistance of those Governments who wished to enter into such a Treaty. Therefore it was unnecessary for them, perhaps, to criticise the terms of a Treaty which other Governments or groups of Governments might find useful. If in the past they had joined in criticising the terms of the draft, he wished to emphasise that they only joined to that extent in the framing of the Treaty, and it must not be taken to mean that they were convinced of its necessity or utility — at all events, as regards his own country.

M. Paul-Boncour (France), before giving the opinion of his delegation, wished to lay stress on the fact that the observations of the British delegate came to the same thing as had been said by Baron Rolin Jaequemyns, namely, that the proposed text was merely a suggestion to such Governments as might consider it desirable to affix their signatures thereto. They need therefore have no misgivings and, as M. Beneš had just pointed out, all the delegates might confidently refer this Treaty with the others to the Assembly for its approval.

Like all the other treaties, this was merely a model put before the Governments, which might or might not see fit to use it. Nevertheless, its strictly optional character in no way detracted from the importance of the general work of the Committee on Arbitration and Security. These drafts derived their full value, not only from the collaboration of eminent jurists who had drawn them up, but also from their powers of attraction. By the mere fact of their existence, they served as a kind of propaganda and as a stimulus to the conclusion of other similar agreements.

Moreover, in many cases, a Treaty of this type concluded between two or more adjacent States would provide a certain amount of safeguard to each side.

He ventured to think that Baron Rolin Jaequemyns, in his desire to allay all apprehensions, had perhaps to some extent restricted the scope of Article 3, by laying stress on the fact that it contained no reference to an armistice. The word had indeed been avoided for legal reasons, and because, in international law, an armistice itself involved consequences on which they did not wish to lay particular stress.

He was glad to find, however, that the essential idea of an armistice reappeared in Article 3. The importance of this article lay in the fact that States which signed such a Treaty bound themselves in advance to agree to a cessation of hostilities or the evacuation of any place which might have been occupied. That was an extremely valuable provision, and it would be an injustice if the Committee did not express its utmost gratitude to the German delegation, on whose initiative this model Treaty had been evolved, embodying one of the most vital provisions of the Protocol.

M. von Simson (Germany) said that he appreciated the moderation and courtesy with which the delegates of Japan, Italy and the British Empire had expressed their views; he nevertheless regretted that these delegates still felt doubts as to the efficacy of the model Treaty recommended.

He thanked M. Paul-Boncour for his statement.

The opinion of the German Government had not changed, and M. von Simson thought there was no point in restating it. He only wished to reply to M. Sato regarding one definite point. M. Sato had said that his Government did not think it desirable to limit the powers of the Council. But there was no question of any such limitation in the Treaty. The Council remained absolutely free to do what it wished, or even to do nothing at all. It was only the contracting parties who undertook to conform to its recommendations.

The speaker regretted that his original draft should have been somewhat mutilated; he would not, however, press this point, but would accept the model Treaty in its present form. He associated himself with M. Beneš's and M. Paul-Boncour's request that this draft should not be referred to the Committee on Arbitration and Security for a second reading, but should immediately be submitted to the Assembly. They might submit to the Assembly a draft resolution similar to that adopted in the case of the Treaties of non-aggression and mutual assistance.

The speaker also explained that the present Treaty was not a protocol open for signature by all Governments.

He reminded the Committee that the practical value of such a Treaty would be directly proportionate to the number of contracting parties, and he expressed the hope that this Treaty would be signed by a large number of States.

M. SATO (Japan) wished to explain the attitude of his Government in order to avoid any misunderstanding.

The Japanese Government had studied the draft in question very carefully and had only issued instructions to its delegate after mature consideration.

Baron Rolin Jaequemyns had stated that Articles 1, 2 and 3, and even Articles 4 and 5, did not in any way imply the idea of supervision. But the Japanese Government thought that the question of supervision arose indirectly through the very application of these articles.

For instance, under Article 1 the contracting parties undertook to accept and apply provisional recommendations by the Council. If, notwithstanding this undertaking, they failed to apply these recommendations, the question of supervision would arise in regard to the application of this article. The same applied to the other articles.

In Article 4 it was said that the contracting parties undertook to lend themselves to any action which might be decided upon by the Council with a view to ensuring the observance of the measures and recommendations adopted by the Council.

Now, this word " ensuring " had been adopted as the result of long discussions. They had, indeed, wished to avoid all idea of supervision and yet provide for the execution of the recommendations. It was said that the Council was to be vigilant. As a matter of fact, this article could not be applied without supervision, and the Japanese Government, since it was unable to accept the idea of supervision, had been obliged to declare frankly that it could not approve of this article.

M. von Simson had stated that Article 1 and the following articles did not limit the Council's freedom of action. Since, however, the parties undertook to conform to the recommendations of the Council, the Council would be obliged to recommend the adoption of one course or another; it would have to take some kind of action, and the Japanese Government thought that this was putting on the Council too heavy a responsibility.

Baron Rolin Jaequemyns had said that they were only concerned with a model Treaty. The Japanese Government was afraid that this model would be converted, like others, into a protocol open to the signature of all States — and that, it would be unable to accept. If, however, the Treaty remained a model, his Government would find it very much easier to support the proposal which had been made, particularly since it was prepared to adopt it as a Treaty open to the signature of all States under the provisions of Article 6.

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, wished to point out that there was a fundamental difference between the model arbitration Conventions and the Treaties of non-aggression and mutual assistance. In the case of the former, they were certainly considering the question of opening forthwith a protocol for signature. In the case of the model Treaties of non-aggression and mutual assistance, they merely had before them model treaties, that is to say, draft texts which might be used for the conclusion of a treaty. The model Treaty drawn up by the Committee on Arbitration and Security to strengthen the means of preventing war belonged to the latter class.

The speaker recalled the resolution which had been prepared in connection with the reference to the Assembly of the model Treaties of non-aggression and mutual assistance. A very similar resolution might be adopted in the case of the Treaty under discussion, the text running as follows :

" The Assembly,

" Having noted the model Treaty for strengthening the Means of preventing War,

" And convinced that its adoption by a large number of States would contribute towards strengthening the guarantees of security,

" Recommends it for consideration by States Members or non-Members of the League of Nations; and

" Hopes that it may serve as a basis for States desiring to conclude treaties of this sort. "

The text which the speaker had just read showed that it had been their endeavour to furnish a useful model. If the Committee shared this view, it might agree on a draft resolution in this sense for submission to the Assembly, and, in this event, Baron Rolin Jaequemyns would draw up his report giving a summary of the conclusions arrived at during the discussion.

(The general discussion was closed.)

(The meeting rose at 7.35 p.m.)

EIGHTH MEETING.

Held on Tuesday, September 18th, 1928, at 4 p.m.

Chairman: Count CARTON DE WIART (Belgium).

28. Adoption of the Report concerning Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War (Annex 3).

General DE MARINIS (Italy) pointed out that the second paragraph of the draft report did not seem to tally with the wording of the draft Convention drawn up in 1927. In the provisions unanimously approved, this preliminary draft did not, as stated in the report, provide for the " supervision of private manufacture and publicity for Government manufacture, with details in the latter case regarding the number, weight and value of arms and ammunition and of implements of war ".

M. GUERRERO (Salvador), Rapporteur, admitted the truth of M. de Marinis's criticism and agreed that the second paragraph and the beginning of the third paragraph should read as follows :

" At its first session, held in March-April 1927, the Special Commission drew up a preliminary draft Convention.

" This draft was taken as the basis of discussion " etc.

General DE MARINIS (Italy) thanked the Rapporteur and said he was still an optimist, provided the delegates did not take up too irreconcilable an attitude at the second reading.

M. SATO (Japan) had meant to raise the same point as General de Marinis, but as the Rapporteur was willing to amend his report, there was no need for him to add anything.

The report thus amended was adopted.

29. Adoption of the Report and Draft Resolution relating to the Model Treaty to strengthen the Means for preventing War (Annex 4).

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, read his report and the following draft resolution :

" The Assembly,

" Having noted with satisfaction the model Treaty to strengthen the Means for preventing War framed by the Committee on Arbitration and Security;

" Highly appreciating the value of this model Treaty, especially if it were adopted by a large number of States;

" Recommends it for consideration by States Members or non-Members of the League of Nations; and

" Hopes that it may serve as a basis for States desiring to conclude a treaty of this kind. "

M. VON SIMSON (Germany) reminded them that his Government had submitted the proposals which gave rise to this draft Treaty in the intention of strengthening the means of preventing war or, in other words, of increasing security.

The delegate of Germany thought that none of the other model Treaties proposed by the Committee on Arbitration and Security would provide as much security as a convention of this kind, provided it were adopted by a large number of States.

He congratulated the Rapporteur on the admirable clearness of his report and asked him whether it would not be possible to insert in the resolution regarding the draft Treaty the same passage as occurred in the resolution on draft Treaties of mutual assistance, and to say that the adoption of such a convention by a large number of States would increase security.

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, declared himself in entire agreement with M. von Simson's suggestion for the insertion in the resolution regarding the draft Treaty of mutual assistance of a clause stating definitely the salutary effect these Treaties might have in the sphere of international security.

He therefore proposed that this part of the resolution should read as follows :

" Highly appreciating the value of this model Treaty;

" Being convinced that its adoption by a large number of States would serve to increase the guarantees of security. "

The Hon. A. CADOGAN (British Empire) considered that, in view of what had been said about the draft model Treaty on various occasions by the British representative, it was a little

difficult for him to concur in the amended resolution which meant that the Assembly was convinced that the adoption of the model Treaty would contribute largely to security. He was afraid the amendment was rather in conflict with several observations that had been made in the Committee on Arbitration and Security. If, however, he found himself in a minority of one on the point, he would do nothing to obstruct the proposed resolution, but he hoped it would be remembered, if the resolution was passed, that the British delegation still maintained a certain mental reservation as to the real value of the model Treaty.

M. SOKAL (Poland) associated himself with the tribute paid by the representative of Germany to Baron Rolin Jaequemyns' very clear statement.

He questioned whether it was desirable to summarise the Introductory Note, since it would, he thought, prove as valuable to the Governments receiving the Convention as the text of the Treaty itself. Nevertheless, if the Rapporteur considered that this summary should be inserted, he would not oppose this provided it was understood that the Introductory Note would accompany the draft text. M. Sokal further asked the Rapporteur to embody in the summary the following passage from the Introductory Note containing the text of a Polish amendment to the Treaty :

> " The High Contracting Parties, considering that the provisions referred to above will not be effective unless accompanied by a system of prompt control, undertake forthwith to conform to such measures. . . as may be applied by the direction of the Council. "

With reference to the proposal that stress should be laid in the final resolution on the additional guarantee of security afforded by the model Treaty, the speaker took exactly the same view as the British delegate and was obliged to make the same reservations.

Referring to the words at the end of the report :

> " The Third Committee unanimously decided to submit the model Treaty in question *for the approval* of the Assembly ",

he thought this was going too far, for the model Treaty with its Introductory Note was being submitted to the Assembly only for transmission to the Governments.

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, proposed that the part of the report just referred to by M. Sokal should be amended as follows :

> " The Third Committee unanimously decided to submit the model Treaty in question to the Assembly. "

M. SOKAL (Poland) agreed to this amendment.

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, continuing, said that, with reference to the summary of the Introductory Note, he had followed the usual practice. He would like, however, to add to paragraph (*b*), which was as follows :

> "(*b*) The supervision of the execution of the measures recommended by the Council, a question on which different views were expressed, has received, in Article 5, a solution which safeguards the Council's freedom of action "— the words :
>
> " and which is fully discussed in all its bearings in the Introductory Note. "

M. SOKAL (Poland) concurred, provided that the Introductory Note was sent to the Governments together with the model Treaty.

The CHAIRMAN said that the Introductory Note had already been referred to the Governments, and would be appended to the draft resolution they were about to adopt.

To simplify matters, he asked the Committee to decide whether the resolution on the model Treaty under discussion and the resolution on the model Treaties of non-aggression and mutual assistance should be couched in identical terms. If so, this would certainly have the effect of shortening the proceedings.

M. SOKAL (Poland) proposed the following amendment to the draft resolution :

> " The Assembly,
>
> " Having noted with satisfaction the model Treaty and the explanations contained in the Introductory Note . . . "

Baron ROLIN JAEQUEMYNS (Belgium), Rapporteur, accepted this amendment.

M. VON SIMSON (Germany) then requested that the words " with satisfaction " should be left out.

M. SOKAL (Poland) seconded this amendment.

M. VON SIMSON (Germany) thought that there would be no opposition to his earlier amendment, for, if the Committee would not acknowledge that this model Treaty increased security, he, in his turn, would be obliged to demur on the same point when they came to discuss the resolution on the draft Treaties of non-aggression and mutual assistance.

M. SOKAL (Poland) said that the representative of Germany wanted to put the resolution on the Treaty under discussion on a parallel in all respects with the resolution on the draft

Treaties of non-aggression and mutual assistance, but the Committee on Arbitration and Security had never had any intention of establishing any such parallel. The speaker thought, therefore, that the German representative's request was not altogether justified, and that the Committee might keep to the original wording proposed by Baron Rolin Jaequemyns. M. Sokal would be prepared, however, to agree to the deletion of the word " highly ".

M. von Simson (Germany) acknowledged that, so far, no absolute parallel had ever been drawn in the Committee on Arbitration and Security between the two resolutions, but this would have been impossible, as the Committee on Arbitration and Security was now only at the first reading of the Treaty in question. The present Convention, M. von Simson reiterated, was as valuable a means of increasing security as the others. He was surprised at M. Sokal's attitude. M. Sokal was not convinced of the excellence of the model Treaty because all the Polish proposals had not been adopted. The German delegation was in exactly the same position and nevertheless was of opinion that, provided the Convention was signed by a large number of States, it would substantially increase security. In any case, if the passage he suggested was not inserted here, he would oppose its insertion elsewhere.

M. Undén (Sweden) quite agreed with M. von Simson. Many members of the Committee on Arbitration and Security attached no less value to the present draft Treaty than to those which would come up for discussion later. The Committee's resolution covered every kind of treaty of non-aggression and mutual assistance. If the passage could be adopted for a mere treaty of non-aggression, M. Undén thought that it might just as well be adopted in the case of the Treaty under discussion.

M. Sokal (Poland) said M. von Simson was wrong in believing that his attitude towards this model Treaty had changed. He was still in sympathy with the suggestions Germany had laid before the Committee on Arbitration and Security, and the reservations he had expressed to-day were identical with those he had uttered in that Committee.

As regards the parallel M. von Simson had tried to draw, M. Sokal disagreed. The delegate of Germany had warned the Committee that he would take up an obstructive attitude later if his suggestion was not adopted. This was not a right method, and if M. Sokal were to follow suit, unanimity would never be reached.

The report and resolution were adopted with the amendments proposed.

30. **Work of the Preparatory Commission for the Disarmament Conference : Discussion.**

The Chairman said that the discussion would bear on the following resolution adopted by the Preparatory Commission :

> " 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. "

M. Paul-Boncour (France) asked for the opinion of the President of the Preparatory Commission. He recalled that, at the beginning of the Assembly, they had heard a series of speeches containing many references to disarmament, mostly lamentations about the delay in the work of the Preparatory Commission and the difficulties encountered. He suggested it might be well for those who made such statements to lay their grievances and criticisms before the Commission.

M. Beneš (Czechoslovakia), Rapporteur, said that the fact of the matter was that for a long time there had been two currents of opinion in the Third Committee. On the one hand, there had been the malcontents, who thought the work was too slow, and on the other there were those who dwelt on the difficulties encountered.

He thought now that both parties realised that the goal was being reached; the two tendencies were approximating, and the time was coming for practical results.

It had been affirmed over and over again that moral disarmament must come before material disarmament. Well, considerable progress had been made as regards moral disarmament, and the pacification of Europe was continuing. At the last Assembly, M. Paul-Boncour had urged the need for a system of guarantees of security side by side with progressive disarmament. Real efforts had been made and they hoped soon to see results. Treaties of friendship and non-aggression had been concluded. The results of the Locarno Agreement were already considerable. Lately, the Pact for the Renunciation of War had been signed. All this was calculated to create mutual confidence. He thought, therefore, that they might usefully arrange for a meeting of the Preparatory Commission, no doubt its last meeting, and this time they would succeed in establishing a draft Convention.

M. Beneš thought the meeting should take place soon, but he did not think it desirable to fix a definite date. A date had already been fixed once, but the arrangements had had to be cancelled. For this they could not blame the Preparatory Commission, as there were still a great many difficulties unsolved. M. Beneš would not suggest either a definite or an

approximate date, as he was Rapporteur and must first consult the members of the Committee. Judging by the present psychological position, he thought, without undue optimism, that they would not have to wait long. There was now no question whether the Conference would take place or not; it was simply a matter of six months sooner or later. There would therefore be no difficulty in reaching an agreement.

No doubt the most knotty points to be solved by the Preparatory Commission still lay ahead. But there were already Governments, like the French and British Governments, which had reached an agreement on technical questions. It was to be hoped that their example would be followed by others in the near future.

M. Loudon (Netherlands), President of the Preparatory Commission, reminded the Committee of the decision taken at the last session of the Preparatory Commission to leave it to the President of that Commission to fix the date of its next meeting.

None more than himself desired an early conclusion of the work of the Commission, but he still believed that in that connection agreement between the great naval Powers was of paramount importance. If the Assembly fixed a definite date, he would, of course, bow to its decision. It was true that the atmosphere was at present particularly good in view of the Paris Pact. He had thought he would be able to summon the Preparatory Commission even before this ninth session of the Assembly when he saw in the papers that Sir Austen Chamberlain had stated in the House of Commons that France and England had agreed. But doubts had then arisen as to the expediency of a meeting. Nevertheless, he had thought that the date might be fixed during the session of the Assembly. A debate had taken place before the Third Committee at which he had been unable to be present. When, on his return, he read M. Paul-Boncour's speech, he was filled with hope, but Lord Cushendun's speech had thrown cold water on these hopes.

He thought now that, before the Preparatory Commission could meet again, the great naval Powers must come to an agreement. It was his intention to ask these Governments — namely, the Governments of France, Great Britain, Italy, Japan and the United States — to instruct their representatives to meet him shortly at Paris or elsewhere, in order to discuss this important problem before the next meeting of the Preparatory Commission.

If the Assembly fixed a date, he would, of course, accept it, but he could not assume the responsibility for such a decision. If, on the other hand, the responsibility were left to him as it has been before, he could solemnly undertake not to delay in summoning a new session as soon as an agreement had been reached after this private conversation with the representatives of the five naval Powers. He hoped that the Committee and the Assembly would support him. He would do all in his power to speed up the work of the Preparatory Commission, but he could not venture to take action at the present juncture unless he received instructions from the Assembly.

M. Paul-Boncour (France) considered he had been right in first asking to hear the President of the Preparatory Commission, since the latter had made a brief but extremely accurate statement of the principal difficulty arising with regard to the Preparatory Commission's next meeting. This meeting must be held soon, but it was still more important that it should be the last, so as not to place a further strain on public opinion. The public had some right to expect that the Preparatory Commission would at least succeed in drawing up a preliminary draft Convention which would allow a Conference to be summoned.

The President of the Commission had made a very important suggestion, which demanded careful reflection. He had emphasised one of the difficulties — perhaps the chief one they had encountered — which still stood in the way of a meeting of the Preparatory Commission. M. Beneš had told the Committee that he saw two parties; one, the malcontents, who thought that progress was too slow, and the other, those who could perhaps not be called satisfied, but who found sufficient reasons to explain why progress was not quicker. He himself was neither pessimistic nor optimistic; he tried to be impartial and to see exactly what the situation was.

It was in 1925 that, on the French delegation's proposal, the Assembly decided to begin the preparatory work for the summoning of a Conference on the Limitation and Reduction of Armaments. The significance of this date will be appreciated if the situation at that time is remembered.

He would like to ask those of his colleagues who complained of the difficulties of disarmament not to forget the situation, for in it is to be found the origin of these difficulties.

1925 was the year in which the Protocol was, if not buried — for he refused to admit that this was done — at least temporarily rolled up in the purple winding-sheet of dead divinities.

The link which was established between disarmament and security was not a mere figment of the imagination nor the fancy of a few Powers; for them, it was a profound necessity, the vital condition of their disarmament. It was not necessary to reopen this controversy. But none the less it existed. If it was desired to achieve a degree of disarmament answering to the aspirations of the world, it must be acknowledged that its counterpart must be an equal degree of international security. Not till the day when there was an international army could national armies disappear. When the day came when true international security existed, attended by the necessary sanctions, there would no longer be any deficiencies in the national security of individual countries.

1925 was the precise moment when hope had to be given up provisionally. And yet it was in that same year that, on the proposal of one of the delegations which are so profoundly

convinced of this indissoluble link, it was decided to begin the preparatory work. It was not a contradiction, but the logical application of a profound idea.

For if 1925 marked the failure — the speaker hoped only temporary — of the Protocol, this year also marked the preparation of the Locarno Agreements, *i.e.*, of the partial application to a particular area of the principles of this same Protocol.

What was the idea thereafter ? The work the stoppage of which was under discussion was based on a very clear idea — namely, that it was impossible to wait for the realisation of this general operation necessary to total disarmament before beginning the partial disarmament corresponding to partial security.

This idea was expressed last year in a resolution proposed jointly by the French and German delegations. The Assembly thought that — in the present conditions of security, a security based on definite factors and connected with circumstances which were fully appreciated, but which were not of concrete value, conditions of security, which were the outcome on the one hand of the reductions of armaments carried out in application of the Peace Treaties, and on the other hand of the Locarno Agreements — there was a basis on which something could be achieved.

This was what constituted the long technical preparation The views of the speaker on this subject were known. He was among those who joined in the facile mockings directed against the length of these technical preparations. He considered that the Technical Organisations of the League of Nations had rendered the greatest service to the cause of disarmament if only by revealing its difficulties. Their work had not had only this result, however; it had accumulated information on which the reduction of armaments must be based. It was only too easy to arouse hopes without providing a technical basis for their realisation. On the other hand, they had a concrete achievement behind them, and never in the history of the world had the problem of disarmament been so closely examined.

But it must not be forgotten that this technical work was finished in March 1927. From the technical point of view, nothing had been added since then. What had been stopping progress since March 1927 was the fact that behind the technical difficulties there were important political interests. They were in the sphere of politics, and of world politics at that, since they had attempted this great experiment of extending the limitation of armaments to the whole world.

This obstacle had been encountered in March 1927. But at the same time an important advance was marked : the purely sentimental and idealistic phase in which disarmament had remained for centuries and even since the war had been left behind. The war had inevitably aroused a more powerful cry for disarmament among the nations of the world than had ever been the case before. But for several years the matter had remained in this sentimental and idealistic phase. The technical work done up to March 1927 had the great merit of bringing disarmament from the sentimental on to the technical plane. The work which had been done by the Preparatory Commission in March and April 1927 was laborious and sometimes trying, but always fruitful in results ; and it had the effect of placing the problem on political ground.

M. Paul-Boncour did not think that there could be any single point in his analysis which did not correspond strictly to the facts. He had said both what was good and what was bad.

A year had elapsed since that date, and pressure from the members of the Preparatory Commission themselves had in a sense made it necessary for the President to summon the Commission. The latter had, moreover, carried out scrupulously the instructions given to him by the Commission. Words, however, must not be allowed to deceive us. The truth was that the session of March 1928 was a record of failure. This was inevitable since the political difficulties appearing in March 1927 had not been removed. It was at that time that negotiations were recommended by the President between the Powers which were divided on controversial points, euphemistically described as " technical " controversies. They are, in truth, political, and relate to conditions vital to the existence of many States.

The Committee would admit that two Powers have made the most praiseworthy efforts to reduce these differences on a point which, while constituting the entire problem of disarmament, had come to assume special importance. They realised that the other points could only be settled if this could be disposed of first and that any meeting of the Preparatory Commission would encounter grave difficulties from the very moment the members came together.

These two Powers reached an agreement, though not without difficulty and very considerable mutual concessions. The question involved was that of global tonnage or tonnage by categories. This is a technical question, but it also affects the interests and the conflicting claims of the great maritime Powers which are arising or being reconstituted. No two conceptions could be more diametrically opposed.

A formula had been found in March 1927. While retaining the idea of global tonnage, it allowed countries — within the global tonnage limits laid down — to fix the allocation by categories, this allocation being embodied in the Convention itself. Any subsequent modifications could only be made after due notice had been given. This attempt to reconcile conflicting views was, however, inadequate. The country which believed that a convention on naval armaments would be without value unless it dealt with tonnage by categories then agreed that a series of categories, *i.e.*, those representing purely defensive vessels of small size, could be ignored. At the same time, the Power which advocated the principle of global tonnage made the important concession that two other categories should be added to those mentioned in the Washington Convention. The categories in question were cruisers and

submarines, and therefore related to vessels which, by their nature and tonnage, were of special importance to the great naval Powers which advocate tonnage by categories.

That, again, could only be an attempt at a solution, since the Treaty would be valueless unless the other naval Powers agreed to it with or without modification. He thought that these two Powers might claim to have carried out faithfully the mandate which, in a sense, was given to them by the President of the Preparatory Commission.

M. Paul-Boncour was not sure that the reception accorded to this agreement was likely to encourage others to follow this example. Public men never expected to be crowned with laurels, but those concerned were perhaps justified in expecting something else than the distrust occasionally expressed and the criticisms occasionally passed. And yet it was this very effort to reach agreement which was to enable the Preparatory Commission to proceed with its work. The President himself had definitely called upon the Governments to endeavour to reduce existing differences. That request had been complied with by two of them, and they were entitled to ask others to follow their example, for they had merely acceded to the desire of the President of the Preparatory Commission.

That was the position. What now were the prospects for the future ? What everyone desired was a meeting that would produce useful results. At this point the speaker began to touch on matters where he must display the utmost circumspection. He was in a position to defend the agreement which his Government had entered into. It represented heavy sacrifices ; and equal sacrifices had been made by another country whose spirit of concession he gladly recognised. But he had no right to bring any pressure whatever to bear on the other countries upon whom the full realisation of this agreement depended. The difficulty was increased — it was almost a tragedy in the present situation — by the fact that this agreement very largely depended on a great naval Power which was not a Member of the League. He requested those of his colleagues who, inspired by perfectly legitimate sentiments which he shared as strongly as anyone, lamented the dilatoriness with which disarmament problems were being settled to bear in mind that here in the League of Nations they were in a specially difficult position as regards this problem. This was due to the fact that two great nations which were represented at the conference were not Members of the League and that in their case all the facilities offered by the international community to which the other nations belonged were not available.

The speaker was neither a pessimist nor an optimist. He was simply attempting to view things as they were ; for he did not conceal the fact that this great attempt at conciliation at present depended on other decisions than those taken here.

Could anything be done except wait ? The profound convictions of the speaker prevented him from thinking that it was possible to remain idle with folded arms. He had never believed that the disarmament problem would be solved by sitting still in a corner. What was required was the support, the pressure and the encouragement of public opinion in all countries. The only thing that could be done — the thing that was expected — was to take advantage of this meeting of the great world democracy, the League of Nations, not to display an insincere optimism or a barren pessimism, but to make a profession of faith free from illusion or guileless simplicity, a profession of faith by persons who clearly saw the facts, who could realise the difficulties and who were striving to surmount them. Before war could be overcome, the military spirit must, to some extent, be displayed, with its strength of will, its readiness for rapid decision, its clear speech and its aversion to concealing thoughts. It was necessary to be outspoken and confess that the reduction of armaments, even in the limited and progressive form in which they were compelled to contemplate it, in the absence of a general security organisation — which it was not possible to achieve by means either of a treaty of mutual assistance or of the Protocol — encountered the greatest obstacles. There was only one way to overcome these obstacles. Public opinion must occupy itself with the matter and must not leave it to be discussed by delegates at their meetings, and Governments also must realise its importance.

The speaker felt convinced that there were many chancelleries and many Ministries which regarded them as idle dreamers who came together to speak about disarmament. The importance of this question would only come to be seen when it was too late and when the armaments race has been begun again. That was a danger which they must try to prevent now. The first step was to check the growth of armaments and that step must be taken speedily. There was also one point it was right to insist upon : in certain countries, sweeping reductions had been made in armaments without any international convention and without pressure from outside, the only pressure being that of public opinion within their borders. An effort, however, must be made to keep what had been gained. When States which had suffered the effects of war had restored their finances, which had all more or less been shaken, it was essential to avoid their financial improvement taking the form of increased armaments. When the present generation and the men who had waged and lived through the war had gone, and when there remained only inaccurate pictures, theatrical statues and distorted narratives of what took place then, an effort would have to be made to see that the loathing for war did not diminish.

A limit must be fixed speedily. There must be assured that no subsequent increase took place ; thanks to the permanent organisation (M. Lange congratulated the French delegation on having made this proposal — which it had not abandoned), the permanent organ which would examine and which would allow of more far-reaching reductions in the way of disarmament, this result would be attained. But to ensure that, a beginning must be made and it was the date of that beginning that had to be fixed.

M. Paul-Boncour quite understood the objections which the President of the Preparatory Commission had made from feelings of loyalty : " What was the good ", he said, " if we were going to find ourselves back in the same situation as before ? " The President's words were so clear that the speaker's thoughts could not have been better expressed. " I had thought ", the President had said, " when I saw the agreement between two great naval Powers, that the date would be fixed, that the Commission would be able to meet; now I have no longer the same hope, for I note that the agreement has not been completed, since many other nations — some of them very powerful — have not yet signed, and I do not even know whether they are going to sign ".

The President was right, but the speaker thought all the same that a date must be fixed, although not in the imperative way proposed at the first meeting by the German delegate. It would not be fitting to adopt any imperative formula, since this prerogative belonged to the President, and such a course would hinder his freedom of action. But the Committee could in the most definite form express the hope that things would so happen that this year would not come to an end or that, at any rate, the new year would not long have run its course without their having been able to arrange for the Preparatory Commission to meet.

The speaker knew that, in contradiction to what he was saying, people were thinking : " But if one of the main difficulties is not solved, what is the good ? "

They were not required to exert pressure on anyone, and they would not allow anyone to exert pressure on them. But the will of all the nations which were met here and which felt behind them the weight of public opinion, urging them to complete the disarmament work, was a great international reality which must be taken into account and which the Committee had the right to invoke.

M. Paul-Boncour thought that the League's desire that the Preparatory Commission should meet ought to be strongly brought out. He thought that at the same time the Council so far as it might think it possible to do so, and in whatever way it deemed proper, should ask the Governments which were still divided by controversies — although these were no longer a mystery, since they had been discussed at the meetings of the Preparatory Commission in March and April of 1927 — to endeavour for the sake of international solidarity to reconcile their differences and to bring their controversies to an end.

The speaker saw no objection whatever to the President having the necessary powers to see to this, but, subject to those precautions, the extent and nature of which it was the Committee's duty to fix, he thought a definite decision ought to be taken in favour of a meeting of the Preparatory Commission, which should be given every opportunity of success and of drawing up a draft convention, thus enabling a conference to be convened.

There must be no ambiguity. Hopes which might be disappointed must not be raised; there had been too much disappointment already, and they could not take the responsibility of creating more. The Conference, which would settle the first stage of a general limitation and reduction of armaments, would base its work on definite facts, on the reduction fixed by the Peace Treaties, and on the Locarno Agreements, which were a partial application of the Protocol.

By " first state " the speaker meant that there would be other stages, and that the Committee on Arbitration and Security which was established last year, and which had shown its value by the results just recorded, would continue its work. He would like to think also that the policy of countries in its turn would be inspired by it, for if the work were confined to compiling legal texts, to adding document to document, and to enriching libraries, however splendid, the result would be very meritorious but somewhat humiliating.

The nations must conclude — and the Council must ask the nations to conclude — the necessary agreements to extend the realm of security.

M. Paul-Boncour was convinced that the structure thus erected step by step would bear a strong resemblance to the Protocol. It would be less logical, less classic, and rather inspired by the necessities of life than by architectural conceptions; but it would resemble it all the same.

But this was work for the future — the near future. It was by the co-ordination of the work of the Committee on Arbitration and Security with that of the Preparatory Commission — or of the permanent body which would succeed it — that progress would be made further into the field of disarmament, and thus would be abolished that anarchy of which our colleague, M. Lange, spoke the other day, the anarchy which always means rivalry and the competition in armaments which it is our primary duty to prevent.

This was the first step which must be made. He would add that the first step of this first stage was the meeting of the Preparatory Commission after everything in their power had been done to overcome the differences which might still paralyse its work.

The first thing to do is to say firmly what was the intention of the Members of the League of Nations.

The speaker had ventured, not in order to influence the Committee's decisions, but simply to facilitate discussion, to have a draft resolution distributed; this draft was in the nature of a rough sketch. He merely wanted to put his ideas on paper, so that the Committee could judge them better. This would serve to sum up a speech which had been rather longer than he had hoped.

The draft resolution was as follows :

" Whereas those Governments which consider that their security is not sufficiently assured to enable them to reduce their armaments are now, thanks to the work of the

Committee on Arbitration and Security, in possession of a fresh means of which it is for them to make use, having recourse, if necessary, to the good offices of the Council;

" And whereas, in the opinion of the Assembly, the present conditions of security set up by the Locarno Agreements and by the reductions of armaments stipulated in the Treaties of Peace are such as to allow of a first step being taken and a first general Convention for the Limitation and Reduction of Armaments being established;

" And whereas it is desirable that the work of the Preparatory Commission and of the Committee on Arbitration and Security shall be pursued so that by further steps armaments may be progressively reduced as the increase of security allows :

" The Assembly urges the necessity of accomplishing this first step as speedily as possible;

" Notes with satisfaction the efforts that have already been made by certain Governments to reach the necessary preliminary technical agreements between themselves;

" Requests the Council to make an earnest appeal to the Governments that those of them among which differences of opinion still subsist as to the technical conditions for the reduction and limitation of armaments should seek without delay, in the most liberal spirit of conciliation and international solidarity, agreed solutions which will enable the work of the Preparatory Commission to be speedily resumed and brought to a successful issue;

" And trusts that these solutions may be arrived at in sufficient time to enable the meeting of the Preparatory Commission to be held at the end of the present year or, should this not be feasible, at the beginning of 1929. "

Lord CUSHENDUN (British Empire) said he wished to make a short statement with regard to something M. Loudon had said, and as to which comment should be made at once before the matter could be discussed in pub.ic. As he understood him, the President of the Preparatory Commission said, with reference to the fixing of a date for the next meeting of the Commission, that he was prepared to meet in Paris the representatives of the five naval Powers. Perhaps he had not fully understood what was intended but he did not think M. Loudon could have fully appreciated what it meant when he made the proposal. Lord Cushendun did not think that M. Loudon had previously given any intimation to any of the Governments concerned that he was going to make that proposal. The Powers mentioned were those which were signatories of the Washington Convention and it was already fixed that that Convention was to come up for review in 1931. What M. Loudon was proposing, in fact, though he may not have intended it, was that reconsideration or review of the Washington Convention should be ante-dated and that those Powers should be called together to consider, and agree if they could upon, the matter of naval disarmament under quite different auspices and regarding the matter from a totally different angle. Lord Cushendun said that it was obvious that he had no instructions from his Government and he was only saying this by way of caution. So far as he understood the proposal, he did not think it at all likely that the invitation would be accepted by any one of the Powers concerned, and therefore he thought it very desirable that great expectations should not be aroused as to the possibilities of a far-reaching agreement upon naval disarmament on a proposition thrown out in that way in the course of debate, which none of the Governments had had an opportunity of considering and as to which no one could quite see how far it would be limited in scope. He hoped that it would not be imagined that he was not appreciative of the motive of M. Loudon and his desire to assist matters by arriving at a date with regard to the Preparatory Commission, but he did not think it would be right for such a proposal to become public property without its being known that, so far as the representative of one of the Powers was concerned, there was very grave doubt indeed as to whether it would be accepted.

M. LOUDON (Netherlands), replying to Lord Cushendun, said that he was under a misapprehension. His idea simply was that, in order to further their work, he should request privately, if he might so put it, the representatives of the five naval Powers to have a perfectly private talk with him in Paris in order to try and settle the matter. It had never entered his mind that it should be a sort of Washington Conference. His only thought was to further the work and try and get the five Powers to understand each other. His idea was to have unofficial conversations on the basis of a Franco-British agreement.

(The Committee rose at 5.15 p.m.)

NINTH MEETING.

Held on Wednesday, September 19th, 1928, at 3.30 p. m.

Chairman: Count CARTON DE WIART (BELGIUM).

31. **Work of the Preparatory Commission for the Disarmament Conference** (continuation of the discussion).

General BIRKE (Denmark) was delighted to learn from the statement of the Chairman of the Committee on Arbitration and Security that they seemed soon to be about to reach a positive issue in the matter of disarmament.

He thought that to reach a solution the work must proceed step by step.

He had heard with great pleasure that the President of the Preparatory Commission intended to expedite the work of that body as much as possible so as to enable the first stage to be carried through.

The speaker supported M. Paul-Boncour's proposal.

Count BERNSTORFF (Germany) did not propose to enter on a fundamental discussion of the disarmament question, which had already been dealt with at length by the German Chancellor at the Assembly, and would be again discussed in the Preparatory Commission and at the first General Conference.

Count Bernstorff had been guided by M. Paul-Boncour's ideas in drawing up the resolution he was submitting to the Committee. He would like to make a few remarks on this resolution.

The first paragraph seemed to him somewhat negative in that it referred to " those Governments which consider that their security is not sufficiently assured to enable them to reduce their armaments ". He thought it would be more desirable to begin with something more optimistic.

In the second paragraph, as regards security, no reference was made either to the Covenant of the League of Nations or the Paris Pact. Public opinion would be surprised that agreements of such importance had been omitted.

The fifth paragraph says : " Notes with satisfaction the efforts that have already been made by certain Governments to reach the necessary preliminary technical agreements between themselves ". M. Paul-Boncour, who negotiated the agreements, might be pleased, but it was impossible for certain other members of the Commission to express satisfaction with regard to something of which they were ignorant.

Again, there was no reference to land armaments, as to which difficulties still existed.

All these were, however, points of detail, on which it would be easy enough to agree.

The main point was to fix the date of the Conference. The German Chancellor had asked categorically that the Assembly resolution should contain a reference to the meeting of this Conference. Count Bernstorff thought they should not aim at removing all the difficulties in the Preparatory Commission; some of them might be left over to the Conference itself.

He agreed with M. Paul-Boncour that disarmament questions were really often political questions, and must be settled in the last resort by the Governments represented on the Disarmament Conference.

Count Bernstorff concluded by submitting the following draft resolution :

" Whereas the present conditions of security set up by the Covenant of the League of Nations, by the reductions of armaments stipulated in the Treaties of Peace, and also by the Locarno Agreements and by the Paris Pact, which may be expected to come into force at an early date, are such as to allow of a first step being taken forthwith by the framing of a first general Convention for the Limitation and Reduction of Armaments capable of materially reducing the present disproportion in armaments;

" And whereas it is desirable that the work of the Preparatory Commission and of the Committee on Arbitration and Security shall be pursued so that, by further steps, armaments may be progressively reduced;

" And whereas those Governments which are seeking to find special guarantees in addition to the existing guarantees of security and to those which will be furnished by the first general Convention are now, thanks to the work of the Committee on Arbitration and Security, in possession of fresh means, which it is for them to employ;

" And whereas all technical questions concerning the limitation and reduction of armaments have been thoroughly examined in the Preparatory Commission, and an agreement has not yet been reached owing to differences of opinion chiefly of a political character :

" The Assembly requests the Council to make an earnest appeal to the Governments that those of them among which such differences of opinion still subsist should seek without delay, in the most liberal spirit of conciliation and international solidarity, agreed solutions which will enable as complete an agreement as possible to be reached;

" Considers that the Conference on the Limitation and Reduction of Armaments should decide any questions which nevertheless remain unsettled; and

" Requests the Council to fix a date for the meeting of this Conference, which should take place in 1929, while leaving it to the President of the Preparatory Commission to convene the Commission at such time as will enable the programme of the Conference to be drawn up. "

Lord CUSHENDUN (British Empire) raised a point of procedure. He said they now had two resolutions before them and he wished to know in what manner it was proposed to deal with them. One of the resolutions they had only received in one of the official languages, and he protested against proceeding with the discussion of a document without having it in the two official languages. He thought that Count Bernstorff's resolution should not be considered until they had either adopted or rejected that presented by M. Paul-Boncour.

The CHAIRMAN thought that Lord Cushendun's remarks as to procedure were well founded. He understood, however, that the English version would be ready in a few minutes; the draft had only been submitted to the Secretariat a very short time previously and could not possibly have been translated in the time.

M. UNDÉN (Sweden) did not propose to give the views of his Government on the general question of disarmament, since those views were sufficiently well known from previous discussions in the Assembly and the Preparatory Commission. He merely desired to make certain observations with regard to the present position.

From the technical point of view, the question was now sufficiently advanced to allow of the final stages being carried through fairly rapidly. As M. Paul-Boncour and Count Bernstorff had said, it was no longer technical difficulties that stood in the way, but political difficulties. The technical points still remaining to be settled could be finally considered during the next session of the Preparatory Commission. There remained, however, the question whether the Commission should be convened before the Governments concerned were in full agreement; there seemed to be difference of opinion on this point between delegates of different countries.

If they could not agree, he thought it would nevertheless be desirable for the Preparatory Commission to be convened in order to draw up a detailed report, embodying all the points put forward in that Commission. This report would have to be ready in time to be distributed to the Governments some months before the next ordinary session of the Assembly, and would provide a platform or basis for the discussions of the representatives of the various countries. They might find that all the preparatory work had been done by the end of the discussions on the report, and it might then be possible to ascertain the date on which the Conference should be held. He merely threw out his suggestion in the hope of facilitating an agreement.

The CHAIRMAN observed that there were many points in common between the two proposals and, if they were to come before a Drafting Committee, he thought it would be easy enough to conciliate them, although the executory parts of the two resolutions differed appreciably.

Comparing the two texts, the Chairman pointed out that Count Bernstorff had criticised the passage: " Notes with satisfaction the efforts that have already been made by certain Governments to reach the necessary preliminary technical agreements between themselves ".

On the other hand, there was a certain family likeness between the paragraph of Count Bernstorff's proposal beginning with the words " Invites the Council " and the corresponding paragraph in M. Paul-Boncour's resolution.

Lastly, a question which the Commission would probably wish to consider particularly was the one contained in the last paragraph of the French proposal.

He thought, with Lord Cushendun, that M. Paul-Boncour's draft resolution should be examined first, for the approval of that proposal would not affect the consideration of the draft submitted by Count Bernstorff. They should first vote on that proposal, which did not exclude the other.

M. LANGE (Norway) pointed out that the usual practice in the Committees had been first of all to reconcile divergent views, and he wondered whether the procedure proposed by the Chairman was quite in line with this practice. The ideas in the two proposals before them were not so different as to make agreement appear impossible.

M. Paul-Boncour himself had said that his proposal was only offered as a basis for discussion. This showed that he would not adopt an uncompromising attitude.

The speaker was greatly in sympathy with certain ideas Count Bernstorff had suggested, especially a reference to the Covenant in the first paragraph; about others he was rather doubtful, especially as regards expressing an opinion now on the expediency of summoning the Disarmament Conference at a more or less definite date.

The Chairman's solution of appointing a Drafting Committee would be wise, but it was essential that the various points of view should previously be argued in the Commission in order to guide the Drafting Committee in its work.

The delegate of Norway would like to tell them quite briefly how a small country looked at the matter. The question had been discussed as though it was only the conflicting interests of the great Powers that were at stake; obviously these came in the first line of consideration, but the interests of the small countries should not be ignored. It was a byword that it is difficult to put oneself in another's shoes, but that was the purpose for which they were met. Each must strive to understand the aspirations of the others. This question of disarmament was a vital one for the small countries. If the competition and piling up of armaments were allowed to continue, they were heading for war. The existence of a great Power during a war was far from enviable, but what was the position of a small country ? Even in times of peace, small countries were continually threatened by the armaments of the great Powers. This was a consideration not always realised, but ever present with those who were responsible for the international policy of a small country. If the methods they had been adopting for some time past did not ultimately produce a concrete result, life would be intolerable for the small States. The speaker therefore warmly supported the proposals before the Committee, which he thought gave some hope that the League would ultimately be able to function as it should function. It could never do so as long as competition in armaments remained possible.

M. BENEŠ (Czechoslovakia) thought they could adopt no other procedure than that suggested by the Chairman, namely, to begin by dealing with the first resolution. Perhaps, as M. Lange had said, this was not the rule that had always been followed, but he thought they should keep to it, and then proceed by voting amendments to the first resolution.

It might not be difficult to agree on several parts of Count Bernstorff's proposal. On the other hand, he wished to call their attention to the last two paragraphs, which he could not accept.

Count Bernstorff was prepared to leave to the big Disarmament Conference any difficulties which might exist at the end. M. Beneš did not think that this was wise tactics, for they had always said that they must not have a Conference unless there was every prospect of success, and it would be better to wait six months longer and agree on the key points. The speaker was still of this mind and could see no possible advantage in going to the Conference so long as fundamental divergencies subsisted.

The last paragraph of the German draft embodied two main points : the date of the Disarmament Conference was fixed, and the President of the Preparatory Commission was charged to summon the Commission in due time. This rather reversed the idea of the French delegation's proposal. M. Beneš would prefer to adopt this latter, though he would also like to have something a little more definite with regard to the Conference, for, if they were able to reach an agreement at another session of the Preparatory Commission, it would very likely be the last session. Between the end of the Preparatory Commission and the Disarmament Conference a certain time would have to elapse. If they could specify that intervening period of time, they would by implication be fixing the date of the Disarmament Conference. This would satisfy Count Bernstorff, and at the same time need not mean that they were creating any very great difficulties for the Disarmament Conference. They would have to bear in mind the necessity, whatever happened, of convening the Preparatory Commission at a near date, and also the necessity of first agreeing on the key principles discussed in that Commission before sending them on to the big Conference.

In conclusion, M. Beneš was sure that, if the differences between the two draft resolutions were considered in the form of amendments to the first proposal, it should be easy enough to agree as to the substance.

M. PAUL-BONCOUR (France) said that, having regard to the observations made on his speech and to the fact that Count Bernstorff had accepted some of the ideas which he had supported, he did not think that many difficulties could arise in connection with the procedure to be adopted.

Some of the passages in the German proposal were almost textual reproductions of the French resolution. Accordingly, the latter could readily be accepted as a basis for discussion ; the Committee would, of course, insert any suggestion or suggestions taken from the German resolution which it might think desirable.

He did not know what his colleagues were going to say, but he would assume that the French draft resolution would come up for consideration. There were many passages in the German and French proposals which were the same. No difficulty would be experienced in regard to any of these points.

One of the differences between the two proposals consisted in the order in which the ideas were arranged. The French draft indicated in the first place the manner in which Powers that considered that their security was not sufficiently assured could — thanks to the work done by the Committee on Arbitration and Security, and by resorting to the good offices of the Council — increase that security by entering into conventions. The proposal went on to say that, even at this stage, political conditions of security had been created which would allow of a first step being taken. The German proposal began by referring to conventions already drawn up. He thought this would not create any difficulty. He would not object to a change in the order of the ideas if the Committee preferred the German arrangement.

The German proposal then mentioned the Covenant of the League of Nations and the Paris Pact in addition to the two definite bases which the French proposal regarded as fixing the conditions for a first step towards the general reduction of armaments. The speaker said he had the highest respect for the Covenant and the Pact and had nothing to say against their being mentioned ; but he desired to dispel any doubt regarding the future progress of the reduction in armaments. He had not mentioned these two instruments because, however effective might be the attempts made to repudiate war or to discover the means of preventing it in the general and somewhat vague terms of the Covenant, the delegates to the Conference would certainly desire something more definite when they finally came to fill in the blanks in the Convention and supply figures for the effectives and material. If the Covenant had been sufficient for the purpose, and if its terms had not required to be made more precise, several years would not have been spent in framing, first the Treaty of Mutual Assistance and, after that, the Protocol. The need had been felt for giving the sanctions in the Covenant a clear definition, which they at present lacked.

In any case, he readily recognised the value of the instruments that at present governed their international life, although he continued to think that the question of the limitation and reduction of armaments was, so to speak, of a more mathematical character and would best be settled by working on a more definite basis, *i.e.*, the reductions in armaments already effected and the Locarno Agreements. He saw no objection, however, to giving Count Bernstorff satisfaction on this point.

Moreover, there was nothing against indicating the date on which it was hoped to summon the Disarmament Conference ; but on this point he referred to a difference between the German

and French resolutions which the Committee would have to settle because it related to the actual method of work.

The German proposal handed over to the Disarmament Conference the duty of settling certain difficulties which it considered political and not technical. On this point he thought that the German proposal failed to recognise the importance and even the character of the Preparatory Commission. The latter was not really a technical Commission. The technical work had been done in the technical Sub-Committees of the Preparatory Commission and the various Committees at the disposal of the latter. The delegates of Governments constituting the Preparatory Commission had met to obtain guidance from the technical work and also to a certain extent to set this technical work aside by transferring the problem from the technical to the political plane. The Preparatory Commission's duty was therefore to reduce political differences existing.

If the Preparatory Commission could not succeed in this object, there seemed to be little use in summoning a Conference; the latter would be no better qualified for the purpose since, even if it did not consist of the same delegates, it would at least consist of the same States, and they would continue to hold the same ideas.

He then referred to the manner in which the Preparatory Commission had contemplated its task. It had to draw up a preliminary draft Convention for the Limitation and Reduction of Armaments which would give the Conference the best possible prospects of success when it had no longer to discuss principles, but merely to enter figures in the blank spaces in the Convention. As figures were involved, negotiations would, however, probably be necessary between the Governments, certain difficulties would have to be overcome and a few controversial points settled.

In the interests of their work, the powers and the duties of the Preparatory Commission should not be reduced. It had to frame the preliminary draft Convention, and it was in establishing texts that the political difficulties were met which had to be settled by the Governments represented.

Among these difficulties there was one which was encountered at the very moment of beginning their work, and that was the fundamental difference of opinion existing as to the method of carrying out the limitation and reduction of naval armaments. He accordingly was much more concerned to clear away this obstacle and to find an agreement than to indicate the date on which it might be desirable to summon the Conference.

That was his idea in introducing the sentence asking the Committee to note with satisfaction that a serious and successful effort had been made by two nations in regard to naval armaments.

The German proposal had refused them this modest reward. He did not think that that would do any harm, but he would have been glad if the Third Committee had been able to associate itself, by adopting the text submitted by the French delegation, with the method proposed by the President of the Preparatory Commission when he asked States to enter into discussions and do what they could to enable the Preparatory Commission to hold a successful meeting. The satisfaction given would not have been regarded in the light of a reward for work they had done, but rather as a call to work in the future.

That being the case, he stated, in conclusion, after indicating the points on which agreement was possible and the reservations he had made on other points, that a Drafting Committee should be appointed, which would consider what modifications might be made in the draft resolution submitted by the French delegation.

M. GUERRERO (Salvador) said he understood that, for the moment, they were merely discussing the final paragraph of the proposals submitted. The earlier paragraphs would no doubt be referred to a Drafting Committee for the purpose of bringing into line the texts of the two resolutions, which as a matter of fact were very much alike.

He desired to make one observation as to the inclusion of the Paris Pact. He was not in any way opposed to the Pact, which morally was of extraordinary value; but he thought it right to say that a similar proposal had been submitted to the First Committee for mentioning the Pact in a draft resolution concerning the codification of International Law, with special reference to the possible relations between the Pact and the present position of arbitration. It was rightly pointed out in the First Committee that the Paris Pact could not legally be regarded as existing, since it had not yet been ratified. He desired to make the same statement here and to draw Count Bernstorff's attention to the position.

He went on to say that M. Paul-Boncour's draft resolution, though it might appear somewhat cautious, was a wise one. Count Bernstorff's resolution, on the other hand, was perhaps better calculated to impress public opinion, but it might subsequently cause great disappointment. Accordingly, they should not yet consider the possibility of summoning a Conference for the Reduction of Armaments, since the very possibility of holding such a Conference depended on the results of the appeal which was to be made to Governments, asking them to reduce, as far as possible, the difficulties at present existing between them.

They might perhaps meet the wishes of Count Bernstorff and M. Beneš, who had also described M. Paul-Boncour's resolution as being a cautious one, if they added the following words to the end of the French proposal :

> " ... At the beginning of 1929, in order that the Council may consider the expediency of convening the Conference if, as a result of the appeal made to Governments, it has been found possible to overcome the present differences of opinion. "

Count BERNSTORFF (Germany) said he had no wish to create difficulties as to the procedure they should adopt. He was quite prepared, indeed, to continue the discussion on the basis of M. Paul-Boncour's resolution. When, however, that discussion was at an end, he would ask the Chairman to appoint a Drafting Committee to bring the two texts into line before the Committee was asked to vote on M. Paul-Boncour's resolution. Should they have to vote on the unamended resolution, he would be compelled to vote against it.

The great defect in M. Paul-Boncour's resolution was that it mentioned a meeting of the Preparatory Commission without mentioning the summoning of the general Conference. What would be the result if, in the absence of agreement between the Powers, the President of the Preparatory Commission was unable to convene this Commission ? They would not know what was taking place and, as the Preparatory Commission had not been convened, they could not find out. Would there be a further period of somnolence like that of the last six months ? Or would they continue their work even in the absence of agreement ? The essential point was to find out the best way to pursue their work with a view to arriving at disarmament.

He said he would have been extremely glad to offer M. Paul-Boncour his laurel wreath, for he was sure that the French delegate and his Government had been actuated by the best intentions in reaching an agreement. He did not know, however, what that agreement was, and accordingly he could not express a satisfaction with regard to the main issue or even the commencement of negotiations with the results of which he was not acquainted.

When framing his draft resolution, he thought, indeed, that, as regards the respective powers of the Commission and the Conference, he was in complete agreement with M. Paul-Boncour, who had, at a meeting of the Assembly two years ago, spoken the following words :

> " I personally do not think that the Preparatory Commission can conceivably take the place of the future Conference as regards the actual work to be done. In my view, its duty is simply to draw up and define a programme, whereas the Conference, and the Conference alone, will be entitled to enlarge that programme and frame a Convention.
>
> " My reasons for this view are twofold. In the first place, certain nations are not represented on the Preparatory Commission, and, considering the vital interests involved, I doubt whether they would agree to any hard-and-fast arrangement being made before they themselves had had ample opportunity of expressing their opinions. "

For the foregoing reason he added that, in accordance with the instructions he had received from his Government, he was compelled to state that it was essential that the convening of the Conference should be fixed in one way or another, otherwise there was no guarantee that the disarmament work would be pursued.

M. BENEŠ (Czechoslovakia) considered that the discussion had enabled them to ascertain the position of the various members of the Committee, and that the time had come to appoint a Drafting Committee.

This Committee would be asked to combine the two texts at present under consideration, taking M. Paul-Boncour's proposal as a basis, and to indicate in a final resolution the opinions expressed in the Committee.

He thought that, in the resolution appealing to Governments to come to an agreement, it would be advisable to refer to the agreements already existing.

As regards the date of the Conference, he pointed out that in 1924 they had said that the Conference would meet in 1925, and in 1926 they had given the date as 1927. They were now talking of 1929 as the date of the Conference. He recognised that the selection of a definite date might previously have been of some use in speeding up the work, but he did not think that it offered any advantage now. Other forces, indeed, were now at work to secure the meeting of the Disarmament Conference at the earliest possible date — public opinion and conditions within the various countries, the signing of a number of international instruments, the growth of mutual confidence and the settlement of various important questions of international policy.

For his own part, he thought it inadvisable to fix a date, but he appreciated Count Bernstorff's point of view. They must endeavour to secure a formula which would satisfy everyone.

M. MOTTA (Switzerland) said that, in view of his country's peculiar position as regards disarmament, he thought he might speak quite impartially.

It was desirable that the Drafting Committee to be appointed should be acquainted with the general trend of opinion in the Committee in order that the draft it would prepare might be accepted without further discussion.

He supported M. Guerrero's statements. The German delegate had referred in his proposal to the Paris Pact. Without wishing to under-estimate the value of that Pact from the moral and legal points of view, he considered that the Third Committee would do well to follow the example of the First Committee and not mention the Pact.

As regards the date of the Conference, three years ago he had recommended that it should not be fixed. For one thing, experience had proved that fixed dates could not always be adhered to, and for another, he did not believe that pressure could be exerted by this means.

After having disappointed public opinion so often, they should not go out of their way to create fresh disappointment.

The question was rather different in the case of the Preparatory Commission, because this was a body already working. M. Paul-Boncour's proposal did not fix a definite date; it merely expressed the hope that every effort would be made by the Governments with a view to resolving the final difficulties and enabling the Preparatory Commission to meet towards the end of the present year. This modest hope was reasonable and he was willing to support it.

M. SATO (Japan) stated that his Government had always been prepared to consent to a meeting of the Preparatory Commission with a view to a second reading. The date, however, should not be fixed without due thought. He remembered that, at the March session, the United States delegate had been somewhat annoyed at being summoned to a meeting the date of which had been arbitrarily fixed.

He himself, as had been the case at the last session, was in favour of preliminary private conversations taking place between the persons concerned, with a view to dispelling any misunderstandings which might exist and smoothing over difficulties. In this connection, he had approved M. Loudon's proposal, and he thought that it deserved serious consideration.

He had received no instructions from his Government regarding the date of the general Conference, nor was he instructed to represent his Government at the future Disarmament Conference. But he thought, speaking personally, that it would be somewhat dangerous to fix at the present moment a definite date for that Conference.

Several speakers — among them M. Beneš — had expressed doubts as to the possibility of fixing a date for the Conference. He would refer to the material side of the question.

The Conference would be of such importance that the number of delegates for each country would be considerable. At Washington, when the Naval Conference took place, certain delegations had consisted of two hundred members; last year, the Japanese delegation at the Naval Conference had numbered seventy members. Now the future Conference would also deal with the problem of disarmament by sea, on land, and in the air; and for this reason it was expected that the Japanese delegation would consist of at least one hundred delegates. Before bringing such a large delegation from so far away, it must be certain that such a Conference would achieve definite results; it would not be worth while for the delegation to come if only a set-back were to be registered.

Everything possible must be done and all efforts concentrated in order to bring the Preparatory Commission to a successful end, and according to the results obtained they would see whether or not the Conference could be held.

As regards the Preparatory Commission, the date of its next meeting was of little importance, since all the delegates were prepared to attend, but the work would be facilitated if the date were fixed.

Another method would be to convene the Commission without preparation, and, as had been suggested, to have the naval question discussed in a sub-committee, but he doubted the efficacy of such a method. The naval question was one of the most difficult to solve; a sub-committee might discuss it for some time and the members who had come to attend the plenary Commission would remain idle for several days.

General DE MARINIS (Italy) would reply to M. Motta's invitation to the delegations to put forward their points of view, in stating what instructions he had received from his Government, in order that the Committee might be in a position to decide with a full knowledge of the facts. Previous speakers had made such full explanations that there was no need to prolong the discussion.

Two proposals were before the Committee, and the preamble in both cases was much the same. There were certain differences in drafting, and certain ideas had been emphasised in the one proposal and passed over in the other. The conclusion, it was true, contained a more striking divergence.

As regards the preamble, he shared the German delegation's point of view. M. Paul-Boncour had agreed to modify certain paragraphs in his text, but he appeared to set aside other suggestions made by Count Bernstorff. For his part, he would support all the amendments which the latter had submitted.

As regards the conclusion, it would appear that the statements submitted by the delegates who had shown the danger of convening the Conference without proper preparation ought to override every other consideration. It would be extremely dangerous to initiate a Conference without being more or less certain that it would succeed. Great importance should be attached to the work of the Preparatory Commission, which increased in value every year. The Council had adopted the recommendations submitted by that Commission on the subject of its composition, and would probably continue to do so. Countries which were no longer represented on the Council would doubtless retain their place in the Preparatory Commission and twenty-nine countries would be thus represented. If the Preparatory Commission — numerous as it was — were to reach an agreement, even though it took several months to accomplish its work, there would be more chance of success for the Convention.

He therefore entirely agreed with the conclusion of the French delegation's proposal. They must know when the Commission could meet. Several methods had been suggested and several possibilities contemplated, but he could not at the moment give an opinion as to their advisability. He thought that, without adopting any of these methods, it was preferable to entrust the matter to the President of the Preparatory Commission, as the latter, being in

touch with all the delegates to this Commission, would be able to know whether certain divergences had been reconciled by an exchange of views or even by agreements between the Governments. The President was so experienced that there was no need to make too definite suggestions.

He only hoped that the opportune moment would come as speedily as possible.

M. DE PALACIOS (Spain), speaking of the Paris Pact, said that his Government, not having yet determined its attitude, he could not give any opinion as to the substance of the question. He merely wished to add an explanation as to what had taken place in the First Committee : in this Committee the question had been considered from the legal point of view, and as it had been shown that the Paris Pact marked no advance in the field of conciliation, arbitration and the judicial settlement of disputes, allusion to this Pact had been avoided.

In the Third Committee, however, the position was different, because they were working in the political sphere, and it was a question of whether the Paris Pact should be mentioned in the second paragraph of M. Paul-Boncour's draft resolution, where reference was made to the present conditions of security, but he did not insist on either the inclusion or the omission of this reference.

He noted that they were agreed as to the impossibility of fixing a date for the Conference or for a meeting of the Preparatory Commission.

M. Paul-Boncour, in his draft resolution, had expressed a hope which everyone would share, namely, that the Preparatory Commission might meet as soon as possible — at the end of 1928 or at the beginning of 1929. The date, therefore, was not definitely fixed and public opinion could not reasonably be disappointed if this hope were not realised. However that might be, they could perhaps reconcile the existing points of view by completing the last paragraph of the French proposal with the words :

> " Expresses the hope that these solutions may be arrived at an early date, thus facilitating the convening of the general Disarmament Conference. "

M. SOKAL (Poland) stated that, after discussion by the Drafting Committee, a text combining the two proposals before them would come before the Commission. Rather than this solution, he would have preferred the one submitted by the British delegate, which laid down that the French text should be taken as the basis of work and such amendments made to it as were deemed necessary.

In any case, he adhered to M. Paul-Boncour's draft, but he would have liked certain modifications to be made in the preamble.

The first two paragraphs raised the question which had so often been discussed in the Preparatory Commission : disarmament and security, or rather security and disarmament. He maintained in its entirety his point of view that disarmament was connected organically with security, and he would be glad if it were laid down that without security there could be no disarmament. This was the theory upheld by certain delegations and, in particular, the French delegation.

In concluding, he expressed the hope that the Committee would take his statement into consideration.

Count BERNSTORFF (Germany) noted that several speakers had said that they should have confidence in the President of the Preparatory Commission. He had felt confidence in M. Loudon for a long time past; but the difficulty was that M. Loudon, under the terms of the French proposal, had no power to convene the Preparatory Commission if the Governments which were divided on certain questions did not come to an agreement. It was necessary, therefore, to ask the Drafting Committee to amend the terms of the proposal in this connection.

(The general discussion was closed.)

32. Constitution of the Drafting Committee.

The CHAIRMAN proposed that the Drafting Committee should be composed as follows : M. BENEŠ, Count BERNSTORFF, M. PAUL-BONCOUR, Lord CUSHENDUN, M. GUERRERO, M. LANGE, M. LOUDON, M. SOKAL.

The proposal was adopted.

(The Committee rose at 7.10 p.m.)

TENTH MEETING.

Held on Thursday, September 20th, 1928, at 3.30 p.m.

Chairman : Count CARTON DE WIART (Belgium).

33. Adoption of the Report relating to the Establishment of a Radio-telegraphic Station for the League of Nations (Annex 5).

M. MOTTA (Switzerland) declared himself in agreement with the draft resolution submitted by the Sub-Committee in regard to the proposed wireless station. He wished, however, to make it clear how the question now stood, and to propose an addition to the report which constituted a simple statement of fact. He had already communicated this amendment to the Chairman of the Committee and to the Rapporteur.

How could the League of Nations ensure its freedom of communications with the Members of the League and with the States not Members in ordinary times and in time of emergency ? Three solutions had been under consideration.

The most ambitious consisted in the construction and operation of the station by the League of Nations. It had been rejected unanimously, for financial and technical reasons. The second solution was that, in pursuance of an offer made by the Federal Government, the latter should construct, with the help of the League of Nations, a station with medium- and short-wave apparatus. In peace-time, its operation would be in the hands of the Swiss authorities ; in time of emergency, the station would be transferred to the League of Nations subject to certain guarantees which were asked for by the Confederation which did not raise any objections of principle.

The third solution was that the Confederation should construct a station itself, beginning with a medium-wave station, leaving it to be seen whether later more could not be done. The construction and operation of the station would be in the hands of the Federal Government, but a *modus vivendi* would be concluded between it and the League of Nations so as to ensure the freedom and independence of the League's communications.

The first of these solutions having been rejected, it had not proved possible to go fully into the second owing to technical and financial objections. The Swiss delegation had then declared that, in any case, the Confederation was prepared to construct at Geneva a medium-wave wireless station which would be placed at the League's disposal according to requirements. Naturally, however, the Confederation would never have thought of constructing a wireless station at Geneva if that town had not been the seat of the League of Nations.

But, when it came to working out the details of this solution, discussions took place which did not end in a complete agreement. Nevertheless, he wished to point out that the Swiss delegation had formally declared that it would have asked the Federal Council, if the League of Nations so desired, to conclude a *modus vivendi* which would ensure the full freedom of communications of the League of Nations with the States Members or non-Members of the League both in time of peace and in time of emergency.

To sum up, added M. Motta, the Sub-Committee had been of the opinion that the problem was not one of immediate urgency, that its various elements should continue to be studied, and that its solution should be deferred until the next ordinary session of the Assembly.

He agreed to this proposal and accepted the draft resolution which had been put forward. He wished it, however, to be made quite clear in the report that an offer had been made by Switzerland in the event of the last solution being adopted, and he suggested that an impartial statement of fact should be inserted in the report. Accordingly, the following paragraph might be added at the end of the report :

> " It should, however, be added that the Swiss delegation expressed the intention of recommending the Swiss Federal Council to agree with the League of Nations as to the terms of a *modus vivendi* which, in the Swiss delegation's opinion, would effectively ensure the full freedom of communications of the League of Nations both in time of peace and in time of emergency. "

M. Motta concluded by asking his colleagues to approve this addition.

M. GUERRERO (Salvador), Rapporteur, agreed to introduce into the report the paragraph proposed by M. Motta, which stated a fact and completed the account given of what had occurred in the Sub-Committee.

He desired, however, to add that the Federal Government's last proposal raised certain difficulties. The installation of a medium-wave station alone did not satisfy the overseas countries, which also desired to be in direct communication with the League of Nations in times of emergency. Moreover, the fact that the Swiss Government did not make the same offers in regard to this station as in regard to the complete station did not solve the problem : the problem of having independent communications in times of emergency.

It was for these reasons that it had been preferred to leave the whole problem in suspense, on the understanding, however, that investigations from the technical, financial and legal points of view would continue, so that the Assembly at its next ordinary session should

have at its disposal full information permitting it to pronounce with an adequate knowledge of the facts on the various proposals put forward this year.

General DE MARINIS (Italy) said that, whilst accepting the text of M. Guerrero's report, the Italian delegation also gave its full adhesion to M. Motta's proposal that the report should be supplemented by the amendment which had been read. This addition seemed expedient and even necessary, since it explained fully the very clear attitude taken by the Swiss delegation in the matter.

M. SATO (Japan) said that, when this question had been discussed for the first time, he had ventured to express some doubts as to the feasibility of constructing and equipping a long-range wireless station. Given the present circumstances as they were, he had no objection to make to the report and to the resolution.

The CHAIRMAN asked the Committee's views on M. Guerrero's draft report, supplemented by the amendment which M. Motta had read.

The report thus amended and the draft resolution were adopted.

34. Adoption of the Draft Resolution on the Submission and Recommendation of the Model Treaties of Non-aggression and Mutual Assistance.

The CHAIRMAN said that the Committee on Arbitration and Security had drawn up two draft resolutions which would be found in the Committee's report.

In the first draft resolution the Committee suggested that the Assembly should recommended the model Treaties of non-aggression and mutual assistance which the Committee had drawn up to the consideration of the States whether Members or not of the League. The text of this draft was as follows :

" The Assembly,

" Having noted the model Treaties of non-aggression and mutual assistance prepared by the Committee on Arbitration and Security ;

" 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. "

It should be noted, said the Chairman, that the three model Treaties of non-aggression and mutual assistance contained clauses dealing with the pacific settlement of disputes, and these clauses were substantially identical with those contained in the Treaties for the pacific settlement of international disputes drawn up by the Committee on Arbitration and Security.

In regard to the latter Treaties, the Third Committee was still waiting for the legal opinion which the First Committee had been requested to give. It was clear that any observations the First Committee might make would have to be borne in mind as relating to the model Treaties of non-aggression and mutual assistance as well as to the other Treaties.

He was therefore of opinion that it was only subject to this reservation and to the eventual opinion of the First Committee that the Third Committee could immediately embark upon a study of the political clauses of the Treaties of non-aggression and mutual assistance.

General NENADOVITCH (Kingdom of the Serbs, Croats and Slovenes) said that, during the last session of the Committee on Arbitration and Security, his delegation had proposed to the Committee an alteration in Article 3 of the model collective Treaty of Mutual Assistance.

Feeling that the model Treaty did not give sufficient guarantees to the signatory Powers of the Treaty of Mutual Assistance, the Serb-Croat-Slovene delegation deemed it necessary to insert in Article 3 of model Treaty D a clause similar to that in Article 4, paragraph 3, of the Rhine Pact, which provided for the case of a flagrant violation of the Treaty.

His delegation considered that this clause was not merely of great importance, but was essential, inasmuch as it greatly increased the element of security for each of the Powers signatories of that Treaty. It already existed, for the case of a flagrant violation, in the Rhine Pact, and it seemed only logical that a similar clause should be inserted in the Treaty of Mutual Assistance. The sole object of this measure was to provide against flagrant aggression ; it would have the effect of preventing the aggressor from availing himself of the delay which must inevitably occur before the Council reached its decision.

The length of this inevitable delay between the outbreak of the conflict and the Council's decision could not be foreseen, but it was of great importance, and could even prove fatal in the case of certain countries or regions, and thus bring disaster on a country which was the victim of aggression. In future wars, with modern engines of warfare, the initial attacks might well be unexpectedly swift and extremely violent and could only be stopped with the immediate and unhesitating assistance of the signatories of the Treaties of mutual assistance.

His delegation therefore insisted on the necessity of an alteration in Article 3 of the draft collective Treaty of Mutual Assistance. The entire clause, just as it was in Annex 6 of the Minutes of the third session of the Committee on Arbitration and Security, should in his opinion be inserted in Article 3, for the insertion of that clause would give a valuable additional guarantee to the parties signing the Treaty.

Otherwise, there would be a danger that the Treaty of Mutual Assistance would not be effective enough and that the intervention of the Council would take place too late.

The delegate of the Kingdom of the Serbs, Croats and Slovenes therefore proposed the insertion in Article 3 of the following provision :

> " In the case of a flagrant violation of Article 1 of the present Treaty by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against which such a violation or breach has been directed, as soon as the said Power has been able to satisfy itself 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, immediate action is necessary. Nevertheless, the Council of the League of Nations, when officially informed of the question in accordance with the first paragraph of this article, will issue its findings, and the High Contracting Parties undertake 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. "

M. ANTONIADE (Roumania) said that the Roumanian delegation unreservedly supported the delegate of the Kingdom of the Serbs, Croats and Slovenes in the declaration he had just made, and considered the insertion in a model Treaty of Non-Aggression and Mutual Assistance of a clause like the one proposed at a recent meeting of the Committee on Arbitration and Security and similar to the clause of Article 4 of the Rhine Pact, would be, not merely useful, but essential for the purpose of increasing the guarantees provided for in such a treaty.

At the last session of the Committee on Arbitration and Security it had been pointed out, during the debate, that the model Treaty D was not a *ne varietur* treaty, but that, for the convenience of certain areas, clauses could be inserted in it, and among the clauses suggested was the provision which the delegation of the Kingdom of the Serbs, Croats and Slovenes had now proposed.

The Roumanian delegation had taken note of the declaration, but if the insertion pure and simple in the model Treaty of the clause which had just been proposed by the Serb-Croat-Slovene delegation was not possible, it would like the fact to be recorded in the report to be submitted to the Assembly.

The delegate of Roumania declared in conclusion that it was the intention of his Government in regard to model Treaties D to consider the insertion of this clause as essential and indispensable.

M. SOKAL (Poland) observed that the question raised by the Serb-Croat-Slovene delegation with the support of the Roumanian delegation was no new one, but it might be advisable to explain briefly its importance.

He wished first of all to express his entire agreement with the views of the two speakers who had preceded him. The facts were as follows : There were two stages in the activity of the League : the first was the preventive stage, but, as all the means which the League could employ for the prevention of war were sufficiently known already, he did not wish to dwell on that point. Should these preventive means prove inadequate, however, the result would be an armed conflict. The Committee's efforts must therefore be directed towards reinforcing all the means of prevention as much as possible, and securing the adoption of measures calculated to stop war even after it had begun.

He observed that the work of the Committee on Arbitration and Security formed one solid block. Prevention, non-aggression and mutual assistance, as well as the German Suggestions for the prevention of war, were components of a single whole.

In the present case the eventuality of a conflict which could not be stopped was being considered. He here recalled M. Paul-Boncour's very judicious remark that at the outbreak of a conflict the aggressor would endeavour to precipitate events in order to prevent the setting in motion of the preventive machinery. That would be a case of flagrant aggression. For that reason it was indispensable that provision should be made in the Treaties of non-aggression and mutual assistance to meet cases of flagrant aggression, for, unless this were done, there would be a risk of rendering the mutual assistance utterly ineffectual, since it would be offered too late.

The request put forward by the Serb-Croat-Slovene delegation was therefore justified, and even in a model treaty which was not of the *ne varietur* type, but would be adapted to a whole series of local and special situations, that flagrant-aggression clause should be included.

He was glad that the question had been raised, for public opinion, in considering that instrument of guarantee against war, would not understand how the representatives of the Governments could have omitted to contemplate a hypothesis which, in the opinion of all political and military experts, would have every probability of becoming a reality if a war broke out.

He pointed out that they were discussing provision for mutual assistance in case flagrant aggression in a regional pact only, and not in a universal protocol.

The Roumanian delegate had asked that the Rapporteur should emphasise in his report the importance of that clause for a great number of States. He himself thought that it would be preferable, and quite practicable, to insert that clause in the model itself.

M. PAUL-BONCOUR (France) said that he agreed with the delegates of Poland, Roumania and the Kingdom of the Serbs, Croats and Slovenes in regretting that the case of flagrant aggression should not have been covered by the model Treaties of mutual assistance, for in his opinion flagrant aggression was to be regarded not as an exceptional case but as the most probable contingency. On that very ground he had strongly supported the suggestions put forward by the German delegation to prescribe an immediate stoppage of hostilities and the prompt evacuation of any points which might have been occupied. They should bear in mind that the party desirous of making war would endeavour, in order to avoid the machinery of arbitration, to take action before the League could intervene. There was also a danger that that party would not readily accept the Council's intimations. It was perhaps in the latter case that the mutual assistance provided for in the Treaty should come into action.

He was afraid, however, that it might be imprudent, at the present time, to attempt to alter the model Treaties under consideration, which embodied the results of long and arduous work.

M. Politis had pointed out the root difference between Treaties A, B, C and the Treaties of mutual assistance. Room had been found for the ideas of arbitration and conciliation in typical Treaties which the Powers were invited to sign. The model Treaties of mutual assistance, on the other hand, in virtue of their novelty and the wide range of contingencies which they had to meet, were put forward as suggestions, as models in which the contracting parties could make any variations they thought fit. They had decided to indicate these alternatives in the covering report and to make special mention of the case of flagrant aggression. In order to avoid all ambiguity, they had even decided to reproduce in the report the actual text of the passage from the Locarno Agreements. That had been done, and he thought the wishes of his colleagues would be met if the Third Committee adopted the same course.

M. POLITIS (Greece) wished to add a few remarks in support of M. Paul-Boncour. The question under consideration had been debated at great length, both by the Committee on Arbitration and Security and by the Sub-Committee entrusted with the drafting of the texts. As a result of compromise, it had been decided to reserve that question as an alternative and to indicate this in the Introductory Note, at the same time reproducing the text from the Treaty of Locarno.

He wished to refer once more to the general nature of the work of the Committee. Its drafts were neither final nor complete. It had, so to speak, produced skeleton treaties, which could only be signed after negotiation. The nature of these negotiations would vary with countries, interests and political circumstances. The case of flagrant aggression had not been made the object of a universal clause owing to the fear that in some cases, which would not be identical with those which made it possible to conclude the Locarno Agreements, the indication contained in such a clause might prove more harmful than otherwise, and that not merely for the League, but also, and above all, for the States, which were endeavouring to find additional guarantees of security in the conclusion of these Treaties.

They might consider the following hypothesis. In their anxiety to mark their sense of the danger threatening one of the contracting parties, other parties might hold that flagrant aggression had taken place, and forthwith set in motion the scheme of assistance provided for in the Treaty. A few days later the Council might arrive at the contrary conclusion. What would happen if the Council said that the party against which assistance had been given did not deserve the epithet of aggressor ? The general peace would be threatened and so, more especially, would the parties directly concerned.

It was therefore wiser not to translate that clause into a general rule, but to state merely that it might be useful and practicable in given circumstances to insert a similar clause, after the model of the Locarno Agreements, in the Treaties in question.

He hoped that his colleagues would be satisfied with the maintenance of that passage in the Introductory Note, without, as requested by M. Sokal, substituting the word " necessary " for the word " useful ", for if they adopted the word " necessary " it would appear illogical on the Committee's part not to have made that clause into a general rule and embodied it in the model Treaty.

It was understood that when Treaties of non-aggression and mutual assistance were being concluded, the situation should be examined in order to ascertain the possibility or advisability of inserting the clause on flagrant aggression. The same would, moreover, apply to many other questions which they had been compelled to reserve, such as the guarantee of the territorial *status quo,* the accession of third States and the creation of demilitarised zones.

M. VON SIMSON (Germany) said that, after M. Politis's explanations, with which he entirely agreed, there was no need for him to speak.

General TANCZOS (Hungary) pointed out that most of the model Treaties, the first paragraphs of which had just come under discussion, were still being considered by other Committees. He wished to ask for certain explanations on the subject of some of the articles of the Treaty which were also contained in other model Treaties and, as the attitude of the Hungarian delegation would depend on these explanations, he was not able to give an opinion at the moment without knowing the final drafting of the text of the other model Treaties. He was therefore obliged to reserve his decision on the model Treaties as a whole until he knew the result of the First Committee's deliberations.

M. SOKAL (Poland) said that he had listened with the greatest attention to the explanations furnished, but that he had not noted in the Minutes of the Committee on Arbitration and Security any undertaking entered into by the members of that Committee not to intervene on the subject of these questions when they came before the Third Committee.

He would like, before all, to dispel the displeasing impression that, in spite of the existence of a compromise arrived at in the Committee, members of the Committee were reviving proposals which the compromise had appeared to set aside. After the discussions of the Committee on Arbitration and Security, the text of a model Treaty D had been drawn up. In the Introductory Note there was a variant submitted by the Serb-Croat-Slovene delegation, which at the meeting on July 3rd, 1928, had made a statement on this subject; in which statement, however, there was nothing to indicate that the delegation had agreed with any compromise. He thought that opinions in the Committee were so divided that it would be difficult to say on which side there was a majority.

Without wishing to enter into a discussion as to the substance of the question, he thought, however, that there was no really serious disagreement in the Committee concerning the procedure to be followed with regard to the proposal made by the Serb-Croat-Slovene delegation and supported by the Roumanian delegation. He added that Poland entirely associated herself with the proposal of these two delegations that model D should be submitted in its entirety to the Governments with the Introductory Note. He was sure that he interpreted the wishes of a great number of delegates in saying that it would be desirable to mention, in the report to be submitted to the Assembly, that certain countries — without saying whether they were in the majority or in the minority — considered that model D should contain the clause in question. As regards the procedure, this formula might be readily accepted — for in this connection no divergence of opinion had revealed itself.

The extremely important arguments developed by the French and Greek delegates were, so far as the substance of the question was concerned, inclined to favour the theory put forward; these delegates merely stressed the fact that, for motives of expediency and general co-ordination, it would perhaps be more advisable not to insist. He concluded by pointing out that, as regards the substance of the question, there was not really any opposition to the insertion of this clause in the Treaty.

M. VON SIMSON (Germany) said he wished to comment on the Polish delegate's last sentence. He did not share the opinion of the delegates of Roumania, the Kingdom of the Serbs, Croats and Slovenes and Poland, but he did not wish to repeat his Government's point of view, which he had already had occasion to explain at length in previous speeches.

As regards the procedure to be followed, he entirely agreed with M. Politis and had no objection to the Introductory Note being mentioned in the resolution.

In a previous resolution, a statement had been made to the effect that the value of the Treaty drawn up as a result of the German delegation's suggestions was highly appreciated, and he expressed the hope that the same wording might be used regarding the Treaties under discussion.

M. BENEŠ (Czechoslovakia) proposed to close the discussion on this question, which had been dealt with at length and had given rise to laborious negotiations.

The Polish delegate had been right in predicting that this discussion would be resumed by the Third Committee. The question was in fact of vital importance, and he confessed that, as Chairman of the Committee, he had found himself in a difficult position. He greatly appreciated the arguments put forward by his friends and warmly supported them, but as Chairman of the Committee he had tried to obtain unanimity and to achieve a compromise — the same compromise at bottom that M. Paul-Boncour and M. Politis had endeavoured to achieve.

He thought that his friends might also agree to this compromise, provided that their point of view was emphasised in the report. The discussion might now be closed and the resolution adopted.

The CHAIRMAN pointed out that the Committee now had to give its first-reading vote, for it was possible that observations might be transmitted by the First Committee entailing modifications in the drafts.

M. POLITIS (Greece) pointed out that the First Committee only dealt with arbitration treaties.

The CHAIRMAN replied that certain considerations connected with those Treaties might affect the Treaties with which the Third Committee dealt. That was why he wanted to make this simple reservation.

The resolution on the submission and recommendation of model Treaties of non-aggression and mutual assistance would therefore be drafted as follows :

" The Assembly,

" Having noted the model Treaties of non-aggression and mutual assistance prepared by the Committee on Arbitration and Security, and amended as a result of the work of the First and Third Committees of the Assembly, together with the explanations supplied in the Introductory Note drawn up by the first-named Committee;

" Highly 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. "

It would also be understood that Article 4 of the Rhine Pact would be embodied in its entirety in the Introductory Note.

General TANCZOS (Hungary) expressed the same reservations with regard to this draft resolution as he had formulated concerning the text of the model Treaties.

The CHAIRMAN noted that the Committee had come to an agreement.

Subject to the reservations formulated, *the draft resolution was adopted with the amendments proposed.*

35. Discussion of the Draft Resolution concerning the Good Offices of the Council with regard to Treaties of Non-Aggression and Mutual Assistance.

The CHAIRMAN pointed out that this resolution would run as follows :

" In view of the resolution adopted by the Assembly on September 25th, 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 Treaties of non-aggression and mutual assistance, 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 State 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 Treaties;

" 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 treaty of non-aggression and mutual assistance or a treaty of non-aggression for this purpose, and should the negotiations relating thereto meet with difficulties, the Council would, if requested — after it had 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. "

General TANCZOS (Hungary) thought he had understood, from the discussions in the Committee on Arbitration and Security, that the intention of that Committee was to express its desire that the good offices of the Council might be sought if two or more States had opened negotiations with a view to concluding one of the treaties on the model proposed by the Committee on Arbitration and Security, and that, should these negotiations not succeed owing to technical or political difficulties, the Council might be asked to offer its good offices with a view to overcoming them.

He thought that this interpretation seemed to be in conformity with the spirit of the discussions in the Committee on Arbitration and Security, as was also apparent from the fact that the Introductory Note to the model collective Treaties of mutual assistance drawn up by that Committee contained in paragraph (*j*) the following words :

" 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. "

He thought this statement implied that the Council's task in these cases would be to act merely as mediator. The sentence contained in the last paragraph of the said draft resolution seemed to give that impression. However, in order to avoid any ambiguity in the text of this paragraph, he thought it would be advisable to insert after the words " if requested " the words " by all the parties concerned ".

He concluded by submitting an amendment to that effect.

The discussion was deferred till the next meeting.

(The Committee rose at 5.35 p.m.)

ELEVENTH MEETING.

Held on Friday, September 21st, 1928, at 3.30 p.m.

Chairman: Count CARTON DE WIART (Belgium).

36. **Work of the Preparatory Commission for the Disarmament Conference** (continuation of the discussion).

The CHAIRMAN stated that the Drafting Committee appointed by the Third Committee had prepared a text entitled " Draft Resolution submitted by the Drafting Committee with the exception of the German Delegation ". The text was as follows :

" Whereas a close connection exists between international security and the reduction and limitation of armaments ;

" And whereas the present conditions of security set up by the Covenant of the League of Nations, by the Treaties of Peace, and in particular by the reductions in the armaments of certain countries under these Treaties, and also by the Locarno Agreements, would allow of the conclusion at the present time of a first general Convention for the Reduction and Limitation of Armaments ;

" And whereas those Governments which consider that their security is not sufficiently assured to enable them to reduce and limit their armaments are now, thanks to the work of the Committee on Arbitration and Security, in possession of fresh means for strengthening their security, of which it is to be hoped that they will make use, at need, by having recourse to the good offices of the Council ;

" And whereas the Convention for the Reduction and Limitation of Armaments will increase international security ;

" And whereas it is desirable that the work of the Preparatory Commission for the Disarmament Conference and of the Committee on Arbitration and Security shall be pursued so that, by further steps, armaments may be progressively reduced as the increase of security allows ;

" The Assembly :

" Urges the necessity of accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible ;

" Notes with satisfaction that certain Governments have already taken steps to prepare the way for the future work of the Preparatory Commission ;

" Earnestly hopes that Governments among which differences of opinion still subsist as to the conditions for the reduction and limitation of armaments will seek without delay, in the most liberal spirit of conciliation and international solidarity, agreed solutions which will enable the work of the Preparatory Commission to be speedily resumed and brought to a successful issue ;

" Trusts that these solutions may be arrived at in time to enable the meeting of the Preparatory Commission to be held at the end of the present year or, should this not be feasible, at the beginning of 1929 ; and

" Proposes to the Council that the Chairman of the Preparatory Commission be instructed to keep in contact with the Governments concerned so that he may be apprised of the progress of their negotiations and may be able to convene the Commission as soon as possible. "

The Chairman called the Committee's attention to the passage in which the Drafting Committee : " Earnestly hopes that the Governments . . . will seek without delay, in the most liberal spirit of conciliation and international solidarity, agreed solutions which will enable the work of the Preparatory Commission to be speedily resumed and brought to a successful issue ", and expressed his own earnest hope that the same spirit of conciliation and international solidarity would be shown in their own Committee, would diminish differences of opinion among them, and enable them to adopt solutions with a view to the speedy resumption and success of the work of the Preparatory Commission.

M. PAUL-BONCOUR (France) said that, as he was a member of the Drafting Committee, it was hardly fitting for him to ask for any change in the proposed draft. Nevertheless, he ventured to make a suggestion which he hoped his colleagues in the Third Committee would be willing to consider in the spirit in which it was made, namely, in the fervent hope of securing unanimity for a resolution which would be valueless unless it was unanimous. For its aim was to arouse public opinion, to awaken in it the necessary hopes and obtain from it the necessary driving force to ensure the responsible parties arriving at agreements which would make it possible for them to bring their work to a close.

M. Paul-Boncour would like to see eliminated from the text anything that could give rise to the slightest uncertainty as to their determination to arrange for the Preparatory Commission to meet again at the beginning of next year, if not before. He was well placed to give an interpretation of the draft resolution that had just been read out inasmuch as his colleagues had done him the honour of embodying in it the major part of the proposal which he had himself submitted. There were two complementary propositions in the resolution. The first was that a great effort should be made to ensure that the main difficulties which stood in the way of the work should be removed ; and the second was that they should endeavour to fix a date in such a way that the very fixing of it would be another invitation to those concerned to sink their differences and reach the necessary agreements.

The wording : " Trusts that these solutions may be arrived at in time to enable a meeting of the Preparatory Commission to be held at the end of the present year or, should this not be feasibje, at the beginning of 1929 ", was clear enough as it stood. He asked his colleagues to consider whether the words "in any case" should not be put in before "at the beginning of 1929", in order to show their determination that the Preparatory Commission should meet in any event.

Once assembled, it should do fruitful work provided the divergences had been overcome. And if, by ill fortune — the contingency must be reckoned with frankly ; he owed it to his sense of realities to face it — if, by ill fortune they failed to agree, each must take his share of the responsibility. It would then be the unpleasant duty of the President of the Preparatory Commission, a duty the speaker hoped he would be spared, to tell the Council that agreement had proved impossible and that a great disillusion was in store for the world.

He placed this contingency before them only to show that, in his concern for realities, he had overlooked no eventuality, but at the same time he declared his belief that, if unanimity could be reached on a proposal like the one submitted to them, they would be entering on a new vista of hope.

General DE MARINIS (Italy) recalled that, at a previous meeting, he had intimated that he could not concur in a resolution which would fix the date of the Conference, and he had given his reasons.

The delegate of Italy had associated himself with the idea of holding a meeting of the Preparatory Commission as soon as possible, but held that the President of that Commission must be left to judge when the opportune moment had arrived.

That view had been taken account of by the Drafting Committee in the resolution now submitted to the Third Committee. Only one delegation had not concurred. So far as the Italian delegation was concerned, the draft had its full support.

The Italian delegation was able also to concur entirely in the suggestion just made by M. Paul-Boncour.

With regard to the preamble, the speaker had suggested at the time that this should be drafted from the two original texts, and, generally speaking, he was satisfied with the present version. As regards the paragraph beginning " Notes with satisfaction . . . ", however, he would have preferred that the Assembly should not express an opinion on any act or agreement the contents of which it did not know, and thought this paragraph should be omitted from the proposed text. Nevertheless, he would not stand in the way of its adoption, but suggested an amendment which would make its acceptance easier. Instead of saying : " The Assembly . . . Notes with satisfaction the fact that certain Governments have already taken steps to prepare . . . ", it would be better to say : " The Assembly . . . Notes with satisfaction the steps taken by certain Governments to prepare . . . "

He hoped that the French and British delegations and the Committee as a whole would approve this suggestion, which would make the wording simpler, while keeping the reference to the steps taken — a reference which it had been considered desirable to include.

Count BERNSTORFF (Germany) reminded them of the reasons why the German delegation had felt unable to accept the text of the resolution before the Committee.

The Chancellor of the Reich had asked the Assembly to convene the Disarmament Conference, and the resolution was not at all in keeping with that proposal. Nevertheless, perhaps it would be possible to arrive at a compromise, as that was the way matters almost always ended at Geneva.

But the resolution was not acceptable to the German delegation in view of the great ideas on which the League was based, and for the sake of which Germany had entered the League. Germany felt that the League was the great world-institution for pacification and disarmament. There were, of course, at the present time still obstacles in the way of disarmament, and in order to eliminate them he fully realised that Governments must be given time to come to an agreement on the points at issue. He quite understood that, before convening the Preparatory Commission, they should wait till certain obstacles had been overcome, leaving the President of the Commission to judge when the moment had arrived. But the proposed resolution was tantamount to an absolute abdication by the League in the matter of disarmament, inasmuch as it said quite plainly that the Governments still had obstacles to overcome and that it was necessary to wait patiently until these obstacles disappeared.

The League ought to take up a totally different standpoint, and say : " The Governments must strive to compose their differences, but if they do not, I myself will make a last great effort at disarmament ". They could not possibly sit still and wait till the naval Powers, for instance, should themselves solve the difficulties standing in the way of disarmament or shelve them till the next Washington Conference.

This was why the German delegation had not seen its way to adopt the resolution. Now, however, the situation had changed somewhat and he was extremely grateful to M. Paul-Boncour for proposing in a spirit of conciliation something which might bridge the gulf.

Nevertheless, he had certain reservations to make : (1) The Committee might not agree to M. Paul-Boncour's suggestion. (2) If the Committee accepted it, he thought the relation between the work of the Preparatory Commission and the Disarmament Conference should be brought out. (3) There were certain points in connection with passages of the preamble — for instance, the one raised by General de Marinis — which would have to be discussed.

The speaker wished to make these reservations before he returned to his delegation with another proposal. He wished to explain why he felt unable to support the proposed text and why he was particularly grateful to M. Paul-Boncour for his endeavour, by the proposed amendment, to make the text of the resolution bearable, if not agreeable, to the German delegation.

M. LOUDON (Netherlands) did not wish to oppose an amendment which had been devised to secure the unanimous vote of the Committee.

He reminded them of his attitude throughout the deliberations of the Preparatory Commission. His chief concern was the success of the Preparatory Commission. He wanted to avoid failure at any price, and that was why he had said over and over again that the great Powers chiefly concerned — and above all the great naval Powers — must come to an understanding on naval questions.

Once such an understanding had been reached, the speaker would have had no hesitation in summoning the Commission on his own responsibility.

If, as seemed inevitable from the proposed new draft, he was ordered in any event to summon the Preparatory Commission at a given time, he would consider himself as acting, not on his own responsibility, but as the agent of the collective responsibilities of the Assembly.

He was glad it had been possible to add the last paragraph, proposing to the Council that the President of the Preparatory Commission be instructed to keep in contact with the nations concerned so that he might be apprised of the progress of their negotiations and might be able to convene the Commission as soon as possible. He need not say that he would do everything in his power for the Commission to be convened as soon as possible.

The speaker thought the best way to proceed would be by means of private conversations between five persons if possible, or four, three or even two. He would set to work as soon as possible to promote the agreement which was so essential for the success of the coming meeting.

He would beg, however, for a little latitude as regards the summoning of the Commission. M. Paul-Boncour had suggested " dès le début de 1929 " ; M. Loudon would like " au début de 1929 ".

Three possibilities might be considered : First, that agreement would be reached a few weeks hence, in which case the Commission might be summoned before the end of the year.

In the second place, they might very soon convince themselves that no solution could be arrived at, and in that event too there was so reason why the Commission should not meet as soon as possible.

But there was also the contingency that, after a few weeks, the negotiations might reach a stage that gave every prospect of a good result, and in that case it might be advisable to postpone convening the Commission. It should still be said that the Commission would meet in the early part of the year, but these words would be taken to mean the first half of 1929.

The President of the Preparatory Commission hoped that his suggestion would meet with no objections, for this interpretation would make his task easier.

The CHAIRMAN suggested that all the proposed amendments should be referred back to the Drafting Committee. However, with regard to M. Paul-Boncour's amendment at any rate, it would be as well for the Committee to express its opinion beforehand.

M. SOKAL (Poland) wished to explain the present position of the Committee.

The Drafting Committee had submitted to them a draft, which, unfortunately, had not been unanimously adopted. Thereupon the representative of France had made, on his own behalf, a proposal that constituted a supreme effort to reach unanimity, but this was unsuccessful yesterday, the German delegation being unable to assent to the proposed text.

Although Count Bernstorff had thanked M. Paul-Boncour for his intervention, and had referred to it as providing a bridge for the German delegation, the representative of Germany had withheld his approval without stating what his objections were.

If then, in order to give the necessary guidance to the Drafting Committee, the speaker were asked whether the compromise proposed by M. Paul-Boncour, in a spirit of conciliation, ought to be accepted by the Committee, he would be obliged to reply " No " if the German delegation continued to feel at liberty to bring up again before the Drafting Committee all the modifications it had already proposed. If, on the other hand, the German delegation accepted the proposal without any reservations, he would be able to reply " Yes ".

M. MOTTA (Switzerland) desired to communicate to the Committee the impression left by the discussion that had just begun upon one who claimed to be as impartial and detached as anybody.

Recapitulating the three amendments, he felt that no one could have any difficulty in supporting the amendment proposed by M. Paul-Boncour. Similarly, the proposal of General de Marinis, which merely took note of a particular fact, should also find unanimous acceptance. The explanation given by the President of the Preparatory Commission in defence of the slight alteration he suggested should also have the effect of overcoming any opposition to this third amendment.

There remained the statement made by Count Bernstorff. It contained a first reservation which consisted in saying they were not unanimous. But this unanimity would be obtained; consequently, the reservation would no longer apply.

A second reservation referred to the possible fate of General de Marinis's amendment. The Committee could be reassured on that point as well : its fate would be a favourable one.

Finally, Count Bernstorff wished mention to be made of the general Conference. On this point he ventured in a friendly spirit to draw the German representative's attention to the fact that, as they were agreed, in any case, for the Preparatory Commission to meet in the early months of next year, this would be equivalent to preparing for the general Conference, and should thus give the German delegation complete satisfaction.

But the fact which should remove any idea of opposition on his part, and should have a similar effect on the Committee as a whole, was that the President of the Preparatory Commission had given a definite interpretation of their recommendation when he said that he interpreted it as meaning he was to receive a kind of mandate from the Assembly to summom the Preparatory Commission in the early months of 1929.

He asked what more was wanted, and felt that, with a little goodwill, it should be possible to obtain complete agreement in respect of all the proposed amendments. If there were any doubt whatsoever on the subject, they could ask for the amendments to be referred back to the Drafting Committee, but he felt it to be unnecessary.

M. SATO (Japan) said that he could be very brief after the clear and forceful explanation given by M. Motta. He would confine himself to saying that the Japanese delegation accepted the three amendments proposed by the representatives of France and Italy and the President of the Preparatory Commission.

With regard to Count Bernstorff's reservation, he found considerable difficulty in accepting it. The Japanese delegation considered that they should concentrate all their efforts on summoning the Preparatory Commission as soon as possible and ensuring a successful outcome of its labours. As the Preparatory Commission would be summoned at the beginning of next year, it could, at the conclusion of its work, fix a near date for calling the general Disarmament Conference.

Count BERNSTORFF (Germany), in spite of what had been said, felt it his duty to support the Chairman's proposal to refer back the draft resolution to the Drafting Committee. He had the feeling that the proposed text still contained some incomprehensible contradictions.

Replying to M. Sokal, the representative of Germany said that the words " Yes " or " No " always came at the end of a compromise and not at the beginning.

It had possibly been noticed yesterday in the Drafting Committee that, at a certain moment, he had ceased to take part in the discussion. He felt that it would not have been fair to discuss a compromise proposal and to accept such-and-such a point and then to say that he did not accept the proposal as a whole. He had simply given it to be understood that, in consequence of his instructions, he could not support the proposed resolution.

The representative of Germany repeated his request to refer the matter back to the Drafting Committee.

M. SOKAL (Poland) felt called upon to reply directly to the question raised by Count Bernstorff. There was undoubtedly a misunderstanding. Certainly the words " Yes " or " No " should not be said before a compromise had been concluded, but he considered, possibly wrongly, that there had been no compromise. There was simply a text.

That text was valid; it had been approved by the Drafting Committee and the latter had that day put it before them. For the reasons explained by M. Paul-Boncour, it was to be regarded as a compromise, and, as the representative of Switzerland had said, this formula could be regarded as being acceptable by everyone.

This feeling had been confirmed by the representative of Italy and the President of the Preparatory Commission. In these circumstances, the situation was perfectly clear and straightforward. What could the Drafting Committee do further except start the whole discussion anew ?

If Count Bernstorff had proposed referring the matter back in order to introduce alterations of some value, he would have been in agreement, but the substance of the proposal ought not to meet with any opposition, and consequently for the time being there was no object in altering the proposed text.

The CHAIRMAN said that he was quite willing to avoid a further meeting of the Drafting Committee, but he thought that, in view of the importance of the question, it was advisable that the delegates should have before them a final text modified in accordance with the amendments on which it had proved possible to come to an agreement.

M. LANGE (Norway) supported the proposal to refer the text with the amendments to the Drafting Committee.

M. MOTTA (Switzerland) said that he was ready to accept any solution holding a guarantee of complete agreement. In a spirit of conciliation he was prepared to support the proposal of reference to the Drafting Committee if that proposal could bring about a settlement.

M. PFLÜGL (Austria) desired a meeting of the Drafting Committee for another reason. He thought that, when one of the members not in agreement asked for another meeting, there still existed a chance of agreement and they could not ignore that chance.

Lord CUSHENDUN (British Empire) said he did not wish to raise any objection to the proposed further meeting of the Drafting Committee. He thought, however, that it was desirable to know what the Drafting Committee was going to do. Was the whole of the document to be redrafted ? That was a possible course, but he did not think it would advance their labours. On the other hand, if the Drafting Committee had only to incorporate the three suggested amendments, their labours would be so light that it seemed unnecessary to convene a meeting at all, since any person could write the amendments in with a pencil in two minutes. Owing to the procedure which was usually followed, the three amendments were all under discussion together, but he would have thought it better to discuss them one by one. So far as he had been able to gather, no one had offered any opposition to any one of the three. He himself had not done so for the simple reason that none of the three in any degree altered the sense.

He would like to emphasise that, throughout a very long discussion at the Drafting Committee, he pointed out that there were a good many matters in the draft to which he took exception for various reasons, but, being extremely anxious to arrive at a unanimous decision, he withdrew these objections and the text was agreed.

He understood that the text would be presented to the Third Committee with an expression of regret that the German delegation had been unable to give its assent. Now it appeared that the draft was to be thrown aside, and he would like to ask, before it was decided to have another Drafting Committee, whether it would be confined to incorporating in the text the three amendments to which there had been no opposition, or whether it was to begin all over again and draft a new text.

Count BERNSTORFF (Germany) said that he perfectly understood Lord Cushendun's attitude, but there unfortunately existed a great difference between their respective situations, for, as the representative of a country which had been disarmed, it was his duty to be more meticulous and to ascertain the exact significance of a proposal before he accepted it.

The proposals which had been put forward that day had been so hurriedly drafted that it would be advisable to revise the text so as to make it quite clear. The President of the Preparatory Commission believed that he had been given definite instructions to convene the Preparatory Commission, but that did not clearly appear from the draft which had been adopted.

In addition, the legal experts of the German delegation were of opinion that the second and third paragraphs of the draft were completely inconsistent with each other.

He would be sorry if the opportunity were denied him to lay his point of view before the Drafting Committee. He had to follow the instructions received from his Government, and he requested the Committee to have regard for the circumstances in which he was placed and to agree to a new meeting — however short — of the Drafting Committee.

Baron ROLIN JAEQUEMYNS (Belgium) supported M. Motta as to the need for agreement. He was not clear as to the usefulness of referring the amendments to the Drafting Committee, for, if the points at issue were merely ones of drafting, it would be easy to come to an agreement at a plenary meeting.

He thought that the difficulty was due to a certain obscurity in the draft, which did not make it quite clear whether the Committee should meet at the end of the year, at the beginning of 1929, or only after " agreed solutions which will enable the work of the Preparatory Commission to be brought to a rapid and successful issue " had been reached.

The President of the Preparatory Commission had been asked to keep in contact with the Governments concerned, but it was understood that, even if the result of these conversations failed to realise expectations, the Commission should be convened. All the members of the Commission were agreed that it should meet at the end of 1928 or the beginning of 1929. That was the first fact which ought to be clearly stated. The second fact was that the result of the Commission's work was to bring about the meeting of the Disarmament Couference.

M. SATO (Japan) said he had not at first quite understood the difficulties which Count Bernstorff felt in accepting the draft resolution with M. Paul-Boncour's amendment, although he had, indeed, in his earlier speech, formulated some rather vague reserves.

Since the German delegate's second speech, however, M. Sato realised that the difficulties lay in the meaning that should be attached to the last paragraph but one. The German delegate wished more definite instructions to be given to the President of the Preparatory Commission, so that the latter should be obliged to convene the Commission by a certain time.

He could go so far, in that respect, as to support Count Bernstorff's suggestions.

The German delegate had also expressed doubts in regard to certain paragraphs of the resolution. It appeared necessary, therefore, to go once more to the Drafting Committee, so that every ambiguity should be cleared up. Count Bernstorff would then have an opportunity of submitting his amendments, and it was to be hoped that a complete settlement would be brought about in the course of a few hours. The Committee would thus next day — either in the morning or in the afternoon — be in possession of a resolution that might prove unanimously acceptable.

Lord CUSHENDUN (British Empire) said he quite agreed with Baron Rolin Jaequemyns and M. Sato that all ambiguity should be removed from the text. He wished, however, to ask the Committee carefully to consider what it had in view as a second step if a definite mandate was given to the President of the Preparatory Commission to convene that Commission at the end of this year or at the beginning of the next. Was it the desire of the Committee that, even if the Powers were not in a position to come to an agreement, the Preparatory Commission should be summoned in order to report to the Council that their efforts in the direction of disarmament had failed ? The only alternative, in the circumstances he had mentioned, would be to have a further adjournment. He hoped that those who took part in redrafting the text would bear that point in mind, and would be quite clear upon so important a matter.

The CHAIRMAN said that it seemed to be the general opinion that the text of the amendments should again be referred to the Drafting Committee. He agreed with M. Motta and other delegates that, in view of what had been said, the amendments of M.Paul-Boncour, M. Loudon and General de Marinis were accepted by the Committee.

Thus the drafting Committee, aware of the Committee's views, would restrict itself to drafting the text — removing, of course, at the same time any ambiguity which might still exist.

This was agreed to.

(The Committee rose at 5.45 p.m.)

TWELFTH MEETING.

Held on Saturday, September 22nd, 1928, at 3.30 p.m.

Chairman: Count CARTON DE WIART (Belgium).

37. Adoption of the Draft Resolution relating to the Work of the Preparatory Commission for the Disarmament Conference.

The discussion was opened on the following text submitted by the Drafting Committee :

" Whereas a close connection exists between international security and the reduction and limitation of armaments ;

" And whereas the present conditions of security set up by the Covenant of the League of Nations, by the Treaties of Peace, and in particular by the reductions in the armaments of certain countries under these Treaties, and also by the Locarno Agreements, would allow of the conclusion at the present time of a first general Convention for the Reduction and Limitation of Armaments ;

" And whereas those Governments which consider that their security is not sufficiently assured are now, thanks to the work of the Committee on Arbitration and Security, in possession of fresh means for strengthening their security, of which it is to be hoped that they will make use, at need, by having recourse to the good offices of the Council ;

" And whereas the Convention for the Reduction and Limitation of Armaments will increase international security ;

" And whereas it is desirable that the work of the Preparatory Commission for the Disarmament Conference and of the Committee on Arbitration and Security shall be pursued so that, by further steps, armaments may be progressively reduced as the increase of security allows ;

" The Assembly :

" Urges the necessity of accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible ;

" Notes with satisfaction the efforts of certain Governments to prepare the ground for the future work of the Preparatory Commission ;

" Earnestly hopes that Governments among which differences of opinion still subsist as to the conditions for the reduction and limitation of armaments will seek without delay, in the most liberal spirit of conciliation and international solidarity, agreed solutions which will enable the work of the Preparatory Commission to be brought to a successful issue ;

" Proposes to the Council that the President of the Preparatory Commission be instructed to keep in contact with the Governments concerned so that he may be apprised of the progress of their negotiations and may be able to convene the Commission at the end of the present year or, in any case, at the beginning of 1929. "

Count BERNSTORFF (Germany) read the following statement on behalf of the German delegation :

" The German delegation has noted the discussions of the Third Committee and the resolutions submitted by the Drafting Committee.

" In view of the undeniable difference between the tenor of the resolution now before us, on the one hand, and the principles enunciated by the German delegation and the methods which this delegation proposed for the application of these principles, on the other, we are unable to accede to this resolution.

" The resolution, however, does not exclude all possibility of the eventual application of the above-mentioned principles. In these circumstances, the German delegation will abstain from voting when the resolution is submitted to the Assembly, and reserves the right to explain its attitude at greater length on that occasion. "

General TANCZOS (Hungary) stated that the Hungarian delegation would also abstain from voting the draft resolution.

The draft resolution was adopted.

38. Adoption of the Draft Resolution concerning the Good Offices of the Council with regard to Treaties of Non-Aggression and Mutual Assistance.

M. LANGE (Norway) said that he belonged to a country which had no individual interest in the question of treaties of non-aggression and mutual assistance, nor was it probable, as far as man could foresee, that Norway would ever need to conclude a treaty of this kind. He therefore considered the question from a general point of view.

He had been instructed to express Norway's satisfaction with the work of the Committee on Arbitration and Security. He was happy to note that the Committee on Arbitration and Security, in which all shades of opinion were represented, had confirmed the principle put forward by the Norwegian delegation at the 1923 Assembly.

They had eliminated all possibility of States grouping themselves together against third parties. Moreover, they had embodied in the system of mutual assistance and non-aggression the legal principles of judicial or friendly settlement which were the very essence of the League of Nations. They might therefore rightly say : " E pur si muove " — the world was making some progress after all.

Referring to the question of demilitarised zones, dealt with in the Introductory Note, he referred to the original Finnish proposals in this connection. He thought there were several regions in the world in which it would be highly desirable to establish such zones in order to preclude all possibility of armed conflict.

The text referred to the demilitarised zone between Norway and Sweden. That zone had been in existence for twenty-three years, but the fact was practically unknown in both countries, which was perhaps the object of that kind of servitude. Without going so far as to say that this zone had created between two neighbours, who had formerly been separated by prolonged disputes, the present state of confidence and mutual friendship, it might truthfully be asserted that the zone had been a most important factor in producing this result, particularly at certain times.

If, therefore, the Preparatory Commission and the Committee on Arbitration and Security were to continue their work, they might consider the possibility of preparing a model regulation for the establishment of demilitarised zones. If they made all due allowance for individual cases, they could certainly succeed in establishing general rules.

The Interparliamentary Union in 1924 at Berne and 1925 at Washington had prepared a regulation of this kind which he ventured to recommend to any who might wish to take the matter up.

M. HOLSTI (Finland) said that his country continued to be keenly interested in the question. He entirely agreed with M. Lange's suggestion.

The CHAIRMAN reminded the Committee that it had received an amendment by General Tanczos to the effect that they should insert, in the last paragraph of the draft resolution concerning the good offices of the Council, after the words " if requested ", the words " by the parties concerned ".

M. POLITIS (Greece), Rapporteur, pointed out in the first place that the whole general arrangement of the draft on this point was indicated in the Introductory Note and that the text submitted to the Committee was the result of a compromise reached after a lengthy discussion. The main anxiety expressed was lest the application of these methods should be accompanied by a certain kind of pressure on States which were not yet prepared to conclude treaties of assistance or non-aggression. That was why they had inserted, in the last paragraph but one of the draft resolution, the proviso that the Council, when invited to offer its good offices, should only do so if the two parties consented.

He gave an example to illustrate his point : let them suppose that difficulties had arisen and that one of the countries had asked the Council to afford its good offices. According to the text of the draft, the Council would take no action until it had ascertained that the other parties concerned were also prepared to accept its good offices : otherwise the Council's action would not be likely to prove successful.

General Tanczos proposed that the parties should also be required to come to an agreement before any request was addressed to the Council, namely, that when the negotiations for the

conclusion of a treaty of mutual assistance came to a difficult pass, none of the parties could apply to the Council separately unless the other parties agreed to this procedure.

He (M. Politis) thought that this would render the suggested procedure useless. If all parties had to agree before the Council intervened when serious difficulties arose in the course of the negotiations, it was almost certain that the agreement would never be reached and in these circumstances the Council would be unable to take action.

This would not only complicate the system, but would involve an indirect derogation from the procedure laid down in the Covenant, since the case in point corresponded exactly with the situation described in Article 11, paragraph 2, of the Covenant. This article confirmed the constitutional right of every Member of the League to request the Council to intervene with a view to settling difficulties.

To avoid this twofold disadvantage, it would be wiser not to adopt General Tanczos's amendment. General Tanczos had always shown such a practical spirit and such sound commonsense that he would appeal to him, in virtue of these very qualities, to refrain from pressing his amendment.

It might seem superficially that the right accorded to one of the parties to apply to the Council — a statutory right in the relations between States Members of the League — would only be exercised by certain parties. All the parties, however, — sometimes one and sometimes another — might have an interest in applying to the Council. Why should they bar the possibility of such action ?

Finally, he repeated the hope that the Hungarian delegation would withdraw its amendment.

Count Apponyi (Hungary) admitted that the Rapporteur's arguments made a compromise possible on this point.

If he had rightly understood the Rapporteur's explanations, the question was that of the right of any one party to ask the Council to take action; but the Council could not take such action unless the other party agreed. The text submitted to the Committee did not convey this idea. It simply said " if requested ", by anybody, that is to say. Any country might therefore request the Council to intervene in a discussion between two States. For instance, in the case of a dispute between Hungary and Roumania, any other country — England, France or Honduras — might ask the Council to intervene and the parties in question would have to submit to such action.

The Rapporteur's remarks threw an entirely different light on the question. The initiative could only be taken by one of the parties concerned, and not by any country at large; moreover, actual intervention by the Council would be subject to the acceptance of such intervention by the other party. In order clearly to express this idea in the text submitted to the Committee, they should add, after " if requested ", the words " and if the other party consents ". If this were done, the object of General Tanczos's amendment would be attained.

M. Paul-Boncour (France) supported the observations made by M. Politis, but could not agree to Count Apponyi's interpretation. He was as anxious as the Rapporteur that the Hungarian delegation should see its way to withdraw its amendment.

When the Rapporteur had made this request, Count Apponyi had replied that a compromise might be reached. His own comment on that was that the actual text before the Committee was already the result of a compromise, and when a compromise had been reached it might be very awkward to change its basis afterwards.

He was in a particularly strong position to say this because, a day or two earlier, he himself had set the example by accepting a compromise which did not entirely meet his wishes on the subject of flagrant aggression.

He then pointed out that the very short resolution concerning the good offices of the Council was not a negligible addition to the text of the model Treaty of Arbitration and Security; in the opinion of many people, it was the essential part of that Treaty.

Too much importance must not, of course, be attached to legal documents, which, after all, were only paper and not action. Their value was their propaganda value, and lay essentially in the use which was made of them. The most important thing, therefore, was that there should be a League of Nations and a Council able and willing to make use of those documents.

That had been the view taken last year, when the resolution stating that the Assembly held that an increase in security must be sought in action by the League of Nations had been passed unanimously. Drafting a text was not an action; it was simply a preparation for action designed to bring about the conclusion of separate or collective conciliation or arbitration treaties, and to generalise and co-ordinate such treaties.

In his view, therefore, and in the view of many other members, the work of the Committee on Arbitration and Security, which ought to be so fruitful and valuable, would have no effect unless the finishing touch were put to it by what was known as the resolution on the good offices of the Council. The Council must not wait until conflicts occurred; it must act preventively, exercising a moral pressure — a collective international pressure, at which nobody could take umbrage, because it was exercised in the name of international peace — and it must say to the parties : " You must conclude this agreement because it is necessary in order to nip conflicts in the bud ".

That, however, could only be done if it were not necessary to obtain the consent of all the parties. Otherwise, the Council's action would be needless.

In a resolution calling for the good offices of the Council, it was superfluous and dangerous, he thought, to state at the end that those good offices might prove inoperative. As, however, a compromise had been proposed, he had accepted it, and he asked that it should be adhered to. He therefore begged his colleagues not to hamper the policy of disarmament by lessening the possibility of increasing security.

If no more completely efficient instrument for providing security could be found, they should at least leave the Council, as interpreting the will of the Assembly and responsible for the peace of the world, in a position not to keep the parties to a dispute waiting too long.

M. VON SIMSON (Germany) said he was in the same position as M. Paul-Boncour. He was necessarily in sympathy with a proposal which he was unable to support, because a compromise had been reached on the question in the Committee on Arbitration and Security.

The question whether delegations which had not been represented on the Committee were in the same position was unsettled, but as the compromise had been accepted by the German delegation, the latter would continue to support it, while making it clear that it entirely agreed with the interpretation given by M. Politis.

Care had been taken in drafting the resolution to repeat several times words which showed that the free consent of the parties was required. In the third paragraph there were the words : " being of opinion that the good offices of the Council, if freely accepted by all the parties . . . ", and in the last paragraph the words : " good offices which, being voluntarily accepted . . . ".

It had thus been made clear that the Council could not accede to a request unless the other party were prepared to consent. It was only on that basis that he accepted the compromise.

Count APPONYI (Hungary) did not agree with M. Paul-Boncour that the essential point of the work in progress was to increase the possibility of the Council's intervention. The moral value of intervention by the Council for the purpose of conciliation was great ; but the backbone of the system, both of the League and of the work in which they were now engaged, was arbitration and the faithful observance of arbitral or other judicial decisions.

M. Paul-Boncour had quite rightly said that, when a compromise had been accepted, it ought to be adhered to. That was a rule from which the parties to the compromise could not depart, but those who had had no share in it were under no moral obligation whatever in the matter.

Having said this, he wished to point out that the question was very differently presented in M. Politis's statement and in M. Paul-Boncour's. M. von Simson, who had been a party to the compromise, had said that M. Politis's interpretation was the right one. They were thus in the singular position of having authoritative statements giving different interpretations.

M. Politis's view was that one of the parties should have the right to ask the Council to intervene, but that the Council would not intervene unless the other party agreed.

M. Paul-Boncour's view — which seemed to be in keeping with the text — was that any third Power could impose the intervention of the Council on the two parties to the dispute, even if neither of them had contemplated asking for it.

Which solution did the Committee propose to accept ? M. Paul-Boncour's solution was in keeping with the text, but that was the interpretation which the Hungarian delegation could not accept. They could not allow moral pressure of this kind to be exercised on a State. It was to prevent the acceptance of this interpretation that General Tanczos had moved an amendment.

He had therefore ventured to alter General Tanczos's text, and he asked that, after the words " if requested ", the words " by at least one of the parties, and if the other accepts " should be added.

M. PAUL-BONCOUR (France), replying to Count Apponyi, said that he had been quite right in pointing out the contradiction between the two views under consideration, but was mistaken in thinking that in his (M. Paul-Boncour's) view any State could apply to the Council. He was thinking of one of the parties interested in the negotiations, for, after all, they were contemplating the eventuality of negotiations having been opened or attempted.

When, however, one of the parties interested applied to the Council, the latter, according to his view, would invite the other parties to appear. They could always refuse to do so ; he regretted that, but it was the compromise that had been reached, and he had accepted it.

In any case, country Z could not interfere in a dispute among countries A, B and C. If one of the countries concerned appealed to the Council, then the Council could take action.

M. BENEŠ (Czechoslovakia) thought that an agreement could quickly be reached. The differences between the two views were not so wide as was believed. Moreover, everything that it was desired to have accepted had already been accepted in terms as definite as those of to-day, if not more so. In 1926, the Assembly had passed a resolution which made this clear. That resolution included a passage in which the Assembly requested the Council 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 idea and the actual terms of this resolution had been in his mind when he gave his explanations. The same line was still being followed.

Since 1926, the Third Committee had continued to be guided by these ideas, and the resolution calling for the establishment of the Committee on Arbitration and Security embodied the same principles and naturally led to the same conclusions. That showed quite clearly that there was nothing new in the matter.

With regard to the differences, they were not important, and he saw no reason why they should not meet Count Apponyi's wishes by saying " if requested by one of the parties ".

On the other hand, he could not agree to the second part of the amendment : " and if the other accepts ". That addition would destroy the whole point of the resolution.

What Count Apponyi wanted was to prevent any third Power from interfering in a dispute, and on that point everybody was agreed.

The CHAIRMAN pointed out that nobody desired that the good offices of the Council should be brought into play by third parties, but that the scheme should only operate on application being made by one of the parties concerned.

In these conditions, and since the draft resolution further stated that the Council was ready " 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 ", he thought that Count Apponyi's wish would be met if nothing were said but " if requested by one of the parties ", without any reference to acceptance by the other party.

Count APPONYI (Hungary) admitted that the insertion of the words " by one of the parties " was an improvement, but in his opinion it was inadmissible that application by one of the parties without the assent of the other party should constitute formal reference of the matter to the Council, for they would then be confronted with an entirely different situation from that provided for in Article 11 of the Covenant.

Under that article, the Council, acting in agreement with the parties concerned, endeavoured to reconcile their points of view. However, in the resolution under consideration they were conferring on the Council the right to act in a way described as " good offices ". But it would be dangerous for any State to have the right to impose the good offices of the Council upon another State, and against the will of that State, on a question at issue between them. That was all that was meant by the words " and if the other accepts ".

The CHAIRMAN pointed out that the text spoke later of the good offices of the Council being voluntarily accepted by the parties.

Count APPONYI (Hungary) said that, in that case, he would ask the Committee to remove a certain inconsistency in the last paragraph, and thus reassure the Hungarian delegation, which put on the resolution a different construction from that adopted by other delegates.

M. BENEŠ (Czechoslovakia) noted that the expression " good offices being voluntarily accepted by them " correctly rendered Count Apponyi's thought, and he emphasised the distinction between " offering one's good offices " and " using one's good offices ". In the meaning of the resolution, each of the parties had the right to ask for the good offices of the Council. But the Council could do no more than offer its good offices and, in the later case, the parties concerned had the right to reject the offer.

In other words, the draft resolution contained no novel feature, but merely confirmed the policy of mediation and conciliation adopted by the Council.

In that case, however (he added), Count Apponyi asked what action the Council would take. The Council had its own regulations, its own procedure, and no other regulations or procedure could be forced upon it. They had to restrict themselves to those principles only which were involved in the draft resolution.

In conclusion, he invited Count Apponyi to accept his view, which was in conformity with a resolution adopted by the Assembly.

M. POLITIS (Greece), Rapporteur, likewise dwelt on the difference between the initiative left to the parties — to either of the parties — which was not contingent upon a previous agreement between them, and the exercise of the good offices of the Council, for which a preliminary agreement between the parties concerned was necessary. That distinction, he said, was clearly brought out in the text as amended, in accordance with Count Apponyi's proposals, by the insertion of the words " by one of the parties ".

He also commented upon Count Apponyi's reference to paragraph 2 of Article 11 of the Covenant. The Committee on Arbitration and Security, he said, was not instructed to consider amendments to the Covenant, but merely to bring into action the various resources which its articles offered to the Members of the League for exercising their rights or discharging their obligations. The draft resolution was nothing but the bringing into action, in a given hypothesis, of paragraph 2 of Article 11.

Suppose, he said, that the draft resolution were not adopted and that negotiations between neighbouring States remained fruitless, the tone of the relations became soured and one of the parties felt that it was going to be in a worse political situation than it was at the beginning of the negotiations. It referred the question to the Council under paragraph 2 of Article 11 of the Covenant, drawing the Council's attention to a circumstance calculated to affect international relations. The Council would then place the question on its agenda, summon the other party and consider possible means of conciliation.

Therefore, he concluded, if the draft resolution were rejected, Count Apponyi's difficulties might be further increased.

The CHAIRMAN took the opinion of the Committee on the insertion, after the words " if requested ", of the words " by one of the parties ".

The draft resolution, thus amended, was adopted.

(The Committee rose at 5.30 p.m.)

JOINT MEETING OF THE FIRST AND THIRD COMMITTEES

Held on Monday, September 24th, 1928, at 9 a.m.

Chairman: M. SCIALOJA (Italy).

A. Pacific Settlement of International Disputes: Detailed Examination of the Articles of the General Act.

The CHAIRMAN explained that he had decided to call a joint meeting of the two Committees to consider the draft instrument on the Pacific Settlement of International Disputes, the general discussion of which the First Committee had already terminated.

He proposed that the meeting should first consider the preamble, paragraph by paragraph (Annex 7).

This proposal was adopted.

Paragraphs 1, 2 and 3.

Paragraphs 1, 2 and 3 were adopted without comment.

Paragraph 4.

M. POLITIS (Greece), Rapporteur, proposed that, to avoid any confusion, the paragraph should be worded as follows :

" Recognising that the rights of the several States cannot be modified except with the consent of the holders of those rights. "

The CHAIRMAN thought to say, more simply :

" Recognising that the rights of the States cannot be modified except with their consent. "

M. MROZOWSKI (Poland) said he would prefer the singular to the plural, as the plural might be construed in a different way. There might exist rights belonging cumulatively to several States. In those circumstances, he thought the first formula the right one.

The CHAIRMAN observed that the text covered also the rights belonging to a group of States. In such cases, the consent of all the States was necessary.

The Chairman put to the vote paragraph 4, worded as he had suggested.

Paragraph 4, in that form, was adopted.

Paragraphs 5 and 6.

Paragraphs 5 and 6 were adopted without comment.

Paragraph 7.

Dr. VON SIMSON (Germany) said it was also necessary to provide for those cases which were not capable of being settled by arbitral or judicial proceedings. He therefore proposed that the second part of paragraph 7 should be redrafted as follows :

" . . . where a dispute cannot be submitted to arbitral or judicial proceedings, or cannot be solved by those means, or where the conciliation proceedings have failed. "

Count APPONYI (Hungary) observed that there was a difference between the draft under discussion and the original text. The words " regardless, however, of any conciliation or arbitral proceedings " had, in fact, been deleted from paragraph 7.

He was grateful to the Sub-Committee for having proposed that omission, which had largely contributed to dispel the anxiety he had felt in regard to that paragraph.

He recalled that a very important proposal had been made during the discussion of that question in the Sub-Committee, namely, to add the words " without, however, interrupting the action of the arbitral or judicial tribunal ". Having agreed in the Sub-Committee to the text now submitted to the joint meeting, he, Count Apponyi, would not propose the addition of those words, but he would beg the Rapporteur to refer to the point in his report, for it accurately expressed the ideas of the Sub-Committee. In that way, any kind of anxiety that some delegates might feel would be allayed.

M. POLITIS (Greece), Rapporteur, admitted that it had indeed been understood in the Sub-Committee that mention would be made in the report that the action of the League of Nations would not involve an interruption of the proceedings provided for in the Act. On that point Count Apponyi might be entirely satisfied.

Replying to Dr. von Simson, he thought his observation was a sound one. The second part of paragraph 7 contemplated only one of two possible contingencies, namely, that in which the pacific procedure had not been organised; it did not contemplate a different possible contingency, that, namely, in which for want of legal rules the proceedings had not been able to produce a result. It would therefore be well to terminate the second part of paragraph 7 as follows :

" ... Articles 15 and 17 of the Covenant, where the dispute cannot be solved by means of the above-mentioned procedures or, finally, where conciliation proceedings have failed. "

M. CASSIN (France) accepted Dr. von Simson's amendment.

With regard to the deletion of the words " regardless, however, of any conciliation or arbitral proceedings " to which Count Apponyi had referred, M. Cassin explained that the reason why the Sub-Committee had agreed to their suppression was that it had considered that to have entered into the particular circumstances of the League's action would have been to diminish the importance of the principles formulated. At that point the meeting was formulating principles; it was not the moment to enter into their detailed application.

Paragraph 7 was adopted.

Paragraph 8.

Paragraph 8 was adopted.

Paragraph 9.

Dr. VON SIMSON (Germany) proposed that, in paragraph 9, the words " by means of special agreements or " should be suppressed, the possibility of grafting special agreements upon the annexed model having been indicated in the preceding paragraph. The only element of novelty was the form of an exchange of notes.

General DE MARINIS (Italy) thought it would be better, for the sake of greater clearness, to maintain the expression in question.

The CHAIRMAN remarked that one of the clauses in paragraph 9 was unnecessary, for what it stated went without saying, and the mere notes would be of no value if the constitution of a State did not permit of them. It would be better in those conditions to eliminate paragraph 9.

M. POLITIS (Greece), Rapporteur, explained that that paragraph was a reproduction of a formula that had appeared in the draft resolution framed by the Committee on Arbitration and Security with a clearly defined purpose : namely, to allow those States that were unwilling to accede to general conventions, as imposing on them engagements in relation to all the world, to select their associates.

It had been contemplated in the resolution that this might be done by means of negotiations resulting in a special agreement that would reproduce the clauses of the General Conventions — now of the General Act — or even, if their constitution allowed of it, by a simple exchange of notes. The possibility was thus offered to a State of becoming indirectly, and without assuming obligations in relation to all the world, a party to the General Act.

This indication to the States of what was possible to them had been given with a view to encouraging their adhesion to the General Act.

The CHAIRMAN observed that in a legal instrument anything superfluous was dangerous. At bottom, paragraph 9 merely meant that there was no copyright in the text proposed by the League of Nations.

He would continue to press for the elimination of that paragraph.

Paragraph 9 was suppressed.

Paragraph 10.

Sir Cecil HURST (British Empire) said the French text did not seem to him to be quite clear, and he would be glad if the words " dans l'Acte " were added at the end.

M. POLITIS (Greece), Rapporteur, replied that the words " d'y adhérer " showed that the reference was to the General Act. If, however, it was clearer in English to repeat the equivalent of the words " dans l'Acte " at the end of the text, they might say " laid down in the General Act ".

M. ROLIN (Belgium) announced that he was not satisfied with the existing wording because it might give the impression that both the reservations and the conditions were " prescribed ". The intention, on the contrary, was to indicate the choice open as between certain modes of procedure and at the same time the possibility of certain reservations. It would be possible to say " d'y adhérer à leur gré suivant les modalités indiquées ou éventuellement, avec les réserves prévues ". The word " éventuellement " slightly lessened the emphasis on the reservations.

Dr VON SIMSON (Germany) proposed to stop after the words " à leur gré ".

M. ROLIN (Belgium) preferred that suggestion.

The CHAIRMAN thought it necessary to specify that adhesion would also be possible under those conditions, since they were different from the conditions laid down in the other parts of the Act.

M. ROLIN (Belgium) thought that, if everybody was in agreement on the point of substance, the question of drafting might well be left to the Rapporteur.

Sir Cecil HURST (British Empire), while having the fullest confidence in the Rapporteur, said he would like to see the text before it was adopted.

Mr. MCLACHLAN (Australia) pointed out that paragraph 10 as submitted to the Committee mentioned that the General Act would be communicated to all States whether or not Members of the League of Nations, but was silent with regard to the bilateral Conventions referred to in paragraph 8. Since, however, those bilateral Conventions were to be on the same footing as the General Act, it would be desirable, in the text of paragraph 10, after the words " resolves to communicate the General Act ", to add the words : " and the model bilateral Conventions ".

M. POLITIS (Greece), Rapporteur, recognised the force of this suggestion. It was in accordance with the desire constantly manifested during the work of the Committee on Arbitration and Security that the views of no State should be disregarded, and that no preference should be marked between the system of general conventions and that of special conventions. It was therefore entirely proper to desire that there should be a mention in that paragraph of bilateral Conventions on the same footing as the General Act.

It might perhaps be possible to say :

" Resolves to communicate to all States Members of the League and to any other States that might be indicated by the Council, on the one hand, the annexed General Act and, on the other, the model bilateral Conventions, in order that they may, if they so desire, conclude special agreements. "

He made this suggestion subject to the possibility of revising the wording.

M. ROLIN (Belgium) wished to remind his Australian colleague that a mention of the annexed bilateral Conventions already occurred in paragraph 8. Those Conventions therefore were already annexed to the resolution before the meeting.

He could perfectly well understand the communication to States, not Members of the League, of the General Act, to which they were being invited to become parties, but he saw no use in the addition proposed. Indeed, it would cause considerable astonishment, for, while it was easy to understand that the States not Members of the League should be invited to participate in an Act which was regarded as being of interest to them, it would not be understood how the League of Nations could, without exceeding its proper sphere, address, for instance, to the United States of America the model bilateral arbitration Conventions.

The Australian delegate's doubts were answered in paragraph 8. The paragraph now under discussion might be left as it stood.

Mr. MCLACHLAN (Australia) said he was not qualified to estimate beforehand how much astonishment the United States might feel upon receiving a document of that kind. He did, however, recognise that there was something in what M. Rolin had said.

He would, however, observe that the paragraph as drafted, in speaking of the communication of the General Act, seemed to give to that Act a preponderant importance as compared with the bilateral Conventions. As, however, it had been understood that the two possibilities were to be placed on a footing of perfect equality, he would ask how that equality might be ensured.

M. POLITIS (Greece), Rapporteur, replied that the Australian delegate's point was certainly a sound one. If, in whatever connection, a superiority seemed to be given to the General Act, it would be a departure from the compromise reached in the Arbitration and Security Committee. If there was to be a communication of the General Act, there must be a similar communication of the bilateral Conventions.

In order to avoid any kind of misunderstanding, the communication might be made to all the Members of the League of Nations and to States not Members indicated by the Council. The latter would consider whether it was politically expedient to communicate both the General Act and the bilateral Conventions to any given non-Member State. No indication would be given as to what the States should do after having received the communication. They would take action upon it at their own discretion.

Consequently, he would suggest that paragraph 10 should be drafted as follows :

" Resolves to communicate the General Act, together with the annexed model bilateral Conventions, to all Members of the League and to such States not Members of the League as may be indicated by the Council. "

M. LANGE (Norway) had a question to put with regard to those States to whom the documents in question were not to be communicated. He had not been priviliged to take part in the discussions in the First Committee nor had he had time to read the Minutes. He would, however, like to know the purpose of the discrimination that had been made between the States. There were some diminutive States to which it was obviously of no importance to communicate the documents, but to an uninstructed observer the discrimination was a little disturbing.

M. POLITIS (Greece), Rapporteur, replied that the provision in question was common form. Had it not been inserted, the Secretariat would have been obliged to communicate those documents to all the States. It might in some instances have been puzzled to know whether a particular community was really to be regarded as a State. That was a political question which could be settled only by the Council.

M. LANGE (Norway) formally took note of the Rapporteur's statement and of the fact that there was no idea of giving the Council power to make discriminations based on political grounds.

M. ROLIN (Belgium) did not propose to insist upon his point but noted that it was the first time that there had been a decision to send model conventions to States not Members of the League of Nations. He thought such communication was calculated to detract from the effect of the communication of the General Act.

The text as proposed by the Rapporteur was adopted.

Paragraph 11.

Paragraph 11 was adopted without discussion.

CHAPTER I. — CONCILIATION.

Article 1.

Sir Edward CHAMIER (India) thought that, before the discussion opened, it would be well to make clear the point of view of his delegation. It could not view without misgivings the discussions that were proceeding in the " Drafting Committee ", which consisted of more than a hundred members. It was very unlikely that India would accede to the General Act. Moreover, the Indian delegation did not propose to take any part in the discussion, for it considered that the debates up to that point had been much too hurried. Nor was it its intention to take any definite position in regard to the value of the bilateral Conventions. It was less than one hour since the Indian delegation had been able to ascertain the final form of these Conventions. The resolution proposed left all the States free to choose either the General Act or one of the bilateral Conventions or some other Convention drawn up in any form they might consider suitable.

The CHAIRMAN proposed to strike out the words " which may arise ", not merely because they served no useful purpose, but because they might be dangerous — as it might be supposed that that article covered only those disputes which arose after the conclusion of the treaty. Since, however, the question was that of conciliation, the article ought to cover equally those disputes already existing at the time of adhesion.

M. POLITIS (Greece), Rapporteur, saw no objection to the change, more especially as, if any States desired to exclude disputes already existing, Article 39 allowed of their doing so by means of reservations.

Article 1 was adopted subject to the deletion of the words " which may arise ".

Articles 2, 3 and 4.

These articles were adopted without discussion.

Article 5.

M. ROLIN (Belgium) asked that, after the word " appointed ", the words " for the examination of this dispute " should be added.

Article 5 was adopted with this addition.

Article 6.

Paragraph 1.

The CHAIRMAN asked that, after the words " between the parties ", should be added " or the Council of the League of Nations ". Should the parties find difficulty in choosing a third Power, they might, in order to save time, let the Council make the necessary appointment.

M. POLITIS (Greece), Rapporteur, said that the question had been discussed at great length in the Committee on Arbitration and Security. At the first reading of the text, the plan proposed by the Chairman had been adopted. At the second reading, there had been a change of opinion due to the reasons given in the Introductory Note to Chapter II (No. 3). The procedure chosen was based on the provisions of the Hague Convention on the Pacific Settlement of International Disputes.

The CHAIRMAN replied that he did not propose that the Council should be substituted for the parties, but that they should have the option of having recourse to the Council. Should the parties prefer to adopt this procedure, they ought not to be prevented from doing so, for it would allow of a saving of time.

M. POLITIS (Greece), Rapporteur, saw no objection to the proposed procedure since the provision was to remain of an optional character. The existing wording had kept distinct the system of nominating the Conciliation Commissions and that for recruiting the arbitral tribunals; the objection that had troubled the Committee on Security no longer existed.

M. ROLIN (Belgium) proposed the wording " chosen by agreement between the parties or, if they desire, by the Council ".

M. DE PALACIOS (Spain) suggested the text " will be entrusted, by agreement between the parties, to a third Power or to the Council ".

M. POLITIS (Greece), Rapporteur, suggested " chosen by agreement between the parties or, at their request, by the Acting President of the Council of the League of Nations ".

Paragraph 1 as thus amended was adopted.

Paragraph 2.

Paragraph 2 was adopted subject to an amendment consequent upon that effected in paragraph 1.

Paragraph 3.

Paragraph 3 was adopted without discussion.

Articles 7, 8, 9 and 10.

Articles 7, 8, 9 and 10 were adopted without discussion.

Article 11.

Paragraph 1.

M. POLITIS (Greece), Rapporteur, proposed changing the words " failing any provision to the contrary " to read " in the absence of agreement to the contrary between the parties ".

The paragraph as amended was adopted.

Paragraphs 2 and 3.

Paragraphs 2 and 3 were adopted without discussion.

Articles 12, 13 and 14.

Articles 12, 13 and 14 were adopted without discussion.

Article 15.

Paragraph 1.

Paragraph 1 was adopted without discussion.

Paragraph 2.

The CHAIRMAN proposed that, at the end of the paragraph, instead of " taken by a majority vote " the words " taken unanimously or by a majority vote " should be used.

Paragraph 2 as amended was adopted.

Paragraph 3.

Paragraph 3 was adopted without discussion.

Article 16.

Article 16 was adopted without discussion.

CHAPTER II. — JUDICIAL SETTLEMENT.

Article 17.

Article 17 was adopted without discussion.

Article 18.

M. ROLIN (Belgium), expressing, as he believed, the idea of his Australian colleague, pointed out that, in spite of the intentions expressed, the substantive rules remained ill-defined, it being difficult to say that the principle of equity optionally admitted by Article 38 was a substantive rule. The stipulation which was being considered would in no way detract from the power of the Court, should the parties agree, to decide *ex æquo et bono.* To make it quite clear, the concluding words of the article should be rendered more precise by putting " the substantive rules indicated as obligatory in Article 38 ".

M. POLITIS (Greece), Rapporteur, proposed saying " the substantive rules enumerated in Article 38 ".

M. LIMBURG (Netherlands) thought the effect of that would be to exclude an agreement between the parties to have their dispute decided *ex æquo et bono.*

M. POLITIS (Greece), Rapporteur, pointed out that the object of the provision was to specify the duty of the tribunal if nothing were laid down in the special agreement. If the parties desired to confer on the tribunal the power to decide by equity, it would be for them to say so. In the case where the special agreement omitted to mention what substantive rules were to be applied, the principle was laid down that the tribunal was to apply the four rules in Article 38 of the Statute of the Court. If the parties desired to give the tribunal power to decide by equity, they would say so.

Article 18 was adopted, with the substitution in the last line but one of the word " enumerated " *for the word* " indicated ".

Article 19.

Article 19 was adopted without discussion.

Article 20.

Article 20 was adopted without discussion.

CHAPTER III. — ARBITRATION.

Article 21.

The CHAIRMAN thought that the concluding words of the article were unnecessary. It was his intention to suggest the insertion of the words " in the absence of contrary agreement between the parties " in the following article.

M. POLITIS (Greece), Rapporteur, replied that, if those words were transferred from Article 21 to Article 22, they would cover only the composition of the tribunal and not the choice of the judge. He thought it would be better to maintain the text of Article 21 as it stood. In order, however, to avoid the use of the word " sauf " twice in the same sentence, he would suggest wording the last part of Article 21 " before an arbitral tribunal which, unless the parties otherwise agree, shall be constituted in the manner set out below ".

Article 21 as amended was adopted.

Article 22.

Article 22 was adopted without discussion.

Article 23.

Paragraphs 1 and 2.

Paragraphs 1 and 2 were adopted without discussion.

Paragraph 3.

Dr. VON SIMSON (Germany) thought the words " or if he is disqualified " were not explicit enough. It looked as if the intention had been that, if the Vice-President were ill, he was to be replaced by the oldest member of the Court; provision, however, should equally be made for the case where, like the President, the Vice-President was unable to act because he would be a subject of one of the parties.

M. HOFFINGER (Austria) proposed that the paragraph should read :

" If within a period of three months the Powers so chosen have been unable to reach an agreement, the necessary appointment shall be made by the President of the Permanent Court of International Justice. If he is a subject of one of the two parties, the power of appointment shall devolve upon the Vice-President or upon the oldest member of the Court who is not a subject of either party. "

M. POLITIS (Greece), Rapporteur, thought the simplest thing would be to deal in a single concluding sentence with the ground for exclusion constituted by the fact that the judge called upon to make the appointments was a national of one of the two parties. The following text might be used :

" By the President of the Permanent Court or by the Vice-President, or by the oldest member of the Court if they are not nationals of either of the parties. "

Mr. MCLACHLAN (Australia) thought that the insertion of the word " similarly " before the word " disqualified " would meet the objections raised.

M. POLITIS (Greece), Rapporteur, thought the following wording would be clearer :

" By the President of the Permanent Court of International Justice — or by the Vice-President or by the oldest member of the Court — if he is not a national of either party. "

M. HOFFINGER (Austria) pointed out that the wording suggested by the Rapporteur would not indicate the reasons for the exclusion — in particular, the point that the person in question must not be a national of one of the parties. It might be inferred that the parties might agree that the appointments should be made forthwith by the Vice-President or by a member.

The CHAIRMAN observed that some wording must be found that would mention as the grounds of prevention not only the fact of the Vice-President or oldest member of the Court being a national of one of the parties, but other reasons also, as, for instance, illness.

Count CARTON DE WIART (Belgium) proposed the following text :

" If, within a period of three months, the two Powers so chosen have been unable to reach an agreement, the necessary appointment shall be made by the President of the Permanent Court of International Justice. If he is unable to do so, or if he is a subject of either party, it shall be made by the Vice-President of the Court; if he is unable to do so, or if he is a subject of either party, it shall be made by the oldest member of the Court who is not a subject of either party. "

M. MOTTA (Switzerland) suggested that, as all the members of the Committee were in agreement on the substance, they should leave the wording to the Rapporteur.

This was agreed. The article was adopted subject to that understanding.

Article 24.

Article 24 was adopted without discussion.

Articles 25, 26 and 27.

M. ITO (Japan) pointed out that Article 18 in Chapter II made no mention of the substantive rules to be applied by the arbitrators. Would it not be desirable to bring the two articles — 18 and 25 — into harmony ?

M. POLITIS (Greece), Rapporteur, suggested the wording :

" . . . determining the subject of the dispute, the details of the procedure and, if necessary, the rules in regard to the substance . . . . "

M. ROLIN (Belgium) would have liked to see the wording of Chapter II more closely retained. In Chapter III an explanation was given in three articles of what was covered in Chapter II by a single article, namely, Article 18.

The CHAIRMAN proposed reducing Article 25 to the opening sentence : " The parties shall draw up a special agreement determining the subject of the dispute ". Actually, the procedure was dealt with in the following article and mention had already been made of the substantive rules.

M. POLITIS (Greece), Rapporteur, supported this proposal. In order to be absolutely logical, it was necessary to produce a single text for several articles. That would, however, involve a change in the numbering of all the subsequent articles and, moreover, it would take some time to prepare.

M. CASSIN (France) agreed with M. Ito in urging that contradictions should be avoided. If M. Politis's suggestions were accepted, Article 26 would have to be brought into harmony with Article 18 and the words " In the absence of sufficient particulars " should be substituted for " If nothing is laid down in the special agreement ".

Mr. MCLACHLAN (Australia) thought the difficulty arose from the use of the words " if necessary ". The discretion that was to be left to the parties would be better indicated by the words " if agreed ". On the other hand, if the suggestion to terminate the article at the word " dispute " were adopted, it might prevent the parties from choosing the procedure they preferred.

M. ROLIN (Belgium) urged that the reference in Chapter II to the special agreement should be reproduced textually.

M. DE PALACIOS (Spain) asked whether there was any reason for adopting different wordings on points that seemed to be similar.

Dr. VON SIMSON (Germany) proposed that the text should be maintained as it stood.

The CHAIRMAN asked that Article 25 should be entirely suppressed as, in his view, it was unnecessary. The special agreement was mentioned in Article 18, and the substantive rules in Article 26.

M. POLITIS (Greece), Rapporteur, pointed out that Article 18 was a part of the chapter dealing with disputes not of a legal nature.

M. MROZOWSKI (Poland) thought the difference between Articles 18 and 25 was only a slight one. It consisted simply in the fact that in Article 18 it was stated that the special agreement would specify the choice of arbitrators, the subject of the dispute and the procedure to be followed, whereas in Article 25 nothing was said about the arbitrators, while, on the other hand, the substantive rules were referred to.

If in Article 18 mention were made of those substantive rules, the concordance between the two articles would be exact. Article 18 would be more complete, since it went on to give the procedure to be followed if that point were not dealt with in the special agreement, and also the substantive rules to be adopted if those were not provided for.

It would be difficult to omit Article 25, which served as an introduction to the subsequent provisions.

He proposed, therefore, that, after the words " the procedure to be followed ", in paragraph 1 of Article 18, there should be added the words " and the substantive rules to be observed by the arbitrators ", and, after " in the special agreement ", the words " as to the procedure ".

Mr. MCLACHLAN (Australia) again pointed out that the question would be settled if the words " if necessary " were suppressed in Article 25 and replaced by the words " may agree ". That made it possible for the parties to agree; and if they did not agree, the other articles which followed would apply.

M. POLITIS (Greece), Rapporteur, replying to M. Mrozowski, said it would be unwise to reopen what had been a very long discussion. Article 18 laid down the rules to be applied, but went on to mention the Hague Convention, which was not applicable to the rules regarding the substance of the dispute. It had been necessary to make a break in the wording for the sake of added clearness. Reference was therefore made in the first place, only to the specification of the subject of the dispute, the arbitrators to be selected and the procedure to be followed. For the substantive rules it was necessary to refer to the Statute of the Court, and that was why the article (in the French text) had been divided into two paragraphs. If everything were put into the first paragraph, the latter part of the text would have to be amended in two places, which would complicate matters. Article 18 might be maintained as it stood, and Article 25 adjusted as far as necessary to Article 18.

The CHAIRMAN thought much time was being lost over an unnecessary article. He proposed that the drafting of Article 25 should be left to the Rapporteur.

M. POLITIS (Greece), Rapporteur, preferred that the Committee should forthwith agree upon the wording. He suggested :

> " The parties shall draw up a special agreement determining the subject of the disputes and the details of procedure. "

Article 26 would become :

> " In the absence of sufficient particulars in the special agreement, . . . the provisions of the Hague Convention of October 18th, 1907 . . . . shall apply. "

Articles 27 and 28 would not be altered.

The CHAIRMAN pointed out that the proposed text would give the impression that, in case the special agreement were incomplete, the Hague procedure, to the exclusion of the procedure laid down previously, should be resorted to. In actual fact, the two procedures were complementary.

Articles 25, 26 and 27 were adopted as amended.

Article 28.

M. CASSIN (France) remarked that, in the first sentence of Article 28, the words should be " If nothing is laid down in the special agreement, or if there be no special agreement ", for the tribunal was to be constituted, even if there were no special agreement. In that case, the substantive rules to be applied would all the same be those of the Statute of the Permanent Court of International Justice.

The CHAIRMAN read a proposal by Count Carton de Wiart to the effect that the word " indicated " should be changed to " enumerated " as in the earlier passage.

M. ROLIN (Belgium) desired to make an observation concerning the form of the article. It would be more in keeping with the intention of the text to say, at the end of Article 28, instead of " the Tribunal may decide ", " the Tribunal shall decide ". It was not merely a discretion that was being given in that article, for the reference was to disputes where the application of legal rules was in principle not possible.

M. POLITIS (Greece), Rapporteur, signified his assent to this change, as also to that proposed by M. Cassin for the insertion of the words " or if there be no special agreement " after the words " if nothing is laid down in the special agreement " at the beginning of Article 28.

Subject to these amendments, Article 28 was adopted.

CHAPTER IV. — GENERAL PROVISIONS.

Article 29.

M. TUMEDEI (Italy) contemplated the contingency of States having concluded between themselves conventions providing only for a procedure of conciliation, either for all cases or for certain classes of cases, and observed that, in virtue of Article 29, paragraph 2, as now drafted, should a State accept Chapter II of the General Act concerning judicial settlement, it would be obliged to submit to judicial settlement even the cases covered by special conventions, although for those cases provision had been made for the possibility of a conciliation procedure. In that he saw a danger. It might deter certain States from signing the Act.

While ready to agree to the principle embodied in paragraph 2 of Article 29, he would have wished to see the parties afforded the possibility of making a declaration in a contrary sense.

The CHAIRMAN remarked that the phrase " in so far as the parties have acceded thereto " would meet M. Tumedei's point.

M. TUMEDEI (Italy) was not certain that it would. He thought the last words of Article 29 referred to Article 38, that was to say, to the possibility for any State to accept only a part of the General Act. He would have liked to see the possibility also given of making a declaration contrary to paragraph 2.

Dr. VON SIMSON (Germany) did not consider the Italian delegate's observation a sound one. The concluding words of Article 29 referred, not only to Article 38, but to Article 39 as well. He proposed that the last sentence of paragraph 2 of Article 29 should be amended, the words " after such procedure has been followed without result " being replaced by the words " after such procedure has failed ".

M. ROLIN (Belgium) did not think this entirely met M. Tumedei's observation. M. Tumedei had in mind the case where a dispute would be excluded by virtue of its category. He was taking the case of a State party to the General Act wishing to reserve entirely for treatment under special conventions particular categories of disputes that might occur between it and certain other States, and in which, contrary to the apparent requirements of paragraph 2 of Article 29, it desired to prevent its adhesion to the very wide General Act from causing the application of that Act to extend to those relations which were already regulated, though only in a partial and limited manner, by special conventions.

He did not think there was any objection whatever to mentioning this new possibility to be afforded to the States by adding the words " and in so far as they have not in their reservations expressly excluded this application ".

He felt sure that this amendment would give M. Tumedei complete satisfaction, and he, personally, was also very anxious to meet in that way an objection that had been heard among certain members of the Assembly who at the outset had had some doubts as to the value of the General Act.

M. POLITIS (Greece), Rapporteur, thought that this proposal would cause complication, and would render the text more cumbersome. The words " in so far as the parties have acceded thereto " seemed to him to cover M. Tumedei's hypothetical case.

As the system of reservations was of a restrictive character, the case in question would have to be covered by those reservations. M. Rolin had said : " It is in Article 39, paragraph 3, that provision is made for the possibility of excluding disputes concerning special subject-matters. The State that adhered to the General Act, desiring only to reserve the conciliation procedure in relation to those countries with which it had concluded a convention of that kind, would mention as a special subject-matter that very agreement which had already been concluded. " If that were so, why say it more explicitly ? The phrase " in so far as the parties have acceded thereto " explained everything. It was unnecessary to make any addition to it. M. Rolin's addition might give rise to the belief that there was a contradiction between Article 29 and the system of reservations which was said to be of a restrictive character. Why should any such difficulties of interpretation be allowed to arise, considering that the text was sufficiently wide to cover all possible cases ?

He thought M. Tumedei could declare himself satisfied with this explanation.

M. TUMEDEI (Italy) did not think the last reservation in Article 39 could cover all possible cases, for it related to particular cases or clearly specified subject-matters. It was admitted that certain States were not able to submit all non-legal matters to arbitration. If it were wished to exclude arbitration for all non-legal matters in relation to a particular State, it would not be possible to use merely the third reservation in Article 39. Why not afford a

State which was prepared to sign the General Act, but which had nevertheless judged it expedient to establish by special conventions different methods of settling disputes in relation to certain States — why not afford such a State the possibility of signing ?

M. Politis had said : " In Article 39 there are three reservations ". M. Tumedei did not deny that his proposal would involve a fourth reservation.

M. POLITIS (Greece) Rapporteur, said that, in that case, it would be necessary to amend, not Article 29, but Article 39.

M. TUMEDEI (Italy) thought the question he had raised might be reconsidered when Article 39 was being examined. It would suffice, for the moment, to reach agreement on the point of substance.

The CHAIRMAN asked if the proposal was to be referred to the Rapporteur.

M. ROLIN (Belgium) thought that, in spite of all the confidence the Committee might have in the Rapporteur, such a proposal would put too heavy a responsibility upon him. A formula must be found.

M. TUMEDEI (Italy) said he could accept the proposal M. Rolin had made.

M. ROLIN (Belgium) replied that he, on the other hand, would be obliged to withdraw that proposal because he had just noted that there was disagreement on the interpretation of Article 39. There was one point on which he felt very strongly. He did not want there to be any other reservations than those set out in Article 39, or any disguised reservations in other parts of the document. If it was not possible to find a formula for Article 39 which would give satisfaction to M. Tumedei, he would oppose absolutely the introduction of any other reservations.

M. LIMBURG (Netherlands) thought satisfaction might perhaps be given to M. Tumedei by the suppression, in Article 29, paragraph 2, of the words " judicial settlement ". Arbitration only would remain.

When an attempt at conciliation had broken down, there yet remained compulsory arbitration whereas no provision for compulsory judicial settlement existed.

M. ROLIN (Belgium) called attention to Chapter II.

M. LIMBURG (Netherlands) said that this referred to States which had adhered to the General Act in respect only of conciliation proceedings. If conciliation failed, the complementary process would be arbitration, not judicial settlement.

M. CASSIN (France) thought the two Committees should not lose sight of the essential purpose of their work. They had to study the drafts submitted by the Committee on Arbitration and Security. For the sake of technical harmony, the Committees had agreed, so to speak, to run together the three draft general Conventions. But it had not been intended to make any changes of substance in the work of the Committee on Arbitration and Security. Everybody was agreed in saying that that work constituted a solid basis of discussion. On the one hand, the door ought not to be opened to new reservations, which would now get into Article 29, and might soon appear in the other articles. That character of universality which it was desired that the Act should have might, in that case, be entirely destroyed. On the other hand, the Committees must not attempt to harmonise too strictly the General Act with every bilateral convention existing between States. Those States which had signed bilateral conventions and which might desire to adhere to the General Act would consider whether it would be to their benefit so to do.

He recalled that the purpose in view was to prepare a General Act, but that the Committees could not claim to establish it in such a manner as to adapt it to all the particular cases covered by bilateral conventions.

M. TUMEDEI (Italy) was not satisfied with the arguments used by M. Cassin. He recalled that, in the text that the First Committee had just drawn up, one of the reservations proposed by the Committee on Arbitration and Security had been dropped. Why should opposition be raised to the adding of a new reservation ? However, he would not insist upon the point.

Article 29 was adopted.

Articles 30, 31, 32 and 33.

Articles 30, 31, 32 and 33 were adopted with minor amendments.

Article 34.

Paragraph (a).

M. ROLIN (Belgium) thought the words " third Powers " might cause confusion, and suggested substituting for them the words " Powers not parties to the dispute ".

Paragraph (a) *was adopted as thus amended.*

Paragraph (b).

Paragraph (b) *was adopted.*

Paragraph (c).

M. ROLIN (Belgium) said his attention had been called by M. Undén to a lacuna in that paragraph. Provision was made only for reference to Article 21. It was necessary to provide also for the case covered by Article 22 and the following articles, where the arbitrators were not appointed by the parties.

Moreover, with regard to a Commission of Conciliation, it had been provided that the number of conciliators appointed by agreement was to be greater than the number of conciliators appointed by the parties. No similar provisions had been repeated as regards the arbitration tribunal.

He therefore proposed the following wording :

" . . . . Article 22 shall apply, but each party having separate interests shall appoint one arbitrator and the number of arbitrators who are nationals of Powers not parties to the dispute shall always exceed by one the number of the arbitrators separately appointed by the parties."

M. POLITIS (Greece), Rapporteur, accepted the reference " to Article 21 and following articles ". He also accepted the substitution of " but " for " and " after the words " shall apply ".

With regard to the last part of the amendment, he was not sure that it fitted in with what had been laid down earlier.

M. ROLIN (Belgium) explained that the text he was proposing was identical with that in paragraph (*a*) in regard to the Conciliation Commission. It might happen, in cases of arbitration, that, several parties having separate interests, there would be within the tribunal a majority of arbitrators appointed by the parties.

M. DJUVARA (Roumania) showed that a dispute might arise as to which of the parties was to have a commissioner on the Commission of Conciliation. That might be a delicate point to decide according as the interests of the parties were common or divergent. In the latter case, who would decide ?

M. POLITIS (Greece), Rapporteur, replied by quoting Article 41, giving the jurisdiction in such case to the Permanent Court of International Justice.

(At this point, the meeting was suspended for 15 minutes until 12.15 p.m.)

M. POLITIS (Greece), Rapporteur, declared that, a comparison of M. Rolin's suggestion with the earlier texts showed that it appeared to be in harmony with them. Consequently, paragraph (*c*) of Article 34 might be drafted as follows :

" (*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 17, 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 21, the above Article 22 and following articles shall apply, but each party having separate interests shall appoint one arbitrator, and the number of arbitrators separately appointed by the parties to the dispute shall always be one less than that of the other arbitrators. "

This text was adopted.

Articles 35, 36, 37 and 38.

Articles 35, 36, 37 and 38 were adopted without discussion.

Article 39.

Paragraph 1.

Paragraph 1 was adopted without discussion.

Paragraph 2.

M. ROLIN (Belgium) drew attention in sub-paragraph (*a*) to the words " Disputes arising out of facts prior to the adhesion ", and observed that the reference was to the adhesion of the party which made the reservation. This provision had been borrowed from numerous arbitration conventions, but, in this particular case, it would have a quite restricted effect. When a convention was concluded between two States, and all previous facts were excluded, all the facts prior to the convention itself were excluded for both parties. On the contrary, when a party was excluding all facts prior to its adhesion to a General Act, the result would be that the first to adhere to the General Act would have excluded facts prior to its adhesion, but would remain bound, if the other States so desired, to accept, under conditions which were not reciprocal and which were unequal, arbitration for all facts that might arise subsequently to its adhesion and prior to the acceptance by the other State of the general engagement.

To obviate certain calculations, he would therefore suggest that sub-paragraph (*a*) of paragraph 2 should read :

" Disputes arising out of facts prior to the accession of the party making the reservation or to the accession of any other party between which and the former a dispute may arise. "

Under those conditions, reciprocity would be assured. A party would never agree to bind itself in respect of all facts arising subsequently to its adhesion except on condition that no fact arising after its adhesion but before that of another party could be excluded by a reservation made by the latter. Only so would certain States be prevented from exploiting the generous action of the first party to commit itself.

M. POLITIS (Greece), Rapporteur, observed that M. Rolin's proposal was similar to a matter which had given the Sub-Committee some anxiety when it was considering Article 39. At that time the Sub-Committee had searched in vain for a formula that should give satisfaction to States feeling some anxiety on the point.

The wording proposed by M. Rolin seemed to him at first sight to be satisfactory. Its effect was to prevent an unfair manœuvring against the State that had already adhered, and had excluded facts prior to its adhesion. It would thus allow a State to adhere to the Act without fear that other States — the malicious third parties pictured by M. Rolin — would lie in wait to take before the arbitral or judicial jurisdiction disputes which it had wished to exclude.

M. UNDÉN (Sweden) did not think the addition was necessary. M. Rolin seemed to consider it a disadvantage to be convened before the Court. It was not likely that this would be generally the case, or that the States which adhered to the Act would make a reservation of that kind. He would not, however, oppose the adoption of the text suggested.

M. ROLIN (Belgium) said he was personally in favour of the General Act, but the advantage it offered to States lay in the element of reciprocity. Wherever a State would be able to be cited before an international jurisdiction, it ought to be able equally to cite the other States.

This reciprocity did not always exist in the case of an open Act. A State which, owing to its recent adhesion, could not be summoned by another State could, on the contrary, be called before the jurisdiction by that State if it had previously given its adhesion. To avoid this risk, it might be made clear that the obligation was subject to reciprocity as from the moment when other States should have accepted the jurisdiction. That was an equitable rule which would strengthen confidence.

Sub-paragraph (a) *was adopted with the proposed amendment.*

M. TUMEDEI (Italy) said that, as the discussion he had started on an earlier article had led to no practical result, he felt obliged to ask one question.

If a State should adhere to the General Act with a declaration that it desired to exclude all disputes covered by treaties concluded with another State, would that reservation come within the ambit of sub-paragraph (*c*) ? He thought it would.

In contemplating disputes covered by a particular treaty, they were marked off clearly from other disputes : that was, therefore, a particularisation of those disputes. The only difference was that it was a particularisation *ratione personæ*, and not *ratione materiæ*. As some members of the Committee might perhaps think otherwise, it would be necessary for the question to be settled.

M. POLITIS (Greece), Rapporteur, thought the answer to M. Tumedei's question should be in the affirmative. Under the terms of sub-paragraph (*c*) it would be possible to adhere to the General Act with a statement that the disputes which formed the subject of a given convention were excluded from the judicial and arbitral procedures.

M. TUMEDEI (Italy) thought he had in that case been right in asking that there should be inserted in Article 29 an amendment referring to Article 39. In Articles 1 and 17, provision was made for the possibility of reservations. They ought also to be provided for in Article 29 if a contradiction between that article and Article 39 were to be avoided.

The point was, in his opinion, a formal one, but deserving none the less of clarification.

The CHAIRMAN thought it was a question of knowing the meaning of sub-paragraph (*c*). If that paragraph were to have the meaning given to it by the Rapporteur, the question discussed under Article 29 was settled, because it would suffice to make a reservation in regard to treaties already signed, in conformity with Article 39.

But high though the authority of M. Politis's declarations might be, the Chairman thought that the letter of the article in question did not exactly correspond with those declarations. Some better-adapted formula must therefore be found.

The Rapporteur had had in mind certain categories of cases or of subject-matters, whereas in the text mention was made only of " particular cases " and " clearly specified subject-matters ".

If it were a question of categories of cases, such as those covered by a treaty with another State, reservations in regard to them would have to be made. That seemed to be essential, more particularly as sub-paragraph (*c*) might, for many States, be the determining factor as regards the question of signing or not signing.

M. POLITIS (Greece), Rapporteur, suggested, by way of meeting these observations, to alter the text to read : " Disputes concerning particular cases or categories of clearly specified subject-matters ", etc.

M. ROLIN (Belgium) observed that the word " categories " destroyed the effect of the words " clearly defined ". It would be better to say " subject-matters or clearly defined categories ". It was a question, in reality, of definition by subjects or definition by person. Definition by subjects gave subject-matters, definition by person gave categories.

M. POLITIS (Greece), Rapporteur, said he agreed. The text would therefore read " Disputes concerning particular cases, specified subject-matters or clearly defined categories . . . "

M. ITO (Japan) asked what categories.

M. ROLIN (Belgium) admitted that his text was faulty and that it ought to run " or coming within clearly defined categories ".

M. DE PALACIOS (Spain) thought the wording a bit confused and asked whether it would not be clearer to add a special sub-paragraph dealing with the case indicated by M. Tumedei. This new paragraph might read " Disputes covered by prior agreements . . . "

The CHAIRMAN remarked that what was needed was not merely to bring in the reservations that M. Tumedei had in mind, but to find a formula still wider and going even further.

M. POLITIS (Greece), Rapporteur, admitted that the text he had last proposed was somewhat obscure. The " particular cases " might be " particularised " in different ways, *in rem* or *in personam*, for example. Perhaps the reservation indicated by M. Tumedei might appear in the first part of the sentence, by saying " Disputes concerning cases defined individually, by subject-matters, or by categories ", the sentence continuing " or specially defined subject-matters . . . "

M. LIMBURG (Netherlands) was afraid the reservations were being extended far too widely and thought the door might thus be opened to vague and dangerous reservations.

He dare not ask for a reopening of the discussion on Article 29, paragraph 2 : otherwise, he would have proposed sacrificing the whole of the second sentence of that paragraph. He would, in fact, prefer to leave the reservations as they stood rather than adopt a new wording.

M. POLITIS (Greece), Rapporteur, did not share the misgivings of M. Limburg with reference to the widening of the sentence to appear under sub-paragraph (*c*) in Article 39 ; for even the old text seemed to offer States the possibility of excluding categories of disputes. The only innovation now proposed was to state the fact in a more formal manner.

In conclusion, he suggested the following text : " Disputes concerning particular cases, or special subject-matters, or falling within clearly defined categories ".

After a short exchange of views, M. Politis (Greece), Rapporteur, suggested the following new text :

> " Disputes concerning particular cases or clearly specified subject-matters, such as territorial status, or disputes falling within clearly defined categories. "

This text was adopted.

Paragraph 3.

Paragraph 3 was adopted.

Paragraph 4.

Paragraph 4, with a verbal improvement in the French text suggested by M. Rolin, was adopted.

New Article.

M. MROZOWSKI (Poland) proposed a new article. He desired that the General Act should be rendered a little more flexible. Some special treaties were concluded in such a way as to make conciliation proceedings obligatory for all legal disputes. Others excluded conciliation for disputes of a legal nature. Both those currents of opinion could be satisfied by putting in a new article :

> " When acceding to the present Act, the parties may declare either that they submit the disputes coming under Article 17 to the compulsory conciliation procedure or that they generally exclude all such disputes from that procedure. "

M. POLITIS (Greece), Rapporteur, replied that that proposal had been considered by the Sub-Committee. It had been impossible to include that wording, for it rendered the system too complicated. It was impossible to enter into all those details. M. Mrozowski's idea represented a legitimate anxiety, but it could not be carried out in practice.

The Polish delegation was anxious that, in disputes of a legal nature, conciliation procedure should, wherever possible, be utilised, whereas under the system under consideration it was optional, in that it required the consent of the parties. It had been observed in the Sub-Committee that, if the two parties were willing to observe that procedure of conciliation, they would come to an agreement. If one of the parties proposed it and the other assented, the present wording would suffice. If one of the parties proposed it and the other did not accept it, what would be the use of making it obligatory ? There would be an absence of the desire for conciliation. It would be better to go at once before a judge.

The proposal was rejected.

Article 40.

The CHAIRMAN, before submitting the article to discussion, desired to recall a question he had already laid before the Sub-Committee.

The system of reservations would be of very great importance but it might possibly constitute a serious danger. The Act was open for adhesion for an indefinite time. Those States which did not sign it at the outset would be in a much more advantageous position than the others, since they would, in formulating their reservations, know which of those already formulated by the other States affected them. No doubt, all reservations were reciprocal, but that reciprocity could not be a sufficient safeguard. If a State had been able to foresee the reservations which another might make, it would have taken its own precautions by making other reservations which were opportune.

He wished that, if a State made a reservation, those which had previously signed should be enabled in their turn to make other reservations which he might call " counter reservations ".

M. POLITIS (Greece), Rapporteur, said he would prefer to call them " reprisals ".

The CHAIRMAN went on to say that, if it were desired to have a certain number of adhesions, it was necessary that the States which signed first should not be in a position of inferiority in relation to those which signed later. Otherwise, he would probably say to his Government, " Be the last to sign ! "

M. POLITIS (Greece), Rapporteur, said that that question had been considered at great length by the Sub-Committee, which had tried to picture what would be the consequences involved in the proposed text. It had seemed that the complications that would result in the general system of the Act would be infinitely greater than any advantage there might be, for, after all, it was a question merely of making use of reprisals. Reprisals might, however, be used at the date of expiration of the first period of operation of the Act. A State might adhere after the first year or after the second year, so limiting its risks. A reservation made by an evilly disposed party and directed against a State which had already adhered would not become operative until after three months. With a view to such reprisals, it would be sufficient to have patience enough to wait two and a-half years. Was it necessary, so as to be able to have the pleasure of taking reprisals sooner, to put in a provision which would entail immense complications ? It would be necessary to give every State that had already adhered to the Act the possibility, as soon as another State had acceded subject to particular reservations, of itself formulating, during the ensuing month or two, reservations aimed against the opposite party. The complication which would thus result would be so great that it would be better to omit a provision of this kind, which might lessen, if not destroy, the effectiveness of the General Act.

The CHAIRMAN observed that it was to defensive, not aggressive, action that he had referred.

M. VON SIMSON (Germany) said that he did not deny the importance of the difficulties seen by the Chairman, but, like M. Politis, he thought that matters would be made more complicated by an endeavour to find direct means of remedying them. Suppose that a given State had adhered and that a second should adhere later with reservations. It was proposed to give the first State the right to make a new reservation so as to restore the balance. The second State in its turn would then make a further reservation, and this process would go on indefinitely.

He recognised the shortcomings existing in the General Act. To his mind, the only remedy would be for the party that so desired to denounce the Act.

M. ROLIN (Belgium), in reply to the inconvenience mentioned, pointed out the advantage of the General Act as now proposed. The State which was adhering to it would know the reservations made by the States which had previously adhered. Under the system suggested by the Chairman, a great uncertainty would be created, although the Chairman was proposing to avoid that very inconvenience.

The CHAIRMAN said that, in any circumstances, he thought the difficulties were many. It was, however, for the States to decide how they could overcome them.

Article 40 was adopted.

Article 41.

M. HOFFINGER (Austria) recalled the observations he had submitted to the Drafting Committee on the subject of the reasonable interval during which the party might plead an exception in view of the fact that the matter in question was *sub judice* before one of its domestic courts. He had hoped to see an article inserted whereby the State which considered the reasonable interval to have elapsed would be given the possibility of taking steps.

In answer to that argument, the provisions of Article 41 had been quoted, the Sub-Committee being agreed in considering that, if a State felt that its adversary, invoking its internal law, was delaying matters, it could apply to the Permanent Court on the ground that a question had arisen concerning the interpretation or application of the General Act.

He asked that the opinion of the Drafting Committee should be included in the report.

M. POLITIS (Greece), Rapporteur, signified his assent.

Article 41 was adopted.

Articles 42, 43 and 44.

Articles 42, 43 and 44 were adopted without discussion.

Article 45.

Paragraph 1.

M. ROLIN (Belgium) recalled that the period of five years laid down was regarded in some quarters as a minimum. It had been asked that it should be increased to ten years. If there were any objections, however, he would not press the point.

Paragraph 1 was adopted.

Paragraphs 2, 3, 4 and 5.

Paragraphs 2, 3, 4 and 5 were adopted without discussion.

Articles 46 and 47.

Articles 46 and 47 were adopted without discussion.

MODEL BILATERAL CONVENTIONS A, B AND C.

The *Committees decided* that the drafts drawn up by the Committee on Arbitration and Security should be revised to make them correspond to the General Act.

MODEL TREATIES D, E AND F.

M. CASSIN (France) recalled that, in the Third Committee at the time of the voting on the draft Conventions D, E and F, one member of the Committee had declared that his vote was given subject to the understanding that that was only a first reading, to be followed by a second reading when the arbitration pacts should have been referred to the plenary meeting of the First and Third Committees. He asked the Committees to proceed — purely as a matter of form — to the second reading of the draft Treaties D, E and F prepared by the Committee on Arbitration and Security.

Count CARTON DE WIART (Belgium) supported this suggestion.

Count APPONYI (Hungary) recalled the declaration he had made at the beginning of the work of the Third Committee on the subject of the model Treaties of Mutual Assistance D, E and F. He had intimated that he saw no possibility of giving an affirmative vote and would, on the contrary, abstain. There was nothing contradictory between the passive attitude taken by Hungary since then and the declaration he would make to the Assembly in order to explain his abstention.

ARTICLE 36 OF THE STATUTE OF THE PERMANENT COURT.

Mr. DANDURAND (Canada) recalled that he had proposed a resolution inviting States to adhere to the optional clause — if necessary, with appropriate reservations. That resolution had affirmed that :

" The effort now in progress to diminish the uncertainties of international law and to fill the gaps by means of its progressive codification would greatly facilitate the acceptance of Article 36 of the Statute."

He desired to insert, at the end of that resolution, the following recommendation :

" Requests the said States . . . to indicate the questions of international law the elucidation of which would facilitate their accession to Article 36 of the Statute of the Permanent Court of International Justice."

The codification of international law was a very lengthy business. It would, however, be of interest to the Committee of Experts to know the point of view of the various States.

This proposal was adopted.

The text of the resolution as adopted read as follows :

" 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, indicating at the same time the questions of international law the elucidation of which would in their opinion facilitate their accession to the optional clause of Article 36 of the Statute of the Court; and

" Asks the Council to inform the Assembly at its next session of the replies it has by then received."

General TANCZOS (Hungary) wished to make it clear, in order to dispel possible misunderstandings, that the declaration Count Apponyi had just made on the subject of Hungary's abstention had reference to his own declaration, reported as follows in the Minutes of the meeting on the previous Thursday :

" General Tanczos was therefore compelled to reserve his decision with regard to the whole of the model treaties until such time as he had before him the results of the discussion in the First Committee."

He had made the same reservation in regard to the draft resolution.

B. **Revision of the Systematic Study of Arbitration Conventions and Treaties of Mutual Assistance prepared by the Secretariat: Proposal submitted by M. Cassin (France)** (Annex 8).

The Committee, on the proposal of the Sub-Committee, *adopted the following draft resolution*

" The Assembly :

" Recognising the importance of the documentation which the Secretariat of the League of Nations has begun to collect concerning treaties of judicial settlement, arbitration and conciliation, and of the maps and graphs which it contemplates establishing :

" Requests the Secretary-General to be so good as to invite the Governments of States Members or non-Members of the League of Nations to communicate to the Secretariat the text :

" (1) Of those treaties for the pacific settlement of disputes which are now in force and which were concluded prior to the establishment of the League of Nations and which have not been registered;

" (2) Of such arbitral awards affecting them as may be rendered in the future, with the exception of judgments of the Permanent Court of International Justice and of the Permanent Court of Arbitration and of special tribunals such as the Mixed Arbitral Tribunals."

THIRTEENTH MEETING.

Held on Monday, September 24th, 1928, at Noon.

Chairman: Count CARTON DE WIART (Belgium).

39. Adoption of the Report on the Work of the Preparatory Commission for the Disarmament Conference (Annex 6).

M. BENEŠ (Czechoslovakia), Rapporteur, said he thought there was no need for him to read his report, as the members of the Committee were already acquainted with it. He was, of course, prepared to give delegates any information or explanations they might desire.

M. LANGE (Norway) desired to call the attention of the Committee to the following sentence in the report :

> " They pointed out, moreover, that, notwithstanding these difficulties, the general situation is tending to develop on the lines laid down in Article 8 of the Covenant, many States having already spontaneously reduced their armaments to a considerable extent. "

He feared that the Assembly would be laying itself open to being contradicted. He recognised that there was an obvious tendency to reduce armaments, but the results of this tendency had so far only been very modest.

He proposed that they should say : " . . . many States having already spontaneously reduced their armaments to a certain extent ".

The CHAIRMAN proposed to say : " . . . many States having already spontaneously reduced their armaments ".

M. LANGE (Norway) thought that even that would be going too far.

M. BENEŠ (Czechoslovakia), Rapporteur, pointed out that, in this sentence, he had mentioned the various views which had been expressed during the discussion, without, however, passing any opinion on the statements made.

The CHAIRMAN noted that the various views had been indicated in a purely objective manner. The next sentence in the report stated :

> " Other delegations expressed the view that the progress of the preparatory work and the results hitherto achieved could hardly be regarded as satisfactory. "

M. LANGE (Norway) asked the Rapporteur, in connection with the explanations which had just been furnished, whether it was certain that the statement in question really applied to many countries. He proposed to say : " . . . certain States having already spontaneously reduced their armaments to a considerable extent ".

This amendment was adopted.

General TANCZOS (Hungary) said he would give the Assembly his reasons for refraining from voting for the proposed resolution.

The report was adopted.

(The Committee rose at 12.15 p.m.)

FOURTEENTH MEETING.

Held on Monday, September 24th, 1928, at 10.30 p.m.

Chairman: Count CARTON DE WIART (Belgium).

40. Adoption of the Report regarding the Questions of the Pacific Settlementof International Disputes, Non-Aggression and Mutual Assistance (Annex 7).

The CHAIRMAN pointed out that M. Politis had accomplished little short of a marvel in drafting in so short a space of time a report accompanied by six draft resolutions.

He proposed the following procedure for the discussion : M. Politis would read his report and the Committee would discuss each chapter separately.

He observed that all the resolutions to which he had referred had already been adopted except the one concerning the good offices of the Council in regard to arbitration of which the text was as follows :

" The Assembly,

" Having considered the work of the Committee on Arbitration and Security;

" (1) Firmly convinced that effective machinery for ensuring the peaceful settlement of international disputes is an essential element in the cause of security and disarmament;

" (2) Considering that the faithful observance, under the auspices of the League of Nations, of methods of pacific settlement renders possible the settlement of all disputes;

" (3) Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;

" (4) Recognising that the rights of the several States cannot be modified except with their consent;

" (5) Taking note of the fact that a great number of particular international conventions provide for obligatory conciliation, arbitration or judicial settlement;

" (6) Being desirous of facilitating to the greatest possible degree the development of undertakings in regard to the said methods of procedure;

" (7) Declaring that such undertakings are not to be interpreted as restricting the duty of the League of Nations to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world; or as impeding its intervention in virtue of Articles 15 and 17 of the Covenant, where a dispute cannot be submitted to arbitral or judicial procedure or cannot be settled by such procedure, or where the conciliation proceedings have failed:

" (8) Invites all States whether Members of the League or not, and in so far as their existing agreements do not already achieve this end, to accept obligations in pursuance of the above purpose either by becoming parties to the General Act or by concluding particular conventions with individual States in accordance with the model bilateral Conventions or in such terms as may be deemed appropriate;

" (9) Resolves to communicate the General Act and the model bilateral Conventions to all Members of the League of Nations and to such States not Members of the League as may be indicated by the Council;

" (10) Requests the Council to give the Secretariat of the League of Nations instructions to keep a list of the engagements contracted in accordance with the terms of the present resolution either by acceptance of the provisions of the General Act or by the conclusion of particular Conventions with the same object, so as to enable Members of the League and States non-Members of the League to obtain information as soon as possible. "

M. Politis (Greece), Rapporteur, after craving indulgence for any imperfections his report might contain, proceeded to read this document. He requested the Chairman to interrupt him if any member wished to speak on any particular point.

Chapter I.

Count Apponyi (Hungary) reminded the Committee of the conditions under which a text had been submitted to the Sub-Committee by Sir Cecil Hurst in order to dispel a certain amount of apprehension with regard to Clause No. 7 of the draft resolution. The text had been roughly as follows:

" Nothing in this Convention shall be interpreted as preventing the League from taking measures to forestall war, notwithstanding any arbitration or conciliation procedure. "

In view of the apprehension with regard to the words " notwithstanding any arbitration or conciliation procedure ", Sir Cecil Hurst had agreed to omit these words, and it had been decided that reference should be made in the report to the compromise thus reached. They should therefore say that the League of Nations might take action without, however, interrupting the course of arbitration or conciliation proceedings. He thought that this point had been forgotten and should perhaps be mentioned in the report.

M. Politis (Greece), Rapporteur, admitted the correctness of Count Apponyi's observation and proposed to remedy this omission by adding, after the paragraph ending " States not Members of the League of Nations ", the words:

" This paragraph was modified during the discussion in Committee so as to remove certain apprehensions, and it was understood that the action of the Council was not intended to interrupt any procedure which had been begun and that it would be desirable if the details of such action were thoroughly examined at a later date. "

M. Lange (Norway) thought it would be desirable to reiterate the statement made to the First Committee by the member of the Norwegian delegation, namely, that there was a slight contradiction between the draft resolution, and particularly that clause No. 3 in the resolution which referred to treaty rights, and Article 28 of the General Act, which allowed arbitral tribunals the right to take a decision, if necessary, *ex æquo et bono.*

The Norwegian delegation would vote for the General Act. It made a formal reservation, however, to the effect that the acceptance of this Act must in no way affect the interpretation of arbitration treaties concluded before the General Act.

M. Politis (Greece), Rapporteur, read the draft resolution, concerning the good offices of the Council in cases of pacific settlement. He pointed out that this text had, apart from a few words, been drawn up by the Committee on Arbitration and Security. These words, which had been added in the last paragraph in order to bring this resolution entirely into line with the resolution concerning the good offices of the Council in cases of treaties of mutual assistance, were as follows : " . . . if requested to do so by one of the parties ".

Chapter I and the draft resolution regarding the good offices of the Council were adopted.

Chapter II.

M. Fotitch (Kingdom of the Serbs, Croats and Slovenes), pointed out that his proposal referred to in the Minutes of the meeting held on September 20th had not provided for the exact reproduction of Article 4, paragraph 3, of the Rhine Pact of Locarno. The text of this proposal had been adapted to suit treaties of mutual assistance and non-aggression. He asked that it should be given in full in the report.

He proposed that in the following paragraphs :

> " Certain States attach particular importance, in urgent cases, to the promise of assistance before action is taken by the Council. They consider that it is especially in the case of a flagrant aggression — which they consider to be the most probable eventuality — that the need for assistance will be the most imperative. But it was also thought that it would not be wise to recommend the system adopted at Locarno as a general rule, since, if the situation was not analogous, it might give rise to serious drawbacks, not only for the League of Nations, but for the States concerned themselves.
>
> " It must be acknowledged, however, that the lack of precision of the idea of flagrant aggression may involve certain disadvantages and detract from the practical value of the promise of assistance. An examination of the special circumstances of each case will allow it to be decided whether the clause in question should be inserted in a given treaty or not " —

the passage :

> " But it was also thought that it would not be wise to recommend the system adopted at Locarno as a general rule, since, if the situation was not analogous, it might give rise to serious drawbacks, not only for the League of Nations, but for the States concerned themselves " —

should be replaced by the following passage from M. Politis's statement at the meeting on September 20th :

> " But it was also thought that it would be wiser not to adopt this clause as a general rule " —

and that they should omit the following sentence :

> " It must be acknowledged, however . . . of the promise of assistance. "

M. von Simson (Germany) supported M. Fotitch's proposal. He was not in favour of reproducing the Locarno text word for word in the report ; he would prefer to see the proposal of the Serb-Croat-Slovene delegation inserted in its original form.

He agreed that they might omit the sentence :

> " It must be acknowledged, however, that the lack of precision of the idea of flagrant aggression may involve certain disadvantages and detract from the practical value of the promise of assistance. "

He also asked that they should omit the sentence :

> " They consider that it is especially in the case of a flagrant aggression — which they consider to be the most probable eventuality — that the need for assistance will be the most imperative. "

If they maintained that sentence, they must also maintain the sentence which M. Fotitch had requested should be omitted. To be impartial, they must not state any opinion.

M. Fotitch (Kingdom of the Serbs, Croats and Slovenes) said that, if he had rightly understood the German delegate, the text would run as follows :

> " Certain States attach particular importance, in the case of flagrant aggression, to the promise of assistance before action is taken by the Council. But it was also thought that it would be wiser not to recommend the system adopted at Locarno as a general rule and that the examination of the special circumstances of each case will allow it to be decided whether the clause in question should be inserted in a given treaty or not. "

M. Fotitch would gladly accept such a text.

M. Politis (Greece), Rapporteur, thought that agreement had been reached The beginning of this part of Chapter II would be as follows :

" As regards the clause concerning flagrant aggression, it has been proposed to accept as a general rule in treaties of mutual assistance a clause similar to Article 4, paragraph 3, of the Rhine Pact of Locarno. "

This clause would read as it was drafted, but the text inserted would omit the words " a flagrant breach of Articles 42 and 43 of the Treaty of Versailles ", and, on the following page, "or of the assembly of armed forces in the demilitarised zone ".

The CHAIRMAN suggested that the Committee might adopt the whole of this part of the report with M. Fotitch's observations.

M. UNDÉN (Sweden) thought it desirable that the report should mention the fact that the model Treaties did not refer to cases of aggression by third States. He proposed that the following passage should be inserted at the beginning of the second paragraph of Chapter II:

" It is clear from this Note that the model Treaties do not refer to cases of aggression by a State not a party to the Treaty. It was thought that it was not for the League of Nations to recommend in a treaty of its own framing provisions which might lead to the formation of rival groups of nations. "

This passage was quoted from the Introductory Note.

M. POLITIS (Greece), Rapporteur, thought that there would be no objection to inserting this passage. However, since M. Undén had referred to the Introductory Note, the speaker would like to point out that in this Note two arguments had been put before the Committee. It was said :

" 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. "

This was the first argument. Elsewhere it was stated that :

" The discussion showed that some States held such a guarantee to be 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. "

M. Politis asked the Committee if it would not be fairer and more impartial to reproduce the whole passage.

M. VON SIMSON (Germany) did not think they were justified in stating in this report that " the discussion showed that some States held that such a guarantee is necessary ", deducing in support the reasons given in the Introductory Note. The speaker did not think that this conclusion could be drawn from the discussions of the Third Committee.

The CHAIRMAN asked M. Undén whether he would maintain the text of his proposal in view of M. von Simson's remark.

M. UNDÉN (Sweden) thought that M. von Simson accepted his proposal, but not M. Politis's. The speaker had suggested that the passage quoted from the Introductory Note should be mentioned here, since the argument put forward in it had finally prevailed. This was the passage which explained the contents of the models.

M. LANGE (Norway) thought that they might overcome the difficulty by substituting in the passage putting forward the opposing argument, read by M. Politis, for the words " The discussion showed ", " It is true that some States hold that such a guarantee is necessary ".

M. VON SIMSON (Germany) suggested that they should merely say : " It is true that some States held that such a guarantee is necessary in view of certain definite contingencies ". They would then continue with the text proposed by M. Undén.

M. SOKAL (Poland) proposed that the report should say, at the beginning of the second sentence of the text quoted by M. Politis : " Other States consider . . . ", instead of saying : " It may be held . . . ".

M. POLITIS (Greece), Rapporteur, stated that, if M. von Simson's proposal were accepted, namely, to mention that " some States hold that such a guarantee is necessary in view of certain definite contingencies ", it would be impossible to say, " Other States consider ", seeing that it was this latter agreement which had prevailed. It would be necessary to say : " but it was considered . . . "

M. SOKAL (Poland) pointed out that the question raised by M. Undén had not been discussed when the Third Committee considered the model Treaties. It had been discussed at length by the Committee on Arbitration and Security, and references to it were made in the Introductory Note. M. Politis had submitted a report to the Committee which reflected the discussion that had taken place in the Third Committee. If he had even quoted certain passages from the Introductory Note, it was because reference had been made to these points during the debates in the Third Committee. M. Undén had brought forward his proposal just

when the discussion was about to end. Without contesting the possibility of making amendments to the report, he, the speaker, asked that, as the text dealt with a delicate matter, either the paragraph in question in the Introductory Note should be inserted as it stood, or, if it was desired to make any amendments, to adjourn the meeting for a few minutes in order to consider the drafting.

M. CASSIN (France) said that it appeared to him that the whole reasoning of the report called for the adoption of a strict method of argument. Since the report stated explicitly that the principles which had been laid down in the model Treaties were explained in the Introductory Note, and that attention was only given to the clauses in certain definite provisions which it had not been intended to insert as general principles, he thought it would be imprudent to discuss anew each clause which had been proposed and then rejected While it might appear natural to M. Undén to raise the question of the aggression of a third State, it might equally please another member to recall another proposal which had been set aside, and there was thus a considerable risk of overloading the report.

He therefore proposed that the report should be kept as it was.

M. UNDÉN (Sweden) said he had only raised the question and proposed an addition to the report because he considered the problem as one of peculiar importance for characterising the model Treaty. In order to meet M. Sokal's views, he would be satisfied if the following sentence were accepted :

> " It will be seen from this Note that the model Treaties do not provide for mutual assistance by the contracting parties in the case of aggression by a third State. "

M. LANGE (Norway) pointed out that, as he had already stated, the warm support given by the Norwegian delegation was due to the fact that the Treaty did not raise the question of aggression by third Powers.

The CHAIRMAN noted that the Committee agreed that the last text submitted by M. Undén should be inserted after the first sentence in the second paragraph.

Chapter II, thus amended, was adopted.

Chapters III and IV.

No comments.

Count APPONYI (Hungary) said he would abstain from voting on the resolution concerning treaties of non-aggression and mutual assistance.

The report and the resolutions were adopted in their entirety.

41. Close of the Work of the Committee.

The CHAIRMAN informed the Committee that its work was at an end. He thanked his colleagues for their zeal and assiduity and gave special thanks to the various Rapporteurs and to M. Colban and his staff.

M. SOKAL (Poland) said he voiced the opinion of the Committee in expressing his gratitude and admiration for the manner in which the Chairman had presided over their meetings.

The CHAIRMAN expressed his thanks.

(The meeting rose at 12.25 a.m.)

ANNEXES.

A.60.1928.IX.

ANNEX 1.

FINANCIAL ASSISTANCE TO STATES VICTIMS OF AGGRESSION.

REPORT SUBMITTED TO THE ASSEMBLY BY BARON ROLIN JAEQUEMYNS (BELGIUM).

The Third Committee has noted the recommendation submitted to the Assembly by the Committee on Arbitration and Security with regard to the scheme for financial assistance.

The text of the recommendation reads as follows :

" The Committee on Arbitration and Security :

" Having taken note of the report by the Joint Committee on questions relating to financial assistance ;

" Thanks the Joint Committee for its valuable collaboration ;

" Adopts the attached report submitted by its Rapporteur (*Official Journal*, August 1928, page 1195) ;

" Invites the Financial Committee to continue its technical enquiries on the basis of the results obtained after the meeting of the Assembly ;

" Recommends that the Assembly should give its opinion upon the questions raised ;

" For this purpose, requests the Secretary-General to forward the report and the minutes of the Joint Committee to Governments in order that they may give instructions to their delegates at the Assembly. "

In accordance with this recommendation, the Assembly is called upon to give its opinion concerning the various questions which have arisen, in order to allow the Financial Committee to continue its preparatory work.

As His Excellency M. Veverka pointed out in the report submitted by him to the Committee on Arbitration and Security (*Official Journal*, August 1928, page 1195), and in conformity with the conclusions reached by a Joint Committee consisting of delegates appointed by the Committee on Arbitration and Security and by the Financial Committee, it is the intention of the Financial Committee to prepare a plan of financial assistance on the following lines :

(1) The financial scheme should be embodied in a *special Convention*.

(2) This Convention should be open to all Members of the League.

(3) States non-Members of the League might be allowed to participate by a decision of the Council.

(4) The machinery of the Convention should be so elastic that it would be possible for a State not signing the Convention to participate in the guarantees in general, or in the guarantee of a specific loan.

(5) Instead of fixing the maximum for the rate of interest and amortisation of any loans, the maximum annual liability in respect of the service of loans would be fixed for each guarantor State.

As regards the terms of the loans, these could be approved before the issue ; *e.g.*, by the Chairman for the time being and the two preceding Chairmen of the Financial Committee, acting by a majority vote if unanimity could not be secured.

(6) The issue of loans could take place on the strength of the undertakings subscribed to in the Convention and represented by the general bonds, without waiting for the specific guarantee bonds to be deposited.

(7) The Convention would provide that financial assistance could be given in the *case of war or threat of war* if such action were deemed wise and effectual to safeguard or re-establish the peace of nations.

(8) Financial assistance would be brought into operation by a unanimous vote of the Council (minus the parties to the dispute).

The exchange of views in the Third Committee, and particularly the very precise information furnished by Count de Chalendar, Chairman of the Financial Committee, showed that, apart from the technical questions referred to in points 5 and 6 above, the other points raised various questions of a political and legal nature which may be summarised as follows :

(*a*) Should the scheme for financial assistance be embodied in a special convention or incorporated in the body of the agreements to be reached in connection with the reduction of armaments ? (See 1 to 4 above.)

(*b*) Should it be held that the scheme for financial assistance would apply not only in case of war in the strict sense of the term, but also in the case of threat of war referred to in Article 11 of the Covenant ? (See 7 above).

(*c*) In order that the financial assistance should become operative, would a Council decision be sufficient or would the approval of each signatory be necessary in each case, including signatories not represented on the Council ? (See 8 above.)

With regard to point (*a*), the Third Committee agreed that the scheme for financial assistance should be drafted in the juridical form of a special convention, it being understood that the future agreement would come within the framework of the League's general programme for the limitation and reduction of armaments.

With regard to point (*b*), apart from certain reservations made concerning the possible exclusion of the case of a mere threat of war, the Committee has agreed that, in the text of the Convention to be prepared by the Financial Committee, financial assistance should be provided for, not only in the case of war in violation of the provisions of the Covenant, as mentioned in Article 16 of the Covenant, but also in the case of war or threat of war referred to in Article 11. It should, moreover, be noted that if, subsequently, after it had received the draft Convention on Financial Assistance, the Assembly decides that only the case of war should be taken into account, it would be sufficient merely to change a sentence in one article, without altering the scheme as a whole.

With regard to point (*c*), the Third Committee agrees with the Financial Committee that the question of intervention should be decided solely by the Council without the collaboration of the other signatories of the Convention not represented on the Council. As for the right under Article 4, paragraph 5, of the Covenant of every Member of the League not represented on the Council to " send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting that Member of the League ", the Third Committee thought that there would be no objection to drafting the proposed Convention in such a manner that the signatories would, by the mere fact of their accession, or even explicitly, renounce this right.

The outstanding questions of principle having thus been settled, several delegates thought that it might be desirable to take formal note of the principle accepted under paragraph 5 above by the Financial Committee to the effect that, instead of fixing the maximum rate of interest or amortisation for any loans that might be granted, the *maximum annual liability* in respect of the service of loans would be fixed for each guarantor State up to which it might have to guarantee the service of the loans. The advantage of this system would be that no doubt could subsist concerning the extent of the financial obligations undertaken by each signatory to the Convention.

In these circumstances, the Third Committee has the honour to submit to the Assembly the following draft resolution :

" The Assembly :

" (1) Expresses its satisfaction with the work of the Committee on Arbitration and Security and the Financial Committee in connection with the scheme for financial assistance ;

" (2) Requests the Council to invite the Financial Committee to continue the preparation of this scheme in the form of a draft Convention, bearing in mind the directions given in the report submitted to the Assembly at its ninth ordinary session on behalf of its Third Committee ;

" (3) Expresses the hope that a full draft Convention, complete in all its details, may be submitted to the Assembly at its tenth ordinary session ;

" (4) Invites the Secretary-General to submit the draft Convention as soon as it is prepared to the Governments in order that they may give instructions to their delegates at the tenth ordinary session of the Assembly. "

A.63.1928.IX.

ANNEX 2.

ARTICLES 10, 11 AND 16 OF THE COVENANT.

REPORT SUBMITTED TO THE ASSEMBLY BY M. N. POLITIS (GRECE).

Among the tasks assigned to the Committee on Arbitration and Security by the Assembly resolution of September 26th, 1927, which provided for the Committee's appointment, was " 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 (Resolution V, No. 3, paragraph 5) ".

The Committee on Arbitration and Security decided to begin with the study of Articles 10, 11 and 16, keeping in mind the possibility of co-ordinating them with other articles later.

It selected these articles as being the ones which have most engaged the attention of the organs of the League hitherto. But the Committee had no intention of restricting its future field of action. On the contrary, it resolved to devote its attention later to other clauses of the Covenant, especially the provision of Article 13, paragraph 4, which lays down that, in the event of failure to carry out arbitral or judicial awards, " the Council shall propose what steps shall be taken to give effect thereto ". In the course of its work, the Committee more than once had occasion to appreciate the peculiar importance of this provision. It realised that, in the absence of a complete system of sanctions, the development of compulsory arbitration would be greatly assisted by Article 13, paragraph 4, a thorough study of which should be embarked upon as soon as possible.

Articles 10, 11 and 16 of the Covenant were first discussed in an *important memorandum by M. Rutgers*, who endeavoured to determine their meaning and practical bearings.

It was forcibly demonstrated by the author that, first and foremost, in order to fulfil its essential mission for the maintenance of peace, the League must prevent war; that the application of measures of repression should only be contemplated in extreme cases when preventive measures had failed; that, as an effective means of ensuring the peace of the world, Article 10 was of greater significance than Article 16, the more so as, if applied conscientiously and fully, Article 11 would facilitate any application that might be made of Article 16, inasmuch as the procedure of Article 11 enabled the Council to follow the development of the dispute, and so obtain grounds for the decisions which it might be called upon to take under Article 16 — in particular, as regards the determination of the aggressor, the Council would be guided very largely by the degree and manner in which the conflicting parties had lent themselves to the action previously taken by it under the Covenant, and especially under Article 11, for the purpose of maintaining peace.

It was argued further that a hard-and-fast definition of the terms " aggression " (Article 10) and " resort to war " (Article 16) would be dangerous, for it might oblige the Council and Members of the League to decide that there had been a breach of the Covenant, and thus bring sanctions into play at a time when it would be better not to take measures of coercion. Moreover, there would be the risk of setting up criteria which, in unforeseen circumstances, might lead to the designation of a State which, in actual fact, was not responsible for the hostilities.

The memorandum considered further that it would be helpful, in the case of resort to war, if the Council delivered an opinion as to whether there was or was not a breach of the Covenant and declared which of the two conflicting parties had broken the Covenant; and, lastly, that the preparation of the military sanctions provided for in Article 16 did not seem likely to promote the growth of mutual confidence between the States Members of the League, unless, at the same time, pacific procedures were organised for the settlement of all international differences and a general understanding was reached for the reduction and limitation of armaments.

The above ideas, together with those embodied in the memoranda on arbitration and security, were summarised in the introduction which the three Rapporteurs, in agreement with the Chairman of the Committee, placed at the beginning of their report.

They gave rise to a detailed discussion, in the course of which two currents of opinion came to light, one emphasising the degree of security provided by the Covenant and the other laying stress on its inadequacy. Eventually, the Committee adopted a resolution in the following terms :

> " 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. "

After discussing M. Rutgers' memorandum at its second session, the Committee, at its third session, adopted in regard to Articles 10, 11 and 16 of the Covenant a resolution in which it gave its approval to the main conclusions of this document, in terms expressing the various shades of opinion which had been manifested in the course of the debates.

Subject to the observations made in the present report, the Third Committee has felt able to subscribe entirely to views expressed by the Committee on Arbitration and Security in regard to Articles 10, 11 and 16 of the Covenant.

It therefore proposes to the Assembly the adoption of the following resolution :

> " The Assembly :
>
> " Having noted the work of the Committee on Arbitration and Security in regard to Articles 10, 11 and 16 of the Covenant,
>
> " Appreciates the great importance of the work done to apply the provisions in question;
>
> " Considers that the information concerning the question of the criteria of aggression contained in the Committee's documents usefully summarises the studies made by the Assembly and the Council and the provisions of certain treaties;

" Recalls in particular that the action to be taken by the Council under Article 11 and other articles of the Covenant in the case of a conflict will provide it with important elements of appreciation likely to facilitate the determination of the aggressor in the event of war breaking out in spite of every effort;

" Considers that the study of Article 11 of the Covenant, which stipulates that the League ' shall take any action that may be deemed wise and effectual to safeguard the peace of nations ', forms the natural counterpart of the study undertaken by the Committee of the Council and approved by the Council on December 6th, 1927, on the Assembly's recommendation, and, without detracting from the value of the other articles of the Covenant, brings into prominence the fact that the League's first task is to forestall war, and that in all cases of armed conflict or of threats of armed conflict, of whatever nature, it must take action to prevent hostilities or to stop hostilities which have already begun;

" Takes note of the suggestions concerning Article 16 contained in the Committee's documents relative to the study of the articles of the Covenant;

" Recommends to the Council the studies in question as a useful piece of work which, without proposing a hard-and-fast procedure in time of emergency, and without adding to or detracting from the rights and duties of the Members of the League, provides valuable indications as to the possibilities offered by the different articles of the Covenant, and as to the way in which they may be applied, without prejudice to the different modes of procedure which the infinite variety of possible eventualities may render necessary in practice;

" In conclusion, recommends that a study should be undertaken of the other articles of the Covenant the conscientious and full application of which offers special guarantees of security. "

A.68.1928.IX.

ANNEX 3.

SUPERVISION OF THE PRIVATE MANUFACTURE AND PUBLICITY OF THE MANUFACTURE OF ARMS AND AMMUNITION AND OF IMPLEMENTS OF WAR.

REPORT SUBMITTED TO THE ASSEMBLY BY M. GUERRERO (SALVADOR).

In its resolution of September 24th, 1927, the Assembly " requested the Council to convey its views to the Special Commission in order that the latter might agree upon a single text which would enable the Council to convene an international conference as speedily as possible ".

At its first session, held in March-April 1927, the Special Commission drew up a preliminary draft convention.

This preliminary draft was taken as the basis of discussion at the Special Commission's second session, which was held from August 27th to 30th, 1928.

After endeavouring to reconcile the different points of view expressed in the course of the debates, the Special Commission had to acknowledge that, while the principle of publicity had been accepted for Government manufactures, differences of opinion remained as regards the extent of such publicity, and that therefore it was unable to submit the single final text requested by the Assembly.

After examining the situation thus created, the Third Committee came to the conclusion that it was essential to agree upon a single text which would permit of the convening of an international conference on the supervision of private manufacture and the publicity of Government manufactures. It was unanimous in thinking that an immediate appeal addressed by the Council to the Governments represented on the Special Commission, with a view to the removal of the differences of opinion still existing, together with a meeting of the Special Commission before the Council's next session, would make it possible, once the preparatory work had been completed, to convene an international conference on the manufacture of arms and ammunition and of implements of war either before or at the same time as the International Conference for the Reduction and Limitation of Armaments.

I therefore have the honour to propose to you the following resolution on behalf of the Third Committee :

" The Assembly :

" Having taken note of the report and preliminary draft convention drawn up by the Special Commission appointed to prepare a draft convention on the supervision of the private manufacture and publicity of the manufacture of arms and ammunition and of implements of war;

" Observing that the Commission has not yet found it possible to submit a single final text as desired by the Assembly, although the Committee agreed that the principle of publicity should extend to Government manufactures;

" Affirming the urgent necessity for drawing up a convention which, while placing non-producing and producing countries on an equal footing, would facilitate the ratification of the Convention on the International Trade in Arms and Ammunition and in Implements of War signed at Geneva on June 17th, 1925;

" Referring to its successive resolutions passed at each of its previous ordinary sessions, beginning with the first session in 1920, in which resolutions it has constantly urged the importance of the problem of the manufacture of arms and the necessity for convening a conference as speedily as possible;

" Confirming the fact that a connection exists between the general question of the reduction and limitation of armaments and the question of the international trade in arms and also of that of the manufacture of arms and ammunition and of implements of war :

" Requests the Council to make an appeal, at its present session, to the Governments represented on the Special Commission to examine carefully the differences of view revealed during the last session of the Commission, and to consider calling another meeting of the Commission before the next Council session, in order that the work of the Commission may be completed as soon as possible and submitted to a special conference, which would meet either at the same time as the General Conference for the Reduction and Limitation of Armaments or at an earlier date. "

A.67.1928.IX.

ANNEX 4.

MODEL TREATY TO STRENGTHEN THE MEANS FOR PREVENTING WAR.

REPORT SUBMITTED TO THE ASSEMBLY BY BARON ROLIN JAEQUEMYNS (BELGIUM).

During the investigation undertaken in accordance with the resolution of the Assembly of September 26th, 1927, the German delegation submitted to the Committee on Arbitration and Security a body of suggestions tending to strengthen, by international agreement, the means for the prevention of war.

At its meeting on March 5th, 1928, the Committee, " appreciating the great importance of these suggestions ", adopted a resolution according to which it :

" 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. "

The rapporteur submitted his memorandum to the Committee at its third session, with the result that, after a protracted debate, the first reading of the " Model Treaty to strengthen the Mean for preventing War " was approved and has since been referred to the Third Committee by the Assembly.

The Committee on Arbitration and Security had at the same time adopted an introductory note drawing attention to the essential points of the debate which took place during its third session. In order to make clear the various tendencies which manifested themselves within the Committee, the following brief summary of that introductory note may prove useful :

(*a*) The suggestion of the German delegation advocating an undertaking on the part of States to accept the recommendations of the Council for the purpose of maintaining or re-establishing the military *status quo* normally existing in time of peace has not been embodied in the model treaty, for it proved impossible to reconcile the views of the various delegations as to the usefulness and expediency of such a measure sufficiently to enable a unanimous decision to be taken by the Committee on that point.

(*b*) The supervision of the execution of the measures recommended by the Council, a question on which different views were expressed, has received, in Article 5, a solution which safeguards the Council's freedom of action. With regard to this, detailed explanations will be found in the introductory note.

(*c*) The rule in Article 5, according to which the vote of the parties concerned does not affect the question of unanimity, has only been retained for the case in which hostilities have already broken out, as provided for in Articles 3 and 4. It would appear from the discussions in the Committee that an extension of this rule to the case of ordinary disputes covered by Article 1 might conflict with the provisions of the Covenant of the League as regards the working of the Council.

(*d*) The Committee did not feel that it could accept the idea of a general protocol open to the signature of all States, and it only framed a model multilateral treaty which can obviously also be used as a bilateral treaty. At the same time, it further recorded its opinion that " the practical value of such a treaty would be directly proportional to the number of contracting States ".

(*e*) The Committee indicated that, in contemplating the conclusion of special treaties, it did not wish to exclude the possibility of supplementing treaties of mutual assistance by provisions similar to those contained in the model, if certain States preferred to adopt this procedure.

Agreement having thus been reached, the Committee adopted, at the end of its third session, a resolution in the following terms :

" The Committee on Arbitration and Security :

" Having taken note of the memorandum of its rapporteur, Baron Rolin Jaequemyns, on the suggestions submitted by the German delegation with a view to strengthening the means of preventing war :

" Thanks its rapporteur for the exhaustive report which he has submitted;

" Adopts the model treaty designed to give effect to the German delegation's suggestions and submits it to the Assembly;

" And requests the Secretary-General to forward the said model with the introductory note, as well as Baron Rolin Jaequemyns' memorandum and the minutes of its third session, to the Governments in order that they may give the necessary instructions to their delegations at the Assembly. "

The Third Committee resumed the discussion of this model treaty and noted, as a result, that the views of Governments had remained practically the same as at the time of the discussion in the Committee on Arbitration and Security. In addition to what has been stated above, it will be enough to say that, during the discussion, reference was also made to the question of the armistice to be proposed by the Council, as contemplated in No. 3 of the German suggestions. It has been pointed out that this explicit reference to the armistice was not embodied in the text of the model treaty as it was desired to give greater freedom of action to the Council, the latter being only called upon to intervene within the terms of the Covenant, with this single difference, that the States signing the treaty will reciprocally bind themselves to carry out the recommendations of the Council.

After these exhaustive discussions, the Committee did not think that a second reading was necessary.

The Committee desires, moreover, to emphasise the fact that the draft submitted to the Assembly only constitutes a text for the use of States desiring to enter into the undertakings embodied therein, and that States retain their full freedom to decide on the attitude which they may think proper to adopt in this respect.

On concluding its discussion, the Third Committee unanimously decided to submit the model treaty in question to the Assembly and proposed that the latter should accordingly adopt the following resolution :

" The Assembly,

" Having noted the model treaty to strengthen the means for preventing war framed by the Committee on Arbitration and Security, together with the explanations contained in the introductory note drawn up by the Committee;

" Highly appreciating the value of this model treaty;

" Being convinced that its adoption by a large number of States would serve to increase the guarantees of security :

" Recommends it for consideration by States Members or non-members of the League of Nations;

" And hopes that it may serve as a basis for States desiring to conclude a treaty of this kind. "

A.75.1928.IX.

ANNEX 5.

WIRELESS STATION TO BE CREATED WITH A VIEW TO PROVIDING THE LEAGUE OF NATIONS WITH INDEPENDENT COMMUNICATIONS IN TIME OF EMERGENCY.

REPORT SUBMITTED TO THE ASSEMBLY BY M. GUERRERO (SALVADOR).

The Committee, after examining the question of the wireless station to be created with a view to providing the League of Nations with independent communications in time of emergency, is of opinion that it is not advisable to recommend an immediate decision to the Assembly on this subject.

Two proposals were laid before the Assembly, one providing for a station belonging permanently to the League and the other a station consisting of a short-wave and a medium-wave post to be equipped and operated in ordinary times by the Swiss Administration, and to be handed over in time of emergency to the exclusive control of the League of Nations. Both these proposals were submitted to the Members of the League in the Supplementary Report of the Advisory and Technical Committee for Communications and Transit, dated August 8th, and in the Swiss Federal Government's note and memorandum, dated August 21st. It has not been possible for the majority of the Governments, and particularly for those of States Members of the League situated at a distance, to give these proposals full consideration.

We also considered that supplementary studies might with advantage be undertaken to determine, in the case of each proposal, the cost of installing the short-wave post, the amount of revenue to be anticipated therefrom, and the communications which could be regularly established with other stations. It would also be desirable, before adopting a decision whether it is necessary for the League to have, in time of emergency, a short-wave station at its disposal, to obtain more definite information as to the facilities and guarantees which the Governments might offer for the safe retransmission of communications emitted by a medium-wave post.

A study, in the interval between this session and the next, of the legal questions to which the use in time of emergency of a wireless station might give rise also appears desirable.

The Committee has noted that, pending the final settlement of the question, the Swiss Government proposes to establish near Geneva the medium-wave post contemplated in its offer. The Swiss Government does not, however, see its way to applying to this medium-wave post alone, which it intends to set up in any case, the terms of its offer relating both to this medium-wave post and the short-wave post, the costs and profits of which were to be taken over by the League of Nations. It should, however, be added that the Swiss delegation expressed the intention of recommending the Swiss Federal Council to agree with the League of Nations as to the terms of a *modus vivendi* which, in the Swiss delegation's opinion, would effectively ensure the full freedom of communications of the League of Nations both in time of peace and in time of emergency.

The Committee proposes to the Assembly the adoption of the following draft resolution :

" The Assembly :

" With a view to enabling Members of the League of Nations to proceed to a full examination of the proposals submitted with regard to the creation of the wireless station for the purpose of providing the League with independent communications in time of emergency, and also with a view to allowing time for the additional technical, financial and legal studies considered desirable ;

" Decides to place this question on the agenda of its tenth session :

" And requests the Council to take all necessary measures for a further study of these questions. "

A.83.1928.IX.

ANNEX 6.

WORK OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

REPORT SUBMITTED TO THE ASSEMBLY BY M. BENEŠ (CZECHOSLOVAKIA).

In order to give an absolutely clear idea of the present state of the preparatory work for the Conference for the Limitation and Reduction of Armaments, I think it may be well to recall very briefly the substance of the discussions which took place during the eighth ordinary session of the Assembly in regard to the problem of the reduction and limitation of armaments and to link it up with the discussions of the present Assembly.

It will be remembered that at the last ordinary session of the Assembly all the delegations agreed that the Preparatory Commission's work should be continued, that nothing should be neglected to bring it to a successful conclusion as soon as possible, and that the Conference itself should be convened as soon as the conclusion of the preliminary technical work permitted. But at the same time it was unanimously recognised that the great work of disarmament can only be carried out gradually and by stages, and that it will mainly depend on the progress achieved simultaneously in the matter of security.

The resolutions adopted on September 26th, 1927, were based on these two main ideas. In the first place, they led to the creation of the Committee on Arbitration and Security, which has done valuable work, dealt with in the reports submitted to the present Assembly by M. Guerrero, M. Politis and M. Rolin Jaequemyns. In the second place, as regards the Preparatory Commission itself, the 1927 Assembly, in the same resolutions, had " requested 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 had been completed ".

Since the last ordinary session of the Assembly, the Preparatory Commission has met on two occasions. At its fourth session, which took place from November 30th to December 3rd, 1927, it set up the Committee on Arbitration and Security, which immediately set to work. At its fifth session, which was held from March 15th to 24th, 1928, it was forced to realise that the general situation necessitated a fresh adjournment. But it hoped to be able to hold a meeting soon, and therefore decided 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 its preliminary draft Convention. It also expressed the hope that the next session would begin at the earliest suitable date and, if possible, before the present session of the Assembly.

It should be mentioned that, during these two sessions, the President of the Preparatory Commission addressed an urgent appeal to the Governments whose opinions differed most widely, asking them to endeavour to bring their views closer into line by means of diplomatic negotiations. Since then, the British and French Governments have announced that, in pursuance of this invitation of the President of the Preparatory Commission, they have entered into negotiations which have led to an agreement on the solution of certain technical problems raised by the Preparatory Commission's work. Nevertheless, considering that the situation had not yet developed sufficiently to allow of the desired result being attained, the President did not feel justified in convening the Preparatory Commission before the beginning of the Assembly.

Such was the position when the general discussion began in the plenary meetings of this year's Assembly and in the Third Committee.

This discussion showed that the delegations have remained true to their views as expressed at the last Assembly, and that there exists a unanimous desire for the work of disarmament to be carried through as rapidly as possible. Nevertheless, various delegations have drawn attention to the manifold difficulties which must inevitably attend a task of such wide scope. They pointed out, moreover, that, notwithstanding these difficulties, the general situation is tending to develop on the lines laid down in Article 8 of the Covenant, certain States having already spontaneously reduced their armaments to a considerable extent. Other delegations expressed the view that the progress of the preparatory work and the results hitherto achieved could hardly be regarded as satisfactory.

Two draft resolutions, one submitted by the French delegation and the other by the German delegation, were laid before the Third Committee. Both drafts referred to the close connection existing between international security and the reduction and limitation of armaments, and both stated that the present conditions of security were such as to allow of a first step being taken towards disarmament. In the French delegation's proposal, however, it was considered essential that the efforts of the Governments concerned to remove the technical differences which have hitherto hampered the work of the Preparatory Commission should be pursued and completed before the Commission was summoned, so as to enable the latter to meet with the best prospects of final success. Accordingly, the Council was requested in this draft to make an earnest appeal to the Governments to seek agreed solutions which would enable the work of the Preparatory Commission to be speedily resumed and brought to a successful issue. The draft concluded by proposing that the Assembly should express the hope that these solutions might be arrived at in sufficient time to enable the Commission to meet at the end of the present year or, should this not be feasible, at the beginning of 1929.

On the other hand, the German delegation's proposal, while recognising the importance and desirability of direct negotiations between the Governments concerned, expressed the opinion that, in the event of the failure of such negotiations, the Conference for the Limitation and Reduction of Armaments should itself decide any questions which had still to be settled. According to this draft, the Assembly was therefore to request the Council to fix a date in 1929 for the meeting of the Conference, while leaving it to the President of the Preparatory Commission to convene the Commission at such time as would enable the programme of the Conference to be drawn up.

The Third Committee took these two drafts together as the basis of its discussion and considered in detail every aspect of the problem. The discussion was long and difficult, but, thanks to the spirit of conciliation and co-operation animating the delegations concerned, it was found possible to reconcile the different points of view to a considerable extent, so as to enable the Committee to submit the following findings and proposals to the Assembly.

In the first place, the Committee was unanimous in thinking that the present situation was such as to allow of definite results being obtained in connection with a first step towards the reduction and limitation of armaments.

In point of fact, the general political situation is continually improving. The Covenant of the League of Nations, the Treaties of Peace, particularly the reductions effected in the armaments of certain countries as the result of these treaties, and the Locarno Agreements, have created conditions of security which make it possible to contemplate the conclusion of a General Convention for the Reduction and Limitation of Armaments. Moreover, the situation may further improve for those countries which regard their present degree of security as insufficient, when they have put the proposals of the Committee on Arbitration and Security into effect, as it is hoped they will do.

Furthermore, the various difficulties which have hitherto held up the Preparatory Commission's work are beginning to diminish. As an instance of this, we may mention the efforts recently made by certain Governments to prepare the ground for the future work of

the Commission. It seems clear that, if other efforts of this kind were made to settle current difficulties, the chances of success of the Preparatory Commission's next meeting would be considerably increased. The Assembly will doubtless, therefore, express the hope that the Governments concerned will take steps in this direction as soon as possible, and suggest to the Council that it might ask the President of the Preparatory Commission to keep in touch with the Governments concerned with a view to acquainting himself with the progress of their negotiations and to convening the Commission as soon as possible.

The Third Committee did not consider that a definite date could be given for the next meeting of the Preparatory Commission. Moreover, the Assembly is not called upon to give explicit instructions to the Preparatory Commission, which includes non-Member States, seeing that the Commission has itself instructed its President to fix the date of its next meeting. All the members of the Assembly, however, will wish this meeting to be held at the end of the present year, or, at all events, at the beginning of 1929. The President of the Preparatory Commission, expressing the Commission's view, has interpreted this desire as, in any case, imposing on him the obligation to convene the Preparatory Commission, but at the same time as allowing him a certain discretion in fixing the actual date — which is essential if the danger of interrupting negotiations which might be in progress, with good prospects of success, is to be avoided.

With regard to the convening of the Conference for the Limitation and Reduction of Armaments itself, the general impression in the Third Committee was that at the close of the session's work, which in these circumstances will be reached at the end of the present year or at the beginning of 1929, the Preparatory Commission will certainly think it desirable to make a general report to the Council of the possibilities of the First General Conference and the date at which it might be held.

The importance and utility of this first stage should not, however, obscure the fact that the work for the reduction and limitation of armaments calls for arduous, protracted and continuous efforts. It should therefore be clearly emphasised here and now that the work of the Preparatory Commission and of the Committee on Arbitration and Security will have to be systematically pursued so as to render possible at later stages the gradual limitation and reduction of armaments in proportion to the growth of security.

The Third Committee therefore has the honour to propose to the Assembly the adoption of the following resolution :

" Whereas a close connection exists between international security and the reduction and limitation of armaments ;

" And whereas the present conditions of security set up by the Covenant of the League of Nations, by the Treaties of Peace, and in particular by the reductions in the armaments of certain countries under these Treaties, and also by the Locarno Agreements, would allow of the conclusion at the present time of a first General Convention for the Reduction and Limitation of Armaments ;

" And whereas those Governments which consider that their security is not sufficiently assured are now, thanks to the work of the Committee on Arbitration and Security, in possession of fresh means for strengthening their security, of which it is to be hoped that they will make use at need, by having recourse to the good offices of the Council ;

" And whereas the Convention for the Reduction and Limitation of Armaments will increase international security ;

" And whereas it is desirable that the work of the Preparatory Commission for the Disarmament Conference and of the Committee on Arbitration and Security shall be pursued so that, by further steps, armaments may be progressively reduced as the increase of security allows ;

" The Assembly :

" Urges the necessity of accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible ;

" Notes with satisfaction the efforts of certain Governments to prepare the ground for the future work of the Preparatory Commission ;

" Earnestly hopes that Governments among which differences of opinion still subsist as to the conditions for the reduction and limitation of armaments will seek, without delay, in the most liberal spirit of conciliation and international solidarity, agreed solutions which will enable the work of the Preparatory Commission to be brought to a successful issue ;

" Proposes to the Council that the President of the Preparatory Commission be instructed to keep in contact with the Governments concerned so that he may be apprised of the progress of their negotiations and may be able to convene the Commission at the end of the present year, or, in any case, at the beginning of 1929. "

A.86(1).1928.IX.

ANNEX 7.

PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES, NON-AGGRESSION AND MUTUAL ASSISTANCE.

REPORT SUBMITTED TO THE ASSEMBLY BY M. N. POLITIS (GREECE).

REPORT BY M. POLITIS.

Among the tasks assigned to the Committee on Arbitration and Security under the Assembly resolution of September 26th, 1927, is " Action by the League of Nations with a view to promoting, generalising and co-ordinating special or collective agreements on arbitration and security ".

The Committee on Arbitration and Security prepared two groups of model treaties in this connection, one relating to arbitration and conciliation, and the other to non-aggression and mutual assistance.

Each group of model treaties was accompanied by an introductory note and two resolutions, one regarding the submission and recommendation of the model treaties in question, and the other regarding the good offices of the Council. Moreover, the Committee on Arbitration and Security adopted a resolution concerning the optional clause of Article 36 of the Statute of the Permanent Court of International Justice.

I.

As regards the model treaties of arbitration and conciliation and the draft resolution regarding the submission and recommendations of these models, the Third Committee asked the First Committee for a legal opinion. In order to facilitate liaison between the two Committees, a Sub-Committee was constituted, consisting of members appointed by each of those two Committees, and this Sub-Committee considered in detail the model treaties in question.

The Committee on Arbitration and Security had prepared six model Conventions for the Pacific Settlement of International Disputes, *i.e.*, three model general conventions and three model bilateral conventions.

A prior question arose in regard to the general conventions, *i.e.*, how to establish between them the indispensable connection which was lacking. Two methods were contemplated by the First Committee — a common Protocol linking up the three Conventions, and the fusion of these conventions into a single instrument. After exhaustive consideration, the Sub-Committee adopted the second method, which appeared to it to be the more practicable, and drew up a General Act (Appendix 1[1]) which was approved by the First Committee. This instrument in no way impairs the value of the three conventions; rather it increases their value as regards the simplicity of the system and the elasticity of the undertakings. The General Act consists of four chapters, the first three of which reproduce the distinctive provisions of the three Conventions C, B and A, while the fourth combines the general provisions of these Conventions. The General Act is open to the accession of States, and may be accepted by them in whole or in part (Article 38).

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[1] Appendices 1, 2 and 3 of this report are not here included. They are contained in document A. 86 (1). 1928. IX, and are also annexed to the Minutes of the Plenary Meetings of the Ninth Ordinary Session of the Assembly.

The elasticity which the Committee on Arbitration and Security desired to give to the system of the three Conventions is maintained, and even increased, in the General Act. Not only does the latter give States a possibility of limiting their engagements (Article 38) and of making reservations (Article 39) — the regulations relating to which have been revised and made more explicit — but it also allows of the scope of the engagements already entered into being extended at any moment or of the reservations made being abandoned (Article 40). The General Act also allows of partial denunciation, which may consist in the notification of new reservations (Article 45).

Thus, while retaining the character of a law capable of becoming universal, the General Act lends itself by the diversity of its provisions to an infinite variety of situations and requirements.

It further preserves the essential character which the Committee on Arbitration and Security had finally given to the three Conventions. Like these Conventions, it is not a draft which requires to be negotiated upon, or to receive signatures in order to become an effective instrument. It is a document which can be converted into a Convention as soon as it is accepted in its entirety or in part by two States. It will remain open indefinitely for the accession of all other States. Naturally, it is assumed that Governments will first secure the parliamentary approval necessary under their respective national constitutions, and that, in this way, the accessions will become valid.

The provisions of the General Act resulting from the fusion of the three Conventions have been modified in certain points, in view of the observations made by various delegations.

Among the most important of these changes, mention should be made of the following :

(1) The choice of the members of the Arbitral Tribunal provided for in Chapter III in the case of disagreement among the parties (Article 23). This change was effected for the purpose of ensuring still more completely the impartiality of the Tribunal ;

(2) The deletion of the reservation regarding constitutional principles (Article 39). The reasons which led to this reservation being omitted are that it would have created inequality as between States possessing different constitutional systems and also that what is essential in this reservation can be safeguarded by the provisions of paragraph (*c*) in the same article ;

(3) The addition to the above-mentioned paragraph (*c*) in Article 39 of a reference to disputes concerning " specific subject-matters ". This would enable States which have concluded conciliation treaties with other States, and which do not desire, as regards these States, to enter into undertakings concerning judicial or arbitral settlement, to assume such undertakings with other States by acceding to the General Act.

Other amendments were proposed, but were not adopted, such as :

(1) The definition and enforcement of the term "reasonable time " in Article 31 paragraph 1. It is, indeed, impossible to indicate what a " reasonable time " might be under the different national laws of the various countries, in view of the variety of the judicial systems and the practice of different States. Moreover, Article 41, under which all disputes regarding the interpretation and application of the General Act are submitted to the Permanent Court of International Justice, provides the means for dealing with any possible abuses ;

(2) The addition to Article 39 of a provision whereby, should one party accede with reservations, any other party which has already acceded would be entitled, within a very short period, to indicate reservations which would be valid solely in its relations with the above-mentioned party. This addition would have seriously complicated the general structure of the system ; and have led in practice to inextricable difficulties.

From another point of view the proposals of the Committee on Arbitration and Security continue unchanged. By framing three model bilateral Conventions (Appendix 2[1]) in addition to the three model general Conventions, the Committee did not intend to indicate any preference as between these two classes of treaty. They were submitted simultaneously to take account of the two tendencies which had appeared in the course of the Committee's work, *i.e.*, one favourable to general engagements and the other to particular engagements. Their simultaneous presentation thus constituted, as between these two tendencies, a compromise which continued to be respected. Nevertheless, the framing of the General Act caused certain misgivings in this respect. The First Committee desired to remove them by categorical statements contained in the draft resolution accompanying these documents. Three model bilateral conventions are annexed to this draft resolution, in addition to the General Act ; and it is stated in the resolution that countries which prefer particular agreements may conclude such agreements either by using the model bilateral conventions or by concluding their agreements on other bases.

The draft resolution further includes the substance of the preamble to the three general Conventions and of the draft resolution relating thereto ; clauses taken from the provisions of the three general Conventions regarding the action of the League of Nations (No. 7) which it seemed preferable to separate from the actual text of the General Act, so as to allow of this Act meeting the case of States not Members of the League of Nations.

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[1] See note on preceding page.

This paragraph was modified during the discussion in Committee so as to remove certain apprehensions and it was understood that the action of the Council was not intended to interrupt any procedure which had been begun and that it would be desirable if the details of such action were thoroughly examined at a later date. Finally, two provisions, one of which (No. 9) provided for the communication of the General Act and of the model bilateral Conventions to States Members of the League of Nations and to such States non-Members of the League as may be indicated by the Council, and the other (No. 10) providing for the preparation by the Secretariat of the League of a list of the general or particular engagements contracted, to enable all of them to follow the future progress of the procedure for the pacific settlement of international disputes.

The Third Committee also examined the draft resolution for the Assembly, drawn up by the Committee on Arbitration and Security, concerning the good offices of the Council with a view to the conclusion of treaties on the pacific settlement of international disputes. It adopted this draft with a slight addition in the last paragraph to bring it into line with the corresponding draft resolution concerning the good offices of the Council with a view to the conclusion of treaties of mutual assistance and non-aggression.

The Third Committee therefore has the honour to submit to the Assembly for approval the two following draft resolutions :

1. Resolution on the Submission and Recommendation of a General Act (Appendix 1[1]) and of Three Model Bilateral Conventions in regard to Conciliation, Arbitration and Judicial Settlement (Appendix 2[1].)

" The Assembly :

" Having considered the work of the Committee on Arbitration and Security;

" (1) Firmly convinced that effective machinery for ensuring the peaceful settlement of international disputes is an essential element in the cause of security and disarmament;

" (2) Considering that the faithful observance, under the auspices of the League of Nations, of methods of pacific settlement renders possible the settlement of all disputes;

" (3) Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;

" (4) Recognising that the rights of the several States cannot be modified except with their consent;

" (5) Taking note of the fact that a great number of particular international conventions provide for obligatory conciliation, arbitration or judicial settlement;

" (6) Being desirous of facilitating to the greatest possible degree the development of undertakings in regard to the said methods of procedure;

" (7) Declaring that such undertakings are not to be interpreted as restricting the duty of the League of Nations to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world; or as impeding its intervention in virtue of Articles 15 and 17 of the Covenant, where a dispute cannot be submitted to arbitral or judicial procedure or cannot be settled by such procedure or where the conciliation proceedings have failed;

" (8) Invites all States whether Members of the League or not, and in so far as their existing agreements do not already achieve this end, to accept obligations in pursuance of the above purpose either by becoming parties to the annexed General Act or by concluding particular conventions with individual States in accordance with the model bilateral conventions annexed hereto or in such terms as may be deemed appropriate;

" (9) Resolves to communicate the annexed General Act and the annexed model bilateral conventions to all Members of the League of Nations and to such States not Members of the League as may be indicated by the Council.

" (10) Requests the Council to give the Secretariat of the League of Nations instructions to keep a list of the engagements contracted in accordance with the terms of the present resolution either by acceptance of the provisions of the General Act or by the conclusion of particular conventions with the same object, so as to enable Members of the League and States non-Members of the League to obtain information as soon as possible. "

2. Resolution concerning the Good Offices of the Council.

" The Assembly :

" In view of the resolution adopted by the Assembly on September 25th, 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;

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[1] See note, page 113.

" 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 contracting for this purpose undertakings concerning 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 to do so by one of the Parties — 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. "

II.

As regards the question of non-aggression and mutual assistance, the Committee on Arbitration and Security has drawn up three model treaties (Appendix 3[1]), namely, a model collective treaty of mutual assistance, a model collective treaty of non-aggression, and a model bilateral treaty of non-aggression. These model treaties contain, in Chapter II, stipulations concerning the peaceful settlement of disputes. These stipulations are broadly similar to the corresponding stipulations in the General Act and in the model bilateral conventions for the pacific settlement of disputes.

The principles of these model treaties concerning non-aggression and mutual assistance were explained in the introductory note drawn up by the Committee on Arbitration and Security.

It will be seen from this note that the model treaties do not provide for mutual assistance by the contracting parties in the case of aggression by a third State. This note indicated that it had been decided to insert in the said models only clauses of a general character likely to be accepted in a treaty of this kind. Care was taken to indicate a certain number of particular clauses which might be found useful in certain circumstances. Such are, for example, the clauses relative to flagrant aggression and to demilitarised zones.

(1) As regards the clause concerning flagrant aggression, it has been proposed to accept as a general rule in treaties of mutual assistance a clause similar to Article 4, paragraph 3, of the Rhine Pact of Locarno. This clause reads as follows :

" In the case of flagrant violation of Article 1 of the present Treaty by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against which such a violation or breach has been directed, as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that, by reason either of the crossing of the frontier or the outbreak of hostilities, immediate action is necessary. Nevertheless, the Council of the League of Nations, when officially informed of the question in accordance with the first paragraph of this article, will issue its findings, and the High Contracting Parties undertake 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. "

Certain States attach particular importance, in the case of a flagrant aggression, to the promise of assistance before action is taken by the Council. But it was also thought that it would be wiser not to recommend the system adopted at Locarno as a general rule and that the examination of the special circumstances of each case will allow it to be decided whether the clause in question should be inserted in a given treaty or not.

(2) In the same way, as regards the establishment of demilitarised zones, it was recognised that, while they are often capable of giving the nations concerned a greater sense of security, this is not always the case. Here, again, all depends on circumstances. If the contracting parties or some of them consider it useful to establish such zones on their frontiers, they may do so by means of special conventions.

During the discussion before the Third Committee, it was suggested that it might be well for the Preparatory Commission for the Disarmament Conference or the Committee on Arbitration and Security, to draw up model regulations for demilitarised zones. Such a model might no doubt greatly facilitate negotiations between States who were prepared to establish a zone or zones along their frontiers. In the proceedings of the Inter-Parliamentary Union we already possess interesting suggestions in this connection, in particular, a preliminary draft of " General Regulations " for demilitarised zones, voted by the Union at its conference at Washington in 1925.

The Third Committee decided to amend slightly the draft resolution prepared by the Committee on Arbitration and Security for the submission and recommendation of the treaties

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[1] See note, page 113.

of non-aggression and mutual assistance. To meet the wish expressed by certain delegations, dhe Third Committee added the reference to the explanations given in the introductory note rawn up by the aforesaid Committee.

It also completed the same Committee's draft resolution regarding the good offices of the Council with a view to the conclusion of treaties of non-aggression and mutual assistance. It did this with the object of making it clearer that in such cases the Council's intervention could only be sought by one of the Parties concerned.

The Third Committee therefore has the honour to submit for the approval of the Assembly the following draft resolutions :

3. Resolution on the Submission and Recommendation of Model Treaties of non-Aggression and Mutual Assistance.

" The Assembly;

" Having noted the model treaties of non-aggression and mutual assistance prepared by the Committee on Arbitration and Security, and amended as a result of the work of the First and Third Committees of the Assembly, together with the explanations supplied in the introductory note drawn up by the first-named Committee;

" Highly 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. "

4. Resolution concerning the Good Offices of the Council.

" In view of the resolution adopted by the Assembly on September 25th, 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 treaties of non-aggression and mutual assistance 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 treaties;

" 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 treaty of non-aggression and mutual assistance or a treaty of non-aggression for this purpose, and should the negotiations relating thereto meet with difficulties, the Council would, if requested by one of the Parties — 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. "

III.

The Committee on Arbitration and Security recommends that a draft resolution concerning the optional clause of Article 36 of the Statute of the Permanent Court of International Justice be submitted for the approval of the Assembly. This draft was examined by the First Committee, which made a useful addition to the penultimate paragraph. The Third Committee accepted the text thus revised. It therefore has the honour to propose to the Assembly the adoption of the following resolution :

5. Resolution regarding the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice.

" 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, indicating at the same time the questions of international law the elucidation of which would in their opinion facilitate their accession to the optional clause of Article 36 of the Statute of the Court ; and

" Asks the Council to inform the Assembly at its next session of the replies it has by then received. "

IV.

Lastly, the First Committee examined and approved a draft resolution submitted by the French delegation concerning the documentation of the Secretariat of the League of Nations in regard to treaties on peaceful settlement and arbitral awards.

The Third Committee, having accepted his proposal, has the honour to submit for the approval of the Assembly the following resolution :

6. Resolution with regard to the Revision of the Systematic Survey of Arbitration Conventions and Treaties of Mutual Security deposited with the League of Nations, prepared by the Legal Section of the Secretariat.

" The Assembly :

" Recognising the importance of the documentation which the Secretariat of the League of Nations has begun to collect concerning treaties of judicial settlement, arbitration and conciliation, and of the maps and graphs which it contemplates establishing :

" Requests the Secretary-General to be so good as to invite the Governments of States Members or non-Members of the League of Nations to communicate to the Secretariat the text :

" (1) Of those treaties for the pacific settlement of disputes which are now in force and which were concluded prior to the establishment of the League of Nations and which have not been registered ;

" (2) Of such arbitral awards affecting them as may be rendered in the future, with the exception of judgments of the Permanent Court of International Justice and of the Permanent Court of Arbitration and of special tribunals such as the Mixed Arbitral Tribunals. "

ANNEX 8.

A.I./6.1928.

REVISION OF THE SYSTEMATIC SURVEY OF ARBITRATION CONVENTIONS AND TREATIES OF MUTUAL SECURITY PREPARED BY THE SECRETARIAT.

PROPOSAL SUBMITTED BY M. CASSIN (FRANCE).

The First Committee might make a proposal to the Third Committee, in the report to the Assembly on arbitration, that the Secretary-General should be authorised to ask the Governments to communicate to the Secretariat :

(1) Those treaties for the pacific settlement of disputes which are now in force and were concluded prior to the establishment of the League of Nations, and which have not been registered ;

(2) Such arbitral awards affecting them as may be rendered in the future (except judgments of the Court of International Justice and of special arbitral tribunals such as the Mixed Arbitral Tribunal).

The object of this procedure would be to enhance the value of the Collection of Treaties of Arbitration and Security, which, in its present form, has the defect of presenting incomplete information.

According to figures supplied by the Secretariat, the proposed additions would increase the cost of the next edition by about 3,000 francs, raising it from 27,000 to 30,000 francs.

As it is not contemplated to publish the next edition before 1930 at the earliest, the financial aspect of the matter would not have to be considered until next year. The action to be taken this year would involve no commitments for the future, but would simply consist in authorising the Secretariat to ask the Governments for such information as may be deemed necessary in order to make the next edition of the Collection as comprehensive as it should be.