

THE LEAGUE OF NATIONS

THE REDUCTION OF ARMAMENTS

and the

ORGANISATION OF PEACE

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THE LEAGUE OF NATIONS

THE REDUCTION OF ARMAMENTS.

and the

ORGANISATION OF PEACE

**Information Section,
League of Nations,
GENEVA.**

NOTE

This pamphlet is one of a series issued by the Information Section of the Secretariat of the League of Nations on various aspects of League work. It should not be regarded as an official statement engaging the responsibility of the League; for official purposes, reference should be made to the official minutes and reports.

June 1928.



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THE REDUCTION OF ARMAMENTS AND THE ORGANISATION OF PEACE

INTRODUCTION

I. — CHARACTER AND SCOPE OF WORK ON THE REDUCTION AND LIMITATION (1) OF ARMAMENTS.

The problem of the reduction of armaments is dealt with in a special article of the Covenant, and its solution is considered by many to be one of the fundamental duties of the League. It has been studied by the League ever since its creation. More than any other question, it has occupied the attention of the annual Assemblies; on many occasions the entire interest of the debate has centred on it; and every year, technical commissions have met for many weeks to study it. Today, the bodies dealing with the reduction of armaments and relevant questions occupy an important place in the general organisation of the League. They include representatives of the greatest possible number of States Members and of the more important non-Members of the League.

The League's work on the problem is directed by Government representatives. Valuable assistance has been given by experts selected by the Council. On several occasions representatives of the Governing Body of the International

(1) Since the Assembly of 1923, the word "limitation" has been used in conjunction with the term "reduction of armaments", the Latin-American representatives having pointed out that for their countries the question is one of limitation rather than of disarmament. The Assembly considered that the situation of South-American States and other similar situations should be taken into consideration when preparing a plan for the reduction of armaments.

Labour Office (Workers and Employers Groups) have cooperated. A special section of the Secretariat ensures the preparation and execution of the necessary work.

Despite the magnitude of the League's effort and certain results obtained, some impatience has been manifested with regard to the execution of Article 8 of the Covenant, and there has also been some criticism of the delay in convoking the general Conference for the Limitation and Reduction of Armaments for which the League organisations are preparing a Draft Convention.

This pamphlet gives an account of what the League has done and of the political and technical reasons which have proved an obstacle to the conclusion of the preparatory work.

The formula, "Arbitration, Security and the Reduction of Armaments", has constituted the basis for a detailed and exhaustive study of the possibility of providing the necessary conditions for success. The enquiries conducted on arbitration and conciliation procedure originated in the League's endeavour to fulfil its engagements under Article 8 of the Covenant, and it is fair to say that one of the results has been to develop the application of these methods in international relations.

The practical application of the principles of mutual security which form the basis of the Covenant has also been the subject of constant study by the Council, the Committees which it has constituted, and the technical organisations of the League. It has led to the adoption by the Council of regulations to facilitate the application of Article II of the Covenant, and to safeguard the peace of nations. The doctrine of the Council in regard to the prevention of disputes is founded, to some extent, on the debates on the reduction of armaments.

The Advisory Committee on Communications and Transit has been entrusted with a far-reaching enquiry into League

communications in times of emergency (communications by rail, by air, by wire and by wireless). The Economic Committee has cooperated in this work, and the Financial Committee has drawn up proposals concerning financial assistance for States attacked.

Finally, the technical problem of the limitation and reduction of armaments has been thoroughly explored in all its aspects (military, naval and air). The preliminary conditions for the conclusion of any agreement on the subject are now known to the League and the time passed in this work has not been lost.

Questions concerning armaments are treated with a publicity unknown before the war. Certain national laws have been amended so as to take account not only of the Covenant, but also of the work actually being done at Geneva. The Members of the League have been called upon to contract new engagements with regard to chemical warfare and the trade in arms. Experience has, nevertheless, shown that all these problems are interdependent. It is only when a solution has been found for the problem as a whole that the partial steps already taken will have their full effect; yet at the same time it is the merit of these partial steps that they facilitate and promote the solution of the whole.

It may be added that the disarmament problem has been for the League a constant and powerful challenge to work. In various fields the results are already considerable. They have penetrated beyond the field of the League's activity, strictly speaking, and have influenced international politics as a whole.

II. — THE COVENANT OF THE LEAGUE OF NATIONS.

In its first Article the Covenant of the League of Nations states that, to be admitted to the League, a new Member must, amongst other things, accept such regulations as may

be prescribed by the League in regard to its military, naval and air forces and armaments.

The obligations of States Members regarding the reduction of armaments are defined in Article 8.

I. — Article 8 of the Covenant.

The first paragraph reads :

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

Thus, at the beginning of the article, are found some of the conditions of the problem which the Committees and various League organisations have had to take into consideration.

a) Accession to the Covenant implies recognition of the fact that the maintenance of peace requires a reduction of national armaments to a certain minimum.

b) This minimum must be consistent with national safety. This entails the obligation to take account of the special circumstances of various States Members.

c) The minimum must also be adequate for common action in case of necessity, with a view, to the enforcement, of international obligations.

In brief terms the first paragraph of Article 8 contains almost all the principles which have guided the League's work on the reduction of armaments. It lays special stress upon two new and essential factors which, in the opinion of the authors of the Covenant, are of a nature to enable effective action to be taken for the reduction of armaments, action which was almost impossible before the war owing of the absence of international organisations :

a) By reducing its armaments, each State contributes

to the maintenance of peace, and its security is increased in proportion to the reductions agreed to by its neighbours in particular, and by other States in general;

b) The possibility of joint action is contemplated. This gives each Member an additional guarantee based upon the observance of the provisions contained in other Articles of the Covenant whose main object is the maintenance of peace.

Paragraphs 2 and 3 of Article 8 define as follows the rôle of the Council :

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

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

The Council is called upon to prepare plans for a reduction of armaments, but the final decision must be ratified by Governments. Paragraph 2, strengthening the passage of the first paragraph concerning national safety, makes a special mention of the geographical situation and the particular circumstances of each State, leaving to the Council the choice of the suitable means to prepare plans for a reduction of armaments. In order to adapt these plans to any new conditions which may arise provision is made for periodical reconsideration.

Paragraph 4 places the Members of the League under an obligation not to exceed the limit of armaments fixed, without the consent of the Council, once the plans have been adopted. For Members of the League, therefore, an armaments race is prohibited. They are given additional security by a guarantee that other members may not increase their military forces. Secret military preparations would constitute a violation of the Covenant and would,

accordingly, justify an appeal to the League of Nations. This paragraph reads as follows :

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

The following paragraph deals with the private manufacture of munitions and war material :

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

Finally, paragraph 6 provides that Members of the League shall place their relations on a new footing and put an end to secret military preparations :

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

II. — Article 9.

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

At one of its first sessions in Rome, on May 17th, 1920, the Council decided to set up the organisation contemplated under Article 9, namely, the Permanent Advisory Commission for Military, Naval and Air Questions. This body consists of the technical delegations of each of the countries

represented on the Council. The delegations include a naval, a military and an air representative. The Commission is divided into three sub-Commissions dealing respectively with military, naval and air questions.

In addition to the problems raised in Articles 1 and 8 and those arising from the application of the Covenant in general, upon which the Council can consult the Commission, the treaties of peace have conferred upon the League a duty on the subject of which the Council has sought the advice of this Commission, namely, the so-called right of investigation. These treaties all contain a section of military, naval and air clauses, whose preamble recalls the intention of the signatories of the treaties to prepare a limitation of the armaments of all nations (1). The final article of the section, which is the same in all the treaties, confers upon the Council a right of investigation which the Treaty of Versailles defines as follows :

So long as the present Treaty remains in force... undertakes to submit to any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

(1) " In order to render possible the initiation of a general limitation of the armaments of all nations... undertakes strictly to observe the military, naval and air clauses which follow. "

PART I

PREPARATION OF A GENERAL PLAN FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

CHAPTER I

Enquiry as to the Principles upon which a Reduction of Armaments should be based.

I. FIRST ENQUIRIES

CREATION OF THE TEMPORARY MIXED COMMISSION.

At its very first meeting in 1920, the Council of the League of Nations took up the questions arising out of Article 8 of the Covenant and, immediately after the constitution of the Permanent Advisory Commission, asked it to undertake certain preliminary technical work. The question was raised as a whole at the First Assembly (November-December 1920). The general conclusions of the debate revealed the intricacies of the problem and the necessity for systematic organisation if the League were to deal with it with any chance of success.

The First Assembly adopted a report recognising that a comprehensive scheme of disarmament, based on a thorough feeling of trust and security as between nation and nation, could not be looked for at once. After setting forth the obstacles which were still in the way of the enforcement of Article 8, the Assembly recognised that the work must proceed by successive stages. Meanwhile it drew the attention of the Council to the possibility of a budgetary limitation. It proposed that it should submit to Governments a proposal

to agree not to exceed, for the two following financial years, the sum total of expenditure for the military, naval and air services of the budget then in question. To this proposal there was a series of interesting replies from Governments, many of them affirmative. The proposal itself was taken up again with various modifications by the following Assemblies, in particular, by that of 1924, as a temporary precaution designed to avoid any increase of armaments pending the application of a general plan of reduction.

The First Assembly also noted the general desire of Members of the League to lighten as far as possible their armaments burden. Referring to Article 8 of the Covenant and the Preamble to Part V. of the Peace Treaties, it associated itself with the pronouncement of the Supreme Council of the Allied Powers which, on March 8th of the same year, had drawn attention to the importance of a limitation of armaments through the agency of the League of Nations in order to diminish the economic difficulties of Europe. The importance of such a step had also been recognised by the Brussels Financial Conference which had closed shortly before.

The Assembly asked the Council to push forward its study of the questions raised by Article 8, in particular, by inviting the Permanent Advisory Commission to complete its technical work on the existing state of armaments, by improving the organisation of the Secretariat and by setting up machinery for the verification of the information interchanged in accordance with Article 8.

In view of the wide ramifications of the problem, with its inherent political and other difficulties, the Assembly asked the Council to set up a new advisory organisation with the necessary competence to study the questions to be dealt with as a whole. This organisation was to be composed of persons with the requisite competence in matters of a political, social and economic nature and was to prepare for the Council

a report and proposals on the reduction of armaments as contemplated under Article 8 of the Covenant.

On February 25th, 1921, the Council gave effect to this resolution by setting up the Temporary Mixed Commission with M. Viviani as Chairman. This body included six recognised authorities in political, social and economic subjects, six members of the Permanent Advisory Commission for military, naval and air questions appointed by the latter, four members of the League Economic and Financial Commission, and six members of the Governing Body of the International Labour Office, that is, three members of the Employers' Group and three members of the Workers' Group. The Council subsequently added other specialists.

The Temporary Mixed Commission, proceeding on parallel lines with the Permanent Advisory Commission, which was dealing with the technical aspects of the question, undertook a thorough examination of the problem, and submitted, at regular intervals, comprehensive proposals to the Council and the Assembly. - This Commission continued to exist until the Assembly of September 1924.

2. TECHNICAL AND POLITICAL FACTORS OF THE REDUCTION OF ARMAMENTS.

Apart from the work they undertook on the trade in arms and munitions (described later on), the main task of the two Advisory Commissions from 1921 onward was to define the basic principles of a reduction of armaments, the scope of such a reduction, and the special circumstances of States Members of the League, in particular of European States.

Their first enquiries led to conclusions which enabled the Assembly of 1921, by adopting the majority of the proposals of the Temporary Mixed Commission, to draw up a general programme of work. It proposed to the Council :

a) to institute a statistical enquiry into the armaments of various countries bearing upon the years 1913 and 1921;

b) to invite Governments to give certain information on their military and naval budgets, their general budget, their laws for the re-organisation of land and sea forces;

c) to invite Governments to furnish a statement of any considerations they might wish to urge in regard to the requirements of their national security, their international obligations, their geographical situation and special circumstances.

They were also asked to communicate what peace and military forces they considered indispensable for the preservation of domestic order.

The question was thus clearly defined.

The enquiries instituted by the League, the results of which were submitted to the Advisory Commission in 1922, revealed the essential features of the problem, and the connection which exists between the notion of mutual guarantee and that of the reduction of armaments.

3. TECHNICAL COMPLEXITY OF THE QUESTION.

The effect of a scheme submitted by one of the members of the Temporary Mixed Commission, for a treaty on reduction of armaments based on the precedent of the Washington Naval Conference, was to throw further light upon the scope and importance of the technical studies required. The author of this scheme, Lord Esher, proposed that, as had been done at Washington for naval armaments, a common measure should be fixed for the comparison of land forces, and the armaments assigned to the various Powers should be represented by ratio. As a unit of military and air forces he had suggested 30,000 men.

This scheme was in the end rejected for technical reasons advanced by the Permanent Advisory Commission which con-

sidered that it was difficult, if not impossible to arrive at a common measure for the comparison of the peace time forces of the various States. It was of opinion that Lord Esher's plan took into account only the factor of effectives, whereas the other factors which constitute the unit, such as cadre, material and the budget should also be taken into consideration.

Each of these constituent factors varies from one State to another, in number and in value, and varies within the same State in accordance with the organisation of each, and according to the purpose for which it exists.

From the point of view of national security, long-service soldiers have a greater value than conscripts. The former are able to serve as cadres, while the latter are not. From the point of view of the maintenance of internal order, on the other hand, they are of equal value. Furthermore, the total number of men may be temporarily increased by reservists undergoing their period of training. In consequence, there is variation in number and in value from the point of view both of peace and of war.

Similar variations exist in regard to material which differs in character and type. This depends on the national organisation, on the resources of industry, and of man-power, etc.

The expenditure on armaments also varies from one country to another and within the same country, according as it is concerned with voluntary or conscript personnel or with material, or with the difference in prices at home, or with the variations in the value of gold, etc. etc.

If such variations are to be found in each factor, how can it be hoped to obtain any kind of stable combination of these variable factors? It appears to be impracticable.

To conclude, the Permanent Advisory Commission considered that although Lord Esher's scheme might logically be applied to vessels which require a long time to construct, and even to lighter-than-air machines of large dimensions,

it did not provide a practical basis for the estimation or comparison of air and land forces. It noted, nevertheless, that from a military point of view the estimation of the forces on a peace footing, was possible of attainment by technical experts, though not by the application of a mathematical formula. The Permanent Advisory Commission would be able, if requested to do so by the Council, to estimate the military forces of individual States on the basis of the information supplied to it by these States.

Lord Esher's scheme was also rejected by the Temporary Mixed Commission.

4. MUTUAL GUARANTEE AND THE REDUCTION OF ARMAMENTS.

At the same time the Temporary Mixed Commission continued its investigations in another direction. It had received many replies from Governments on the requirements of their national security, international obligations, geographical situation and special conditions. The main conclusions arrived at were *a*) that these statements as a whole clearly showed not only the sincere desire of Governments to reduce national armaments and the corresponding expenditure to a minimum, but also the importance of the results already achieved; *b*) that there were real difficulties of a temporary or permanent nature in the way of the reduction in armaments which was universally desired. The Commission explained the technical difficulties, but made it clear in its report that the problem was to an essential degree of a political nature. It drew attention, for the first time, to the potential military forces which, in warfare between nations in arms, each State possesses below the visible surface of its peace time armaments.

It considered that, as these difficulties were political, it might be hoped that the League of Nations would be able to assist in diminishing and in finally eliminating them.

Thus the Temporary Mixed Commission directed its

efforts into a new channel which, it hoped, might lead to the solution of the political problems mentioned. It proposed to develop the system of mutual guarantee against aggression provided by the Covenant in order to enable members of the League to reduce their armaments. The debate soon centred on this question. One of the members of the Commission, Lord Robert Cecil, endeavoured to embody in four proposals the general principles of a reduction of armaments, which were adopted in the following form by the Commission : "No scheme for the reduction of armaments can be successful unless it is general. In the present state of the world, the majority of Governments could not carry out a reduction of armaments unless they received satisfactory guarantees for the safety of their respective countries; such guarantees should be of a general character. And finally, there can be no question of providing such guarantees except in consideration of a definite undertaking to reduce armaments."

In submitting these proposals to the Council and the Assembly, the Commission stated that its object was to enable States to reduce their armaments while providing them with a measure of security at least as great as that which they then enjoyed.

5. MUTUAL OR SPECIAL GUARANTEES.

The discussions of the two Advisory Commissions prior to the 1922 Assembly revealed the existence of two divergent theses.

The technical opinions expressed by the Permanent Advisory Commission were quite definite as to the necessity of having a pre-established plan of defence in order that the guarantee offered in consideration of the required reduction of armaments should be effective. On these technical grounds the majority of the European countries maintained that a general treaty of mutual assistance which, by reason

of its universality, could only constitute a somewhat vague undertaking, would not be a sufficient guarantee in exchange for a reduction of armaments. Distinguishing between the successive stages of a war, they requested that special attention should be devoted to the first period during which prompt action would be necessary to prevent the total defeat of a State attacked.

This raised a question which has since come repeatedly before the League, namely, that of promptly determining the aggressor and of avoiding delay which might prove fatal to the State attacked.

In his original proposals Lord Robert Cecil had already to some extent taken account of these theses by contemplating detailed arrangements for the defence of countries, which for historical, geographical or other reasons, were in special danger of attack. But this general measure did not satisfy the supporters of immediate assistance. They maintained that as the work of the Temporary Mixed Commission aimed at developing the principles of the Covenant, it was not sufficient merely to transform the terms of Article 8 relating to the geographical situation and special conditions of each State, but that special means of action should in certain cases be placed at the disposal of the Council.

The supporters of the two adverse theses in the Temporary Mixed Commission were commonly known as the partisans of general and special treaties of mutual assistance.

6. RESOLUTION XIV OF THE THIRD ASSEMBLY, 1922.

The first step towards reconciling the two views was taken at the Third Assembly of the League of Nations in 1922. The discussion bore on the proposals of Lord Robert Cecil, which were presented by the Temporary Mixed Commission. The Assembly did not enter into a detailed consideration of the question of guarantees. As regards the pro-

cedure, the various currents of opinion were reconciled later in the course of the debate in the Temporary Mixed Commission on the Draft Treaty of Mutual Assistance.

The Assembly, nevertheless, cleared the way for the amalgamation of the two theses. The supporters of a general treaty of mutual assistance — representatives of the British Empire and former neutrals — had as their chief spokesman Lord Robert Cecil; those in favour of special treaties were represented by the French delegate, M. Henri de Jouvenel. The principal result of this debate was the fourteenth Resolution of the Third Assembly.

This resolution laid down the principle that no scheme for the reduction of armaments could be fully successful unless it was general, and that disarmament was conditional upon guarantees of security. As guarantee, it contemplated a defensive agreement open to all countries, binding them to provide immediate and effective assistance in accordance with a prearranged plan, in the event of one of them being attacked; while recognising that the most desirable plan would be a general disarmament treaty, the Assembly admitted the possibility of partial treaties designed to be extended and open to all countries (1).

The Assembly strongly emphasised the necessity for a reduction of armaments, as the adoption of the principles governing the mutual guarantee entailed an undertaking by Governments to proceed to a general reduction of armaments. Resolution XIV reads :

XIV. a) The Assembly, having considered the report of the Temporary Mixed Commission on the question of a general Treaty of Mutual Guarantee, being of opinion that this report can in no way affect the complete validity of all the Treaties

(1) In another resolution the Assembly contemplated the possibility of regional disarmament agreements similar to those concluded by Latin-American States.

of Peace or other agreements which are known to exist between States; and considering that this report contains valuable suggestions as to the methods by which a Treaty of Mutual Guarantee could be made effective, is of the opinion that :

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

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

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

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

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

In the former case, the Treaty will carry with it a general reduction of armaments. In the latter case, the reduction should be proportionate to the guarantees afforded by the Treaty.

The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, should further

formulate and submit to the Governments for their consideration and sovereign decision the plan of the machinery, both political and military, necessary to bring them clearly into effect.

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

7. EXCHANGE OF INFORMATION AND STATISTICAL ENQUIRY.

During the same period the League organisations continued their work on the exchange of information and conducted a statistical enquiry. The investigations were conducted on parallel lines and in close connection with those following upon Resolution XIV. They soon led to important results. In August 1923 the League Secretariat published in two volumes the results of a Statistical Enquiry on National Armaments, consisting of data furnished by all Governments. This first enquiry bore on peace-time armaments and expenditure on armaments.

The Assembly of 1922 had recognised that the full military strength of States included their actual military strength expressed in peace time armaments and expenditure on national defence, and their potential military strength in which the important element was the industrial and economic power of each State, as proved by the last war.

The Assembly of 1923 decided on the proposal of the Temporary Mixed Commission that the statistical enquiry might be considered as a fulfilment of the last paragraph of Article 8 of the Covenant on the exchange of information and instructed the Secretariat to publish a military year-book. The Assembly of 1924 asked that a special develop-

ment should be given to the part of the Year-Book dealing with industrial and economic strength capable of being used for war purposes. At the present date the Year-Book is a volume of more than 1000 pages, and is divided into three parts, dealing with (1) army and navy, (2) budget expenditure on national defence, and (3) production and exchange of products which are of importance from the point of view of national defence.

8. REDUCTION OF NAVAL ARMAMENTS.

On February 6th, 1922, the United States, the British Empire, France, Italy and Japan concluded the Washington Naval Treaty, limiting the tonnage of their capital ships and of aircraft carriers, and limiting the standard displacement of capital ships and the calibre of their guns. The Treaty contained the clause known as the "Naval Holiday", according to which, with certain exceptions contained in the Treaty, no keel of any capital ship might be laid down earlier than ten years, to date from November 12th, 1921. During 1922 the League Commissions received several proposals for the extension of the principles of the Washington Naval Treaty to non-Signatory Powers. These schemes were carefully studied, as the conclusion of a general treaty based on the same principles as the Washington Treaty was of considerable importance for the League of Nations and the general work on the reduction of armaments. The Permanent Advisory Commission recognised, however, that the extension of this Treaty to all Powers would meet with almost insuperable difficulties. Although from a technical point of view it is easier to draw up regulations for naval disarmament than for land disarmament, the complicated political situation after the war made it difficult to apply to all States the comparatively simple standards laid down at Washington. The majority of the naval sub-commission, composed of representatives of the Signatories of the Wash-

ington Treaty, considered that the most practical basis was the *status quo*. Still, it was difficult to fix tonnage for a State created after the war, and even at Washington it had been necessary to provide certain exceptions to the general principles adopted. The *status quo* basis was hardly acceptable, either for the new States, for States recovering from the war, or for certain non-European States in a stage of development. For the purpose of further study, the Council decided, in February, 1923, to add to the naval Sub-Commission, in which there were only a few of the non-Signatories of the Washington Treaty, representatives of the Argentine, Chili, Denmark, Greece, Norway, the Netherlands, and a non-Member of the League, namely, Russia. This Sub-Commission met in Rome in February, 1924. It was able to obtain interesting information, but it did not succeed in reconciling the various points of view. Certain political questions were raised; the representative of the Union of Soviet Socialist Republics asked that the Baltic Sea should be closed to the larger vessels of non-coastal Powers, that the Black Sea should be closed, and that the Straits of Korea should be demilitarised. In a general way it appeared that the principles of the Washington Treaty limiting naval armaments on the basis of the *status quo* were not acceptable for most navies. It was impossible to meet the objections of States which considered that the scheme for the reduction of naval armaments should take account of the geographical situation and special circumstances of each State in accordance with Article 8 of the Covenant. The results of the Rome session were forwarded to Governments. The technical study of the naval problem was resumed later on a larger scale.

CHAPTER II

The Draft Treaty of Mutual Assistance.

I. PREPARATION OF THE DRAFT TREATY.

On the basis of Resolution XIV of the Third Assembly the Temporary Mixed Commission prepared in 1922-23 a Draft Treaty of Mutual Assistance which the Assembly submitted to Governments with certain changes.

The Temporary Mixed Commission worked on two draft Treaties, one by Lord Robert Cecil, the other by Colonel Réquin, a French member of the Commission. It also had the opinions of certain Governments on Resolution XIV and the technical reports of the Permanent Advisory Commission. It was thus enabled to enunciate the fundamental problems of the prevention of war and mutual guarantee, and propose solutions which have left their mark on the League's work up to the present day.

Lord Robert Cecil based his draft on the resolutions which he had originally submitted to the Temporary Mixed Commission. He aimed at the conclusion of a general treaty guaranteeing to a State attacked the support of all the other members of the League, with detailed provisions designed to nullify in a large measure in time of peace the effects of a threat of war. Special treaties were admitted only if the Council by a three-fourths majority decided to negotiate itself at the request of an interested State in particularly dangerous situation a supplementary agreement for the defence of the said State. This draft met the views of certain members of the Commission, nationals of States more or less opposed to definite undertakings, who felt that the conclusion of special treaties would result in the formation of rival groups of nations and in permanent political tension.

Colonel Réquin's draft was based on the opinion of the

Permanent Advisory Commission with regard to Resolution XIV. The majority of the Commission had drawn special attention to the fact that the object was to prevent war and not to bring progressively into action the forces which would carry a war a successful conclusion. It added that in no case was a State attacked to suffer invasion and that this condition assumed the existence of a mutual guarantee which could be brought into action immediately. The only form of assistance which was really effective at the beginning of a war was military, naval, or air assistance. The Commission stated further that if the assistance were to be immediate and effective, it must be given in accordance with a pre-arranged plan as laid down in Resolution XIV, and if this pre-arranged plan were to be carried out without delay, that is, without discussion, it was important that it should be made an integral part of the Treaty of Guarantee.

With regard to Lord Robert Cecil's draft, the Permanent Advisory Commission had come to the unanimous conclusion that, from a military, naval and air point of view, it did not constitute a solid basis for a scheme for the limitation of armaments. The majority of the military experts admitted that the idea combining partial agreements with general obligations was quite a happy one. An attempt might be made to discover a practical method of applying it which should be based upon the necessities of modern warfare. Thus, assistance might be organised beforehand with a degree of completeness which would vary both according to the nature of the assistance, and chronologically according to the degree of urgency, without in any way losing sight of the primary necessity of preventing the development of conflict.

The first article of Colonel Réquin's draft provided that the High Contracting Parties should mutually undertake to furnish assistance to any one of their number in case it should be the object of aggression after reducing its armaments. In Article 2 it was stipulated that to render the

general assistance provided in the first article immediately effective, the High Contracting Parties might conclude agreements establishing groups for purely defensive purposes and settle in advance the measures of assistance which they would give to each other in accordance with Article 10 of the Covenant in the event of any case of aggression which they might consider possible against any of them.

The task of the Temporary Mixed Commission in 1922 was to reconcile these two points of view and to draw up a single text.

2. THE DRAFT TREATY.

Dr. Benes, reporting on the Draft Treaty of Mutual Assistance to the Assembly of 1923, explained that it might be regarded as the procedure which the Temporary Mixed Commission recommended to the Council for the purpose of carrying out the task entrusted to it under Article 8 of the Covenant. His definition of the rule upon which the Draft Treaty was based, was that "guarantee and disarmament are inter-dependent".

Article 1 of the Draft Treaty read as follows :

"The High Contracting Parties solemnly declare that aggressive war is an international crime and severally undertake that no one of them will be guilty of its commission." Dr. Benes pointed out that this article constituted a solemn pact of non-aggression, the spirit of which must govern the application of the Draft Treaty of Mutual Assistance.

Dr. Benes explained as follows the operation of the guarantee and of the reduction of armaments :

1. The general guarantee is established in principle and defined by the Treaty — first stage;
2. In the case of certain countries the guarantee is supplemented by special Treaties;

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

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

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

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

a) *General Guarantees and Special Treaties.* — The general assistance contemplated by Lord Robert Cecil was maintained in Article 2 of the Treaty. Articles 6, 7 and 8 envisaged complementary defensive agreements by which the Signatories undertook to put into immediate execution in the cases of aggression the plans of assistance agreed upon.

In order to allay the apprehensions manifested by certain members of the Commission, these agreements, before being registered, were to be examined by the Council with a view to deciding whether they were in accordance with the principles of the Treaty and the Covenant. The Council could, if necessary, suggest changes in the texts, which would have been open, with the consent of the signatories, to any other High Contracting Party.

Attention must be drawn to this clause which presented a solution of many of the problems attendant upon special treaties. The possibility for a third party to accede to a special treaty was a new factor. Its importance was emphasised in the debates on mutual guarantee, and exemplified by the subsequent conclusion of security treaties between States whose divergent interests might have become a menace to European peace.

The Signatories of the special agreements might, in the case of aggression, execute the plan of assistance agreed upon, subject to informing the Council without delay of the measures taken. Certain delegations considered that this condition did not suffice.

b) *The prevention of war and the powers of the Council.* — As regards the prevention of war, the Draft Treaty contained several new suggestions. For the first time a League organisation proposed that in the case of a *threat of war* it might be advisable for the Council to take measures hitherto contemplated only in the case of war which had definitely broken out. These measures were the application of economic sanctions, the organisation of financial assistance and the execution of other provisions of Article 16 of the Covenant.

Article 3 provided that, should one of the High Contracting Parties judge that the armaments of any other party were in excess of the limits fixed under the provisions of the Treaty, or have cause to appear an outbreak of hostilities on account of the aggressive policy or preparations of any other State, it might inform the Secretary-General, who would immediately summon the Council. If the Council considered that there was reasonable ground for thinking that a menace of aggression had arisen it could :

(a) decide to apply immediately to the aggressor State the economic sanctions contemplated by Article 16 of the Covenant, the Members of the League not signatory to the present Treaty not being, however, bound by this decision, except in the case where the State attacked is entitled to avail itself of the Articles of the Covenant;

(b) invoke by name the High Contracting Parties whose assistance it requires. No High Contracting Party situated in a continent other than that in which operations will take place shall, in principle, be required to co-operate in military, naval or air operations;

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

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

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

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

c) *Case of aggression.* — Article 4 determines the intervention of the Council and the possible intervention of all the Signatory States in case of aggression.

Should one of the Signatories become engaged in hostilities, the Council would decide, within four days of a notification addressed to the Secretary-General, which of the parties were the victims of aggression and whether they were entitled to the assistance provided under the Treaty.

In this connection the Draft forwarded to the Governments was accompanied by a commentary on the definition of a case of aggression.

This document stated that there was no definite military standard of aggression, but that it might be advisable for the Council to fix a neutral zone which the parties would be forbidden to cross, and a refusal to obey might be considered as an element in deciding which was the aggressor. It was also suggested that the Council might propose an armistice and invite the parties to submit their dispute to the Council or to the Court, and that this invitation might be accompanied by an intimation that the party which refused would be considered as the aggressor. The opinion was expressed that in the general case where aggression was preceded by a period of political tension, the Council would have been engaged in efforts to avoid war and might there-

fore probably be in a position to form an opinion as to which of the parties was really actuated by aggressive intentions.

d) *Demilitarised Zones.* — In order to facilitate the application of the Treaty any party might negotiate, through the agency of the Council, with one or more neighbouring countries for the establishment of demilitarised zones; the Council, with the cooperation of the parties concerned, might previously ensure that the establishment of the zone did not call for unilateral sacrifices from the military point of view on the part of the parties interested.

e) *Cost of intervention.* — By Article 10 the parties agreed that the whole cost of any military, naval or air operations undertaken in accordance with the Treaty and with the supplementary agreements including the reparation of all material damage caused by operations of war should be borne by the aggressor State up to the extreme limits of its financial capacity. The amount payable by the aggressor should be a first charge on the whole of the assets and revenues of that State. The repayment of any home or foreign loans concluded during hostilities would be suspended until the amount due for cost of reparations had been discharged in full.

f) *Disarmament.* — Articles 11, 12 and 13 define the disarmament obligations recognised by the Signatories. They were to undertake to inform the Council of the reduction or limitation of armaments which they considered proportional to the security furnished by the general treaty or by supplementary agreements. They further undertook to cooperate in the preparation of any general plan of reduction of armaments which the Council might propose, and to carry out this reduction within a period of two years.

It was clearly established by Articles 2 and 8 that the mutual assistance should only be given to parties which had reduced their armaments.

Such were the general lines of the Draft Treaty of 1923 which, considered by some as a "prolongation of the Covenant", aimed at a reduction of armaments and at strengthening the League's action for the prevention of war.

3. REJECTION OF THE DRAFT TREATY OF MUTUAL ASSISTANCE. REPLIES OF GOVERNMENTS.

The replies of the Governments Members and non-Members of the League were received in the course of 1924. Eighteen acceded in principle, while suggesting slight changes and improvements. But, on the whole, the Draft encountered such opposition that it soon became evident that it would be impossible to bring it into force unless it were completely transformed.

The reply of the British Government, signed by the Prime Minister, Mr. Ramsay MacDonald, was distinctly unfavourable to the Draft. The most frequent objections to the Treaty may be summed up as follows :

a) While providing guarantees, the Treaty did not lay sufficient emphasis upon the fact that they entailed an reduction of armaments; in principle, the Treaty was designed to give effect to Article 8 of the Covenant, but did not automatically provide for its execution. It left it to the individual Governments to decide in what measure they could reduce their armaments, and nothing proved that such a reduction would be very considerable.

b) The treaty envisaged guarantees of a material kind while devoting insufficient attention to the development of the legal and moral elements of the Covenant.

c) The special treaties recalled the alliance system. Their inclusion in the Draft Treaty left a loophole for possible conflicts between the Council and the Governments, particularly in the event of individual assistance being given before the former had arrived at decision.

d) By its unanimity rule the Council would be seriously hampered in determining the aggressor. Should it nevertheless endeavour to do so, this would involve a delay which might enable the aggressor totally to defeat the State attacked. This danger would be extremely serious in the case of States in an unfavourable geographical situation, i. e. distant from countries which might give assistance, or with a particularly vulnerable frontier.

This last criticism was generally made by Governments which were in favour of the adoption of the Treaty but desired to strengthen the guarantees of assistance.

CHAPTER III

Arbitration, Security and Reduction of Armaments. The Protocol of 1924.

I. THE QUESTION BEFORE THE ASSEMBLY.

Owing to the virtually certain rejection of the Treaty of Mutual Assistance, the disarmament problem was in the forefront of international preoccupations at the opening meetings of the 1924 Assembly.

The League's effort to deal with the question had for the moment proved unavailing. However, in the first days of the Assembly, the representatives of the Governments which had rejected the Treaty expressed the desire that the work should be resumed and that an endeavour should be made to improve upon the solutions proposed. As regards methods, there were still certain differences of opinion.

From the replies concerning the Treaty of Mutual Assistance, it appeared that there was a strong current of opinion among members of the League in favour of arbitration as the necessary complement of the formula "security and reduction of armaments". Having formulated this desire, several Go-

vernments refused to go any farther. To this the supporters of the Treaty replied that arbitration would be null and void without effective sanctions. They considered that the best way to avoid the application of the sanctions provided by the Covenant was to make it so certain that they would be applied that no State would care to run the risk of incurring them. They thus maintained one of the principal theories put forward in support of the Treaty, namely, that it would be of great efficacy in preventing conflicts, owing to the proposed strengthening of the authority of the Council.

These two theories were clearly outlined at the opening meetings of the Assembly in the speeches of the British and French delegates. Mr. Ramsay MacDonald concluded his speech as follows :

Our interests for peace are far greater than our interests in creating a machinery of defence. A machinery of defence is easy to create but beware lest in creating it you destroy the chances of peace. The League of Nations has to advance the interests of peace. The world has to be habituated to our existence; the world has to be habituated to our influence; we have to embody in the world confidence in the order and the rectitude of law, and then nations — with the League of Nations enjoying the authority, with the League of Nations looked up to, not because its arm is great but because its mind is calm and its nature just — can pursue their destinies with a feeling of perfect security, none daring to make them afraid. This is the outlook, and this is the policy by which the British Government stands and to which it invites the League of Nations to adhere.

To this M. Herriot, the first French delegate, replied :

Arbitration is essential, but it is not sufficient. It is a means, but not an end. It does not entirely fulfil the intentions of Article 8 of the Covenant, which, if I may again remind you, are security and disarmament.

We in France regard these three terms—arbitration, secu-

riety, and disarmament—as inseparable; and these three words would be but empty abstractions did they not stand for living realities created by our common will.

Arbitration, as my friend Mr. MacDonald has said, is justice without passion. In that I recognise the nobility of his mind. But justice must not be divorced from might. Might must not be left in the ruthless grasp of injustice.

2. ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS.

Thanks to the work of the preceding years, it was comparatively simple to reconcile these two theories. Agreement was reached in the Assembly and the Protocol was drawn up. In submitting it to the Assembly, the two rapporteurs, Dr. Benes, and Mr. Politis, summarised the work already done, showing that the system of the Protocol had been arrived at by a logical and gradual process.

The reduction of armaments required by the Covenant and demanded by the general situation of the world to-day led us to consider the question of security as a necessary complement to disarmament.

The support demanded from different States by other States less favourably situated had placed the former under the obligation of asking for a sort of moral and legal guarantee that the States which have to be supported would act in perfect good faith and would always endeavour to settle their disputes by pacific means.

It became evident, however, with greater clearness and force than ever before, that if the security and effective assistance demanded in the event of aggression was the condition *sine qua non* of the reduction of armaments, it was at the same time the necessary complement of the pacific settlement of international disputes, since the non-execution of a sentence obtained by pacific methods of settlement would necessarily drive the world back to the system of armed force. Sentences impe-

ratively required sanctions or the whole system would fall to the ground.

Arbitration was therefore considered by the Fifth Assembly to be the necessary third factor, the complement of the two others with which it must be combined in order to build up the new system set forth in the Protocol.

Thus, after five years' hard work, we have decided to propose to the Members of the League *the present system of arbitration, security and reduction of armaments*—a system which we regard as being complete and sound.

3. ANALYSIS OF THE PROTOCOL.

A. Compulsory Arbitration.

Rôle of the Council in determining the aggressor.

a) *Renunciation of war.* — Article 2 of the Protocol renounced war. In no case would a State signatory be entitled to undertake on its own initiative an offensive war against another signatory or non-signatory State which accepted all the obligations assumed under the Protocol.

b) *Compulsory jurisdiction of the Permanent Court.* — Article 3 recognised as compulsory *ipso facto* and without special agreement, the jurisdiction of the Permanent Court of International Justice in cases covered by paragraph 2 of Article 36 (1) of the Court Statute, the only reservations

(1) The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognise as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal dispute concerning :

(a) The interpretation of a treaty;

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

allowed being indicated in the report submitted to the Assembly.

c) *Compulsory Arbitration.* — In his report M. Politis stated that compulsory arbitration was the fundamental basis of the proposed system and that it closed the "circle of protection drawn by the Covenant around the peace of the world". Henceforth no purely private war between nations would be tolerated. The system of arbitration envisaged by the Protocol was described as follows :

(a) It is only part of a great machinery of pacific settlement. It is set up under the auspices and direction of the Council of the League of Nations.

(b) It is not only an instrument for the administration of justice. It is, in addition and above all, an instrument of peace. The arbitrators must no doubt seek in the first place to apply the rules and principles of international law. This is the reason why, as will be seen below, they are bound to consult the Permanent Court of International Justice if one of the parties so requests. But if international law furnishes no rule or principle applicable to the particular case, they cannot, like ordinary arbitrators, refuse to give a decision. They are bound to proceed on grounds of equity, for in our system arbitration is always of necessity to lead a definitive solution of the dispute. This is not to be regretted, for to ensure the respect of law by nations it is necessary first that they should be assured of peace.

(c) It does not rest solely upon the loyalty and good faith of the parties. To the moral and legal force of an ordinary arbitration is added the actual force derived from the international organisation of which the kind of arbitration in question forms one of the principal elements; the absence of a sanction which has impeded the development of compulsory arbitration is done away with under our system.

In the system of the Protocol, the obligation to submit disputes to arbitration is sound and practical because it has always a sanction. Its application is automatically ensured, by means of the

intervention of the Council; in no case can it be thrown on one side thorough the ill-will of one of the disputant States." The awards to which it leads are always accompanied by a sanction, adapted to the circumstances of the case and more or less severe according to the degree of resistance offered to the execution of the sentence.

The following articles of the Protocol concerned the working of the arbitration procedure contemplated by the Covenant.

Article 4 in particular dealt with the possibility of the Council failing to settle a dispute submitted under Article 15 of the Covenant, which did not come within the jurisdiction of the Court and in regard to which the parties had not been able to agree on arbitration. The solution proposed was that :

Before going further, the Council must call upon the parties to submit their dispute to judicial settlement or to arbitration.

It is only in the case where this appeal — which the Council will make in the manner which appears to it most likely to secure a favourable hearing — is not listened to that the procedure will acquire the compulsory character which is necessary to make certain the final settlement of all disputes.

There are three alternatives :

- (a) Compulsory arbitration at the request of one of the parties;
- (b) A unanimous decision by the Council;
- (c) Compulsory arbitration enjoined by the Council.

This procedure made it impossible for any dispute to escape arbitration. The request of one of the parties was sufficient for the constitution of a Committee of Arbitrators, either by joint agreement or if agreement were impossible, by decision of the Council. Should the arbitrators not be jurists, they were entitled, if one of the parties so desired,

to seek the advisory opinion of the Court through the medium of the Council. In the event of neither party asking for arbitration, the Council would again examine the matter and would endeavour to draw up a unanimous report, the vote of the parties not being reckoned. In this case, its decision would be binding upon the parties signatories to the Protocol.

There remained the possibility of a disagreement among members of the Council, and here the third solution, compulsory arbitration enjoined by the Council, would intervene. The dispute would be referred to a Committee of Arbitrators, but the parties would play no rôle in its constitution. It would be for the Council to settle all the details, the composition, the powers and procedure of the Committee of Arbitrators. The only regulation with which it must comply was that in the choice of arbitrators it must bear in mind the guarantees of competence and impartiality which by their nationality, personal character and experience, such arbitrators must always furnish.

Failing a friendly arrangement, M. Politis continued, the final solution of a dispute would be certain in all cases, thanks to the system adopted, whether in the form of a decree of the Permanent Court of International Justice or in the form of an arbitral award or, lastly, in the form of a unanimous decision of the Council.

To this solution the parties are compelled to submit. They must put it into execution or comply with it in good faith.

If they do not do so, they are breaking an engagement entered into towards the other signatories of the Protocol, and this breach involves consequences and sanctions according to the degree of gravity of the case.

If the recalcitrant party confines itself to offering passive resistance to the solution arrived at, it will first be the object of pacific pressure from the Council, which must exercise all its

influence to persuade it to respect its engagements. If the Council is unsuccessful, it must propose measures calculated to ensure effect being given to the decision.

On this point the Protocol has been guided solely by the regulation contained at the end of Article 13 of the Covenant. The Council may thus institute against the recalcitrant party collective sanctions of an economic and financial order. It is to be supposed that such sanctions will prove sufficient. It has not appeared possible to go further and to employ force against a State which is not itself resorting to force. The party in favour of which the decision has been given might, however, employ force against the recalcitrant party if authorised to do so by the Council.

But if the State against which the decision has been given takes up arms in resistance thereto, thereby becoming an aggressor against the combined signatories, it deserves even the severe sanctions provided in Article 16 of the Covenant, interpreted in the manner indicated in the present Protocol.

There were one or two exceptions, contemplated in clearly specified cases, as for example, disputes relating to questions which at some time prior to the entry of the Protocol had been the subject of a unanimous recommendation by the Council, and accepted by one of the parties concerned.

The provisions of paragraph 8 of Article 15 of the Covenant concerning disputes which by international law fall within the domestic jurisdiction of a party were protected by Article 5 of the Protocol. In this case, the arbitrators would have had to consult the Permanent Court of International Justice. If the Court were to recognise that the dispute fell within the domestic jurisdiction of a State, its decision would not prevent the Council or the Assembly from examining the situation under Article 11 of the Covenant, which calls upon the League to take measures to safeguard the peace of nations.

d) *Determination of the aggressor.* — Article 10 of the

Protocol dealt with the determination of the aggressor. M. Politis' report contained the following passage :

The definition of aggression is a relatively easy matter, for it is sufficient to say that any State is the aggression which resorts in any shape or form to force in violation of the engagements contracted by it either under the Covenant (if, for instance, being a Member of the League of Nations, it has not respected the territorial integrity or political independence of another Member of the League) or under the present Protocol (if, for instance, being a signatory of the Protocol, it has refused to conform to an arbitral award or to a unanimous decision of the Council). This is the effect of Article 10, which also adds that the violation of the rules laid down for a demilitarised zone is to be regarded as equivalent to resort to war. The text refers to resort to war, but it was understood during the discussion that, while mention was made of the most serious and striking instance, it was in accordance with the spirit of the Protocol that acts of violence and force, which possibly many not constitute an actual state of war, should nevertheless be taken into consideration by the Council.

On the contrary, to ascertain the existence of aggression is a very difficult matter, for although the first of the two elements which together constitute aggression, namely, the violation of an engagement, is easy to verify, the second, namely, resort to force, is not an easy matter to ascertain. When one country attacks another, the latter necessarily defends itself, and when hostilities are in progress on both sides, the question arises which party began them.

This a question of fact concerning which opinions may differ.

The first idea which occurs to the mind is to make it the duty of the Council to determine who is the aggressor. But, immediately, the question arises whether the Council must decide this question unanimously, or whether a majority vote would suffice. There are serious disadvantages in both solutions and they are therefore unacceptable.

To insist upon a unanimous decision of the Council exposes

the State attacked to the loss of those definite guarantees to which it is entitled, if one single Member of the Council—be it in good faith or otherwise—insists on adhering to an interpretation of the facts different from that of all his colleagues. It is impossible to admit that the very existence of a nation should be subject to such a hazard. It is not sufficient to point out that the Council would be bound to declare the existence of aggression in an obvious case and that it could not fail to carry out its duty. The duty would be a duty without a sanction and if by any chance the Council were not to do its duty, the State attacked would be deprived of all guarantees.

But it would also be dangerous to rely on a majority vote of the Council. In that case, the danger would be incurred by the State called upon to furnish assistance and to support the heavy burden of common action, if it still entertained some doubt as to the guilt of the country against which it had to take action. Such a country would run the risk of having to conform to a decision with which it did not agree.

The only escape from this dilemma appeared to lie in some automatic procedure which would not necessarily be based on a decision of the Council. After examining the difficulty and discussing it in all its aspects, the First Committee believes that it has found the solution in the idea of a presumption which shall hold good until the contrary has been established by a unanimous decision of the Council.

The Committee is of opinion that this presumption arises in three cases, namely, when a resort to war is accompanied :

By a refusal to accept the procedure of pacific settlement or to submit to the decision resulting therefrom;

By violation of provisional measures enjoined by the Council as contemplated by Article 7 of the Protocol;

Or by disregard of a decision recognising that the dispute arises out of a matter which lies exclusively within the domestic jurisdiction of the other party and by failure or by refusal to submit the question first to the Council or the Assembly.

In these cases, even if there is not absolute certainty, there

exists at any rate a very strong presumption which should suffice for the application of sanctions unless proof to the contrary has been furnished by a unanimous decision of the Council.

e) *Armistice prescribed by the Council.* — In this connection, M. Politis said :

Apart from the above cases, there exists no presumption which can make it possible automatically to determine who is the aggressor. But this fact must be determined, and, if no other solution can be found, the decision must be left to the Council. The same principle applies where one of the parties is a State, which is not a signatory of the Protocol and not a Member of the League.

If the Council is unanimous, no difficulty arises. If, however, the Council is not unanimous, the difficulty is overcome by directing that the Council must enjoin upon the belligerents an armistice the terms of which it will fix if need be by a two-thirds majority and the party which rejects the armistice or violates it is to be held to be an aggressor.

The system is therefore complete and is as automatic as it can be made.

Where a presumption has arisen and is not rejected by a unanimous decision of the Council, the facts themselves decide who is an aggressor; no further decision by the Council is needed and the question of unanimity or majority does not present itself; the facts once established, the Council is bound to act accordingly.

Where there is no presumption, the Council has to declare the fact of aggression; a decision is necessary and must be taken unanimously. If unanimity is not obtained, the Council is bound to enjoin an armistice, and for this purpose no decision properly speaking has to be taken : there exists an obligation which the Council must fulfil; it is only the fixing of the terms of the armistice which necessitates a decision, and for this purpose a two-thirds majority suffices.

f) *Working of sanctions in case of aggression (Article 10, final paragraph).*

The fact of aggression having been established by presumption or by unanimous decision of the Council or by refusal to accept or violation of the armistice, it will only remain to apply the sanctions and bring into play the obligations of the guarantor States. The Council will merely call upon them to fulfil their duty; here, again, there is no decision to be taken but an obligation to be fulfilled, and the question of majority or unanimous vote does not arise.

It is not, indeed, a matter of voting at all.

In order to leave no room for doubt, it has been formally laid down that a State which, at the invitation of the Council, engages in acts of violence against an aggressor is in the legal position of a belligerent and may consequently exercise the rights inherent in that character.

It was pointed out in the course of the discussion that such a State does not possess entire freedom of action. The force employed by it must be proportionate to the object in view and must be exercised within the limits and under the conditions recommended by the Council.

B. *Security.*

The part of the Protocol dealing with security and reduction of armaments was submitted to the Assembly by Dr. Benes.

a) *Threats of aggression—preventive measures voted by the two-thirds majority.* — As in the Treaty of Mutual Assistance the signatories of the Protocol undertook in the event of a dispute to abstain from seeking a solution by military means, and in a general way, to refrain from any action likely to extend the dispute or render it more acute (Article 7, paragraph 1 of the Protocol).

Any complaint as to the infraction of the above undertakings could be brought before the Council, which would

take suitable preventive measures. The rôle of the Council was defined as follows :

The Council, unless it be of opinion that the appeal is not worthy of consideration, will proceed with the necessary enquiries and investigations. Should it be established that an offence has been committed against the provisions of the first paragraph, it will be the duty of the Council, in the light of the results of such enquiries and investigations, to call upon any State guilty of the offence to put an end thereto. Any such State failing to comply will be declared by the Council to be guilty of violation of the Covenant (Article 11) or the Protocol.

The Council must, further, take the necessary measures to put an end, as soon as possible, to a situation calculated to threaten the peace of the world. The text does not define the nature of these preventive measures. Its elasticity permits the Council to take such measures as may be appropriate in each concrete case, as, for example, the evacuation of territories.

Any decisions which may be taken by the Council in virtue of this Article may be taken by a two-thirds majority, except in the case of decisions dealing with questions of procedure which still come under the general rule of Article 5, paragraph 2, of the Covenant. The following decisions, therefore, can be taken by a two-thirds majority :

The decision as to whether there has or has not been an offence against the first paragraph;

The decision calling upon the guilty State to remedy the offence;

The decision as to whether there has or has not been refusal to remedy the offence;

Lastly, the decision as to the measures calculated to put an end, as soon as possible, to a situation calculated to threaten the peace of the world.

Article 8 concerned mere threats of aggression, and in this case, the Council was empowered to apply the preventive procedure envisaged in Article 7.

b) *Security—Sanctions.* — By Article II the Protocol aimed at settling all the controversies on the application of sanctions. The obligations of the signatories in this connection would have come into play when the Council, acting in accordance with the final paragraph of Article 10, had invited them to apply such sanctions. The nature and scope of these obligations were described as follows :

The reply to the question whether a signatory to the Protocol has or has not fulfilled its obligation depends on whether it has loyally and effectively co-operated in resisting the act of aggression to an extent consistent with its geographical position and its particular situation as regards armaments.

The State remains in control of its forces, and itself, and not the Council, directs them, but paragraph 2 of Article II gives us positive material upon which to form a judgment as to whether or not the obligation has been carried out in any concrete case. This criterion is supplied by the term : *loyally and effectively.*

In answerin the question whether a State has or has not fulfilled its obligations in regard to sanctions, a certain elasticity in the obligations laid down in Article II allows of the possibility of *taking into account, from every point of view, the position of each State which is a signatory to the present Protocol.* The signatory States are not all in possession of equal facilities for acting when the time comes to apply the sanctions. This depends upon the geographical position and economic and social condition of the State, the nature of its population, internal institutions, etc.

Indeed, during the discussion as to the system of sanctions, certain delegations declared that their countries were in a special situation by reason of their geographical position or the state of their armaments. These countries decided to co-operate to the fullest extent of their resources in resistance to every act of aggression, but they drew attention to their special conditions. In order to take account of this situation, an addition has been made to paragraph 2 of Article II pointing out this state of affairs and laying stress on the particular situation of the countries in question.

Moreover, Article 13 of the Protocol allows such countries to inform the Council of these matters beforehand.

I would further add that the obligations I refer to are imperfect obligations in the sense that no sanctions are provided for against any party which shall have failed loyally and effectively to co-operate in protecting the Covenant and resisting every act of aggression. It should, however, be emphasised that such a State would have failed in the fulfilment of its duties and would be guilty of a violation of engagements entered into.

In view of the foregoing, the gist of Article 11, paragraphs 1 and 2, might be expressed as follows : Each State is the judge of the manner in which it shall carry out its obligations but not of the existence of those obligations, that is to say, each State remains the judge of what it will do but no longer remains the judge of what it should do.

Now that the present Protocol has defined more precisely the origin, nature and extent of the obligations arising out of the Covenant, the *functions of the Council, as provided in Articles 10 and 16, have become clearer and more definite.*

c) *Sanctions as defined in the Covenant and the Protocol* : On this subject, Dr. Benes said :

The difference between the former state of affairs and the new will therefore be as follows :

According to the system laid down by the Covenant :

1. The dispute arises.
2. In cases where neither the arbitral procedure nor the judicial settlement provided for in Article 13 of the Covenant is applied, the Council meets, and discusses the dispute, attempts to effect conciliation, mediation, etc.
3. If it be unsuccessful and war breaks out, the Council, if unanimous, has to express an opinion as to which party, is guilty. The Members of the League then decide for themselves whether this opinion is justified and whether their obligations to apply economic sanctions become operative.

4. It then has, *by a unanimous decision, to recommend* military sanctions.

5. If unanimity cannot be obtained, the Council ceasing to take action, each party is practically free to act as it chooses.

According to the new system defined in the Protocol, the situation is as follows :

1. The dispute arises.
2. The system of peaceful settlement provided for by the Protocol comes into play.
3. The Council intervenes, and if, after arbitration has been refused, war is resorted to, if the provisional preventive measures are not observed, etc., the Council decides which party is the aggressor and calls upon the signatory States to apply the sanctions.
4. This decision implies that such sanctions as the case requires—economic, financial, military, naval and air—shall be applied forthwith, and without further recommendations or decisions.

We have therefore the following *nex* elements :

(a) The obligation to apply the necessary sanctions of every kind as a direct result of the decision of the Council.

(b) The elimination of the case in which all parties would be practically free to abstain from any action. The introduction of a system of arbitration and of provisional measures which permits of the determination in every case of the aggressor.

(c) No decision is taken as to strenght of the military naval and air forces, and no details are given as to the measures which are to be adopted in a particular case. None the less, objective criteria are supplied which define the obligation of each signatory; it is bound, in resistance to an act of aggression, to collaborate *loyally and effectively* in applying the sanctions in accordance with its geographical situation and its particular situation as regards armaments.

That is why I said that *the great omission in the Covenant has been made good.*

It is true that no burden has been imposed on States beyond the sanctions already provided for in the Covenant. But, at present, a State seeking to elude the obligations of of the Covenant can reckon on two means of escape :

(1) The Council's recommendations need not be followed.

(2) The Council may fail to obtain unanimity, making impossible any declaration of aggression, so that no obligation to apply military sanctions will be imposed and everyone will remain free to act as he chooses.

We have abandoned the above system and both these loopholes are now closed.

d) *Economic and Financial Mutual Assistance.* — Article II, paragraph 3 of the Protocol defined the economic and financial mutual support contemplated by Article 16, paragraph 3 of the Covenant (the granting of facilities as regards supplies of raw materials, etc., credit, transport and transit).

Article 12, provided that the Council once in possession of the necessary information, should draw up plans of action for the application of the economic and financial sanctions against an aggressor State, and plans of economic and financial cooperation between the State attacked and the different States assisting it.

e) *Special Treaties.* — The controversy with regard to special treaties had become less acute during the Assembly, owing to the acceptance of the provisions for compulsory arbitration introduced into the Protocol.

The provisions of Article 13, paragraphs 2, and 3, M. Benes said refer to the special agreements which were discussed at such length last year. In view of the fact that, according to paragraph 2, such agreements can only come into force

when the Council has invited the signatory States to apply the sanctions, the nature of these agreements may be defined as follows :

Special agreements must be regarded as the means for the rapid application of sanctions of every kind in a particular case of aggression. They are additional guarantees which give weaker States an absolute assurance that the system of sanctions will never fail. They guarantee that there will always be States prepared immediately to carry out the obligations provided for in Article 11 of the Protocol.

In accordance with Article 18 of the Covenant, it is expressly stated that these agreements will be registered and published by the Secretariat, and it has also been decided that they will remain open for signature to any State Member of the League of Nations which may desire to accede to them.

The Council was empowered to receive undertakings from States determining in advance the military, naval and air forces which they would be able to bring into action immediately in order to ensure the fulfilment of the obligations arising out of the Covenant and the Protocol.

Article 15 contained provisions similar to those of the Treaty of Mutual Assistance to the effect that the aggressor should bear the entire costs of a war.

C. Reduction of Armaments.

The main object of the Protocol was to make a reduction of armaments possible, and its existence and entry into force depended on this condition.

The signatories agreed to take part in an international conference for the reduction of armaments which was to be held on June 25th, 1925. All States, members or not of the League, were to have been invited. The Council was to draw up a general programme for the reduction and limitation of armaments and communicate it to Governments at the latest three months before the Conference.

In his report, Dr. Benes drew attention to the interdependence of the three factors, arbitration, security and reduction of armaments, and to the fact that the Protocol would lapse if the conference failed; he defined as follows the obligations of the signatories under Article 17 and 21 as regards reduction and limitation of armaments :

Although it has not been possible to solve the problem of the reduction of armaments in the clauses of the document submitted to the Assembly for approval, our work paves the way to it and makes it possible.

The reduction of armaments will result, in the first place, from the general security created by a diminution of the dangers of war arising from the compulsory pacific settlement of all disputes.

It will also ensue from the certainty which any State attacked will have of obtaining the economic and financial support of all the signatory States, and such support would be especially important should the aggressor be a great Power, capable of carrying on a long war.

Nevertheless, for States which, owing to their geographical position, are especially liable to attack, and for States whose most important centres are adjacent to their frontiers, the dangers of a sudden attack are so great that it will not be possible for them to base any plan for the reduction of their armaments simply upon the political and economic factors referred to above. no matter what the importance of such factors may be.

It has also been repeatedly declared that many States would require to know what military support they could count on, before the convening of the Conference, if they are to submit to the Conference proposals for large reductions of armaments; this might necessitate negotiations between the Governments and with the Council before the meeting of the Conference for the reduction of armaments provided for in Article 17. The undertakings referred to in Article 13 of the Protocol should be interpreted in the light of the above.

In drawing up the general programme of the Conference,

it will also be necessary, as stated in paragraph 2 of Article 17, for the Council, apart from other criteria "to take into account the undertakings mentioned".

In view of the close interdependence of the three great problems involved, namely, the pacific settlement of disputes, sanctions against those who disturb the peace of the world, and reduction of armaments, the Protocol provides for the convening by the Council of a general Conference for the Reduction of Armaments and for the preparation of the work of such a Conference. Furthermore, the application of the clauses concerning arbitration and sanctions will be conditional on the adoption by the said Conference of a plan for the reduction and limitation of armaments.

Moreover, in order to preserve the connection between the three big problems referred to above, it is provided that the whole Protocol will lapse in the event of the non-execution of the scheme adopted by the Conference. It devolves upon the Council to declare this under conditions to be determined by the Conference itself.

The last paragraph of Article 21 provides for the case of the partial lapsing of the Protocol after it has been put into force. Should the plan adopted by the Conference be regarded as having been put into effect, any State which fails to execute it, so far as it is concerned, will not benefit by the provisions of the Protocol.

The general principles embodied in the report may be summed up as follows : "Compulsory arbitration for every kind of dispute; aggression defined in such a way as to give no cause for hesitation when the Council has to take a decision; the indissoluble binding up of the whole system with a conference for the reduction of armaments; no arbitration or security without disarmament, and no disarmament without arbitration and security".

D. Signatures and a ratification of the Protocol and Article 36 of the Statute of the Permanent Court of International Justice.

Immediately after the Assembly, the Protocol was signed by the 14 following States :

Albania	Haiti
Belgium	Latvia
Brazil	Liberia
Bulgaria	Paraguay
Chili	Poland
Czechoslovakia	Portugal
Estonia	Kingdom of the Serbs-Croats-
Finland	Slovenes
France	Spain
Greece	Uruguay

Other signatures followed; sometime later the Protocol was ratified by Czechoslovakia.

These accessions raised to twenty-six the total number of signatories of the optional clause of the Court Statute. It has now been signed by :

Austria	Haiti
Belgium	Latvia
Brazil	Liberia
Bulgaria	Lithuania
China	Luxemburg
Costa-Rica	Norway
Denmark	Panama
Dominican Republic	Netherlands
Estonia	Portugal
Ethiopia	Salvador
Finland	Sweden
France	Switzerland
Germany	Uruguay (1)
Guatemala	

(1) It is in force between :

Abyssinia	China	Haiti	Portuga
Austria	Denmark	Lithuania	Sweden
Belgium	Estonia	Netherlands	Switzerland
Bulgaria	Finland	Norway	Uruguay

CHAPTER IV

From the Protocol to the Locarno Agreements.

I. ORGANISATION OF THE WORK OF THE COUNCIL.

CREATION OF THE COUNCIL COMMITTEE ON DISARMAMENT.

The Assembly of 1924 left the Council a comparatively short time for the accomplishment of two important tasks, namely, the preparation of a general programme of reduction and limitation of armaments for the proposed conference, and a study of measures for enforcing the sanctions and measures of economic and financial cooperation mentioned in Article 16 of the Covenant and Article 11 of the Protocol.

Dr. Benes, rapporteur to the Council on the question of armaments, submitted on October 3rd, 1924, a report on the organisation of the work.

He drew attention to the fact that all the tasks entrusted to the Council were directed towards the same end, the organisation of peace, culminating in a conference for the reduction of armaments. "Security", he said, "will be complete only if this conference succeeds; the conference will succeed only if our preparatory work makes possible the practical application of the great principles of collaboration, mutual aid, and assistance of every kind as laid down in the Protocol".

He emphasised that the preparation of the conference imposed upon the Council a number of duties and responsibilities which made it necessary constantly to exercise its particular duty of directing and coordinating the work of the various organisations of the League.

For this purpose the Council decided to sit as a Committee to whose meetings its titular members might send deputies if they could not themselves be present.

To assist the Committee, the Council reorganised the Temporary Mixed Commission as a Co-ordination Commission. It was composed as follows:

(a) The Committee of the Council (ten members), assisted by;

(b) The Chairman and one or two members of each of the three organisations, Economic, Financial and Transit (six members);

(c) Six members appointed by the Permanent Advisory Commission;

(d) Two members of the Employers' Group, and two members of the Workers' Group of the Governing Body of the International Labour office, appointed by the latter.

(e) If considered advisable, a certain number of experts, jurists and others, appointed by the Council.

The Co-ordination Commission had no power of final decision. Its duties mainly consisted in regulating the liaison and co-operation between the competent League organisations, in reviewing their reports and in co-ordinating the results of their work in order to present them in complete form.

2. REJECTION OF THE PROTOCOL.

In December, 1924, the Council was to have studied various questions concerning the application of the Protocol. At the request of the British Government, this question was withdrawn from the agenda. On December 9th, Mr. Austen Chamberlain, Minister of Foreign Affairs, drew the attention of his colleagues to the special position of the British representative on the Council, who spoke the mind not of one Government only, but of five or six Governments widely divided by oceans and seas, and with whom communication was necessarily slow. He said that his Government had not had time to study the Protocol, owing to the many problems to be settled immediately.

We recognise, he said, the immense importance of the Protocol. We feel that those who sign it must sign with full knowledge of the obligations which it imposes, and with the resolution that they will keep scrupulously to whatever obligations they may undertake. It is because of the serious importance that we attach to it, that we ask the Council to be good enough to give us the time necessary for its study and for the instruction of our representatives on the Committees which it was contemplated we should set up today.

Three months later, at the Council debates of March 12th and 13th, 1925, a statement of the British representative made it clear that the application of the Protocol would encounter considerable difficulties. In these circumstances all that the Council could do was to transmit to the subsequent Assembly the statements of the British and other representatives on the Council, together with any observations sent in by States members of the League. It decided to await the decision of the Assembly before continuing the preparatory work for the conference.

In his statement of March 12th, the British representative pointed out that, if the present advisers of His Majesty after discussing the subject with the self-governing Dominions and India, saw insuperable objections to signing and ratifying the Protocol in its present shape, this was not because they felt themselves out of harmony with the purpose which it was intended to serve, but were opposed in principle to schemes for clarifying the meaning of the Covenant, or strengthening its provisions. Amendment and interpretation might in themselves be desirable, but His Majesty's Government could not believe that the Protocol as it stood provided the most suitable method of attempting that task.

The British Government then set forth a certain number of objections to the system contemplated for the pacific settlement of international disputes and the application of

sanctions, objections which in its opinion were fundamental. They may be summed up as follows :

a) The British Government considered that if the framers of the Covenant had not required that every dispute should at some stage or other be submitted to arbitration, it was presumably because they felt, as so many States members of the League had since felt, that the objections to universal and compulsory arbitration might easily outweigh its theoretical advantages.

His Majesty's Government was more immediately concerned to enquire how far the change in the Covenant effected by the Protocol was likely to increase the responsibilities already undertaken by States members. It concluded that according to the Protocol fresh classes of disputes were to be decided by the League, fresh possibilities of defying its decisions were created, fresh occasions for the application of coercive measures followed as a matter of course, and it was therefore not surprising that quite apart from the problem of disarmament, the question of sanctions should be treated at length in the clauses of the Protocol.

b) The statement drew attention to the absence of the United States from the League, adding nevertheless, that, could attention be confined to the present and the past, it might be said that the problems which even a weakened League had had to face, had never overstrained its authority. The economic sanction, if simultaneously directed by all the world against a State which was not itself economically self-sufficing, would be a weapon of incalculable power. But all this was changed by the mere existence of powerful economic interests outside the League. It might force trade into unaccustomed channels, but it could hardly stop it, and though the offending State would no doubt suffer, there is no presumption that it would be crushed or even that it would suffer most.

c) The statement further contained a criticism of the provisions of the Protocol which aimed at preventing a State which had a difference with a neighbour from making any preparations for war between the moment when a dispute arose and the moment when proceedings for a pacific settlement had been concluded. This, it was considered, placed the aggressor at an advantage.

The aggressor is at liberty to select his own date for picking a quarrel. Until that date arrives he may distribute his armies as he pleases—provided only that he neither mobilises them nor adds to them. When the distribution is as favourable to his designs as he can hope to make them, he starts the dispute. Immediately, the military position becomes temporarily unalterable. His troops, which are more or less in the right position for attack, may (indeed must) be kept there till he wants to use them. The troops, on the other hand, of his prospective victim are (by supposition) in the wrong position for defence. But there they must be kept, or the victim may find himself charged with a breach of the Protocol.

The difficulties raised seemed insuperable as far as they affected land forces, but the problems were even more embarrassing when applied to the case of forces at sea.

The whole value of a fleet depends on its mobility. Its distribution is in all probability quite different in time of peace from what it would be under threat of war. To suggest that, directly a dispute arises which in any way concerns a maritime Power, its ships are to remain immovably fixed on the stations where the chance conveniences of peace may happen to have placed them, is asking the threatened State to make a surrender of its inalienable right of self-defence, to which it is never likely to submit.

d) While agreeing in general with the provision that the aggressor should bear all the costs of the war and pay full

reparation for all damages, the British Government did not consider that it was wise to embody these generalities in dogmas of inflexible rigidity designed to control the actions of the League in all circumstances and for all time. In the strictest codes of law mitigating circumstances were allowed to modify the judgments of the courts, and His Majesty's Government failed to see why the League should deliberately deprive itself of a discretion which all other tribunals were free to exercise.

There was similar criticism concerning the provision that protected the aggressor State against any change of frontier, and any intervention in domestic affairs. While in general agreement on this point, the British Government added :

The aggression may have been utterly unprovoked; it may have been barbarously conducted; it may be the work of a corrupt and tyrannical administration; and it may be the inevitable result of cruel mis-government on the aggressor's side of an illdrawn frontier. Are we to lay it down for all time that, in such a case, the League shall do nothing to prevent a repetition of the offence but ask for money? This may, indeed, be all that is possible; but would it not be wise to let the League itself resolve this problem, if unhappily the occasion should ever arise?

e) The British Government was further of opinion that the provisions of the Protocol concerning sanctions

"insensibly suggested the idea that the vital business of the League was not so much to promote friendly co-operation and reasoned harmony in the management of international affairs, as to preserve peace by organising war, and possibly war on the largest scale".

f) To conclude, it stated that it failed to see how the application of the Protocol would inevitably be followed by disar-

mament. It mentioned certain cases in which the Protocol might only extend the area of war, a possibility which, if realised, would not improve the chances of general disarmament.

3. PROPOSAL OF THE BRITISH GOVERNMENT WITH REGARD TO SPECIAL AGREEMENTS CONCLUDED IN THE FRAMEWORK OF THE COVENANT (1).

In the final part of the statement, the British Government suggested a solution designed to allay the existing fears of war :

The brooding fears that keep huge armaments in being have little relation to the ordinary misunderstandings inseparable from international (as from social) life—misunderstandings with which the League is so admirably fitted to deal. They spring from deep-lying causes of hostility which, for historic or other reasons, divide great and powerful States. These fears may be groundless; but if they exist they cannot be effectually laid by even the most perfect method of dealing with particular disputes by the machinery of enquiry and arbitration. For what is feared in such cases is not injustice but war—war deliberately undertaken for purposes of conquest or revenge. And, if so, can there be a better way of allaying fears like these than by adopting some scheme which should prove to all the world that such a war would fail?

Since the general provisions of the Covenant cannot be stiffened with advantage, and since the " extreme cases " with which the League may have to deal will probably affect certain nations or groups of nations more nearly than others, His Majesty's Government conclude that the best way of dealing with the situation is, with the co-operation of the League, to supplement the Covenant by making special arrangements in

(1) On February 9th, 1925, the German Government addressed to the Allied Governments a Note stating that it would consider as acceptable a pact which formally guaranteed the present *status quo* on the Rhine.

order to meet special needs. That these arrangements should be purely defensive in character, that they should be framed in the spirit of the Covenant, working in close harmony with the League and under its guidance, is manifest. And, in the opinion of His Majesty's Government, these objects can best be attained by knitting together the nations most immediately concerned, and whose differences might lead to a renewal of strife, by means of treaties framed with the sole object of maintaining, as between themselves, an unbroken peace. Within its limits no quicker remedy for our present ills can easily be found or any surer safeguard against future calamities.

This statement was followed by a debate in the course of which all the members of the Council stated their point of view. Several of them, in particular those who had signed the Protocol in September on behalf of their Governments, endeavoured to refute the criticisms of the British Government. They proclaimed their faith in the efficacy of the Protocol and their desire, whatever might happen to direct their country's policy in accordance with its provisions.

It is unnecessary to retrace here the arguments put forward, as their substance is contained in the reports of M. Politis and Dr. Benes quoted in the preceding chapter. On the other hand, it is necessary to give the replies of the members of the Council to the British representative's suggestion concerning the conclusion of special agreements.

The French representative, M. Briand, agreed with this suggestion, emphasising its connection with the treaty of mutual assistance, drafted in 1923.

We are told that perhaps, all the same, the Covenant is not sufficient in itself, that it might have to be amended in certain respects, and that even in 1923, the movement in this direction would perhaps have achieved results, might indeed still do so if it were resumed. This constitutes a kind of appeal to a procedure of mutual assistance which in any case

is not the same as absolute powerlessness and absolute negation. My Government, Gentlemen—and I make this statement in its name—remains definitely attached to the Protocol, but it does not refuse to enter into any discussion for improving it.

The Italian representative, M. Sciajola, also approved the idea of purely defensive agreements framed in accordance with the Covenant, working in close harmony with the League and under its guidance, and knitting together the nations most immediately concerned, whose differences might lead to a renewal of strife by means of treaties framed with the sole object of maintaining, as between themselves, an unbroken peace.

The Belgian delegate, M. Hymans, said that this idea had been advocated by his Government ever since the armistice. The idea of special agreements was contained in the mutual assistance scheme of 1923, and appeared again in the shape of regional agreements in the Protocol of 1924.

Dr. Benes, who had reported on the Protocol, recalled the fact that he had supported the special agreements theory at five League Assemblies, and expressed his satisfaction at the proposal of the British Government and its acceptance by several of his colleagues.

We want peace and security, and, as I have already said, I think we shall get it sooner or later through some system applying in one form or another the leading ideas of the Protocol. Meanwhile it is perfectly possible to begin by other attempts, for in the end we shall reach the same result.

The only question that remains is how and when we shall reach it. Ways of attaining the end may be different, as we have seen in our discussions, and I hope that the debates in the next Assembly on arbitration will take us a further step forward towards our aim.

I am not pessimistic either as to the time when the aim will be realised; it is obvious that time is necessary for an undertaking of this sort.

Thus, at the precise moment when the difficulties which had arisen seemed likely to hamper and delay the technical work undertaken by the League, a suggestion was made which held out hope of bringing the labours of 1923 and 1924 to a successful conclusion.

The endeavour of the principal sufferers from the war to introduce methods of conciliation and arbitration, to develop the guarantee of security and thus to create an atmosphere favourable to the reduction of armaments, was the first sign of the new development which originated with this debate.

4. SUPPORT GIVEN BY THE ASSEMBLY TO THE IDEAS EMBODIED IN THE LOCARNO TREATIES — CONCILIATION AND ARBITRATION.

In 1925, the Assembly noted the political problems put to the Council some months before, and the possibility of reaching a solution. It drew up a programme for the organisation of peace, whose guiding principles have directed the work up to the present day. It emphasised the "fidelity and unanimity with which the members of the League remained attached to the triple object underlying the draft Protocol, namely, arbitration, security and disarmament, and endeavoured to indicate methods or measures by which an approach might be made to this object, pending the achievement of a general settlement which many considered indispensable.

Numerous delegations expressed themselves in favour of arbitration agreements. The Belgian, Danish, Swedish and Japanese delegations deposited draft resolutions on the subject. The more general of these proposals dealt not only with arbitration, strictly speaking, but also with conciliation, a factor whose importance had frequently been recognised by preceding Assemblies, either as a preliminary to arbitration

or judicial settlement, or as an accessory method of settlement for disputes not submitted for judicial settlement.

For the coming year, the Assembly asked the Council to undertake not only a theoretical study of the problem as a whole, but above all, a practical enquiry with regard to the pacific settlement of international disputes, taking account of all the proposals, declarations and suggestions made in the Council or the Assembly.

It adopted, with certain amendments, a draft resolution submitted by M. Quinonès de Léon (Spain) containing the following passage dealing with the preparation of the Locarno agreements :

(The Assembly)

Regards favourably the effort made by certain nations to attain those objects by concluding arbitration conventions and treaties of mutual security conceived in the spirit of the Covenant of the League of Nations and in harmony with the principles of the Protocol (Arbitration, Security, Disarmament);

Records the fact that such agreements need not be restricted to a limited area but may be applied to the whole world;

Recommends that, after these conventions and treaties have been deposited with the League of Nations, the Council should examine them in order to report to the Seventh Assembly on the progress in general security brought about by such agreement*.

5. THE LOCARNO AGREEMENTS AND THE LEAGUE OF NATIONS.

In the agreements initialled at Locarno on October 16th, 1925, and signed in London on December 1st, were embodied certain principles formulated by the League organisations during the preceding years.

The Treaty between Germany, Belgium, France, Great Britain and Italy was a treaty of security with detailed provisions for the intervention of the Council in certain cases. Similarly, the agreements between France and Poland and France and Czechoslovakia contemplate action with a view to the enforcement of Article 10 of the Covenant.

The four arbitration conventions, between Germany and Belgium, France, Poland and Czechoslovakia constitute an application of the work done on arbitration and conciliation. They were all four drafted in identical terms and provided for the constitution between the Contracting Parties of permanent conciliation commissions, to which might be submitted, by agreement, the disputes mentioned in Article 13 of the Covenant. These Commissions were to be constituted as recommended in 1922 by the Third Assembly. Article 16 of the Conventions provides for reference, in certain cases, to the Permanent Court of International Justice.

These agreements entered into force on Germany's admission to the League, and remain in force until the Council, at the request of one or other of the High Contracting Parties — notified to the signatories three months in advance — and voting at least by two-thirds majority, decides that the League of Nations ensures sufficient protection to the parties.

The object of these agreements is to provide for the peaceful settlement of disputes of every nature which may eventually arise between the signatories, and to give these Powers supplementary guarantees within the framework of the Covenant and the Treaties in force.

In the final Protocol, the signatories expressed their firm conviction that the entry into force of these agreements would effectively hasten the disarmament contemplated in Article 8 of the Covenant, and undertook to give their cooperation in this direction.

6. CHARACTER OF THE LOCARNO AGREEMENTS.

The Locarno Agreements constitute a new departure in so far as they combine the more important features of various types of earlier treaties of arbitration and conciliation, and guarantee. These features may also be found in the Covenant and the Draft Protocol, and the Locarno Agreements thus fit into the framework of the League. As contemplated in the Treaty of Mutual Assistance, they are concluded between States whose conflicting interests might give rise to disputes.

By the Treaty between Germany, Belgium, France, Great Britain and Italy, the Contracting Parties express their desire to give all the signatories supplementary guarantees within the framework of the Covenant. They severally guarantee the maintenance of the territorial *status quo* between Germany and Belgium, and between Germany and France, and the observance of the stipulations of the Peace Treaty concerning the demilitarised Rhine zone. Germany and Belgium, and also Germany and France mutually undertake that they will in no case attack or invade each other or resort to war against each other. This stipulation does not apply in the case of legitimate defence, action in pursuance of Article 16 of the Covenant, or joint action as a result of a decision taken by the League. In no case shall the treaty be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

The treaty provides for the compulsory settlement by peaceful means of any dispute which may arise between Germany and Belgium or Germany and France, where it is impossible to settle a dispute by the normal methods of diplomacy, any question with regard to which the parties are in conflict as to their respective rights shall be submitted

to judicial decision; and all others to a Conciliation Commission. If the proposals are not accepted by the two parties, the question will be brought before the Council which will deal with it in accordance with Article 15 of the Covenant; by agreement between the parties conciliation may also be resorted to as a preliminary mode of settlement for cases which would normally be submitted for judicial settlement or arbitration.

The four Conventions which were concluded in addition to the Treaty of Guarantee arrange for similar procedure as regards arbitration and conciliation. The procedure of conciliation is dealt with in detail. As regards arbitration, the parties, failing a special agreement to that effect, are entitled to refer the matter to the Permanent Court of International Justice.

The Franco-Polish and Franco-Czechoslovak agreements provide that the parties shall lend each other immediate aid and assistance in the event of either of them suffering from a failure to observe the undertakings given at Locarno with a view to the maintenance of general peace, if such failure is accompanied by an unprovoked recourse to arms.

7. DEPOSIT OF THE LOCARNO AGREEMENTS WITH THE LEAGUE OF NATIONS.

On December 14th, 1925, during the thirty-seventh session of the Council, the British representative, Sir Austen Chamberlain, and the French representative M. Paul-Boncour, solemnly deposited the Locarno agreements in the archives of the League of Nations.

Sir Austen Chamberlain said :

You will remember that at the last Assembly of the League of Nations considerable discussion took place on the subject

of arbitration, security and reduction of armaments, and that the Assembly eventually adopted a resolution which, amongst other things, declared that the Assembly, convinced that the most urgent need at the present time is the re-establishment of mutual confidence between nations, regards favourably the efforts made by certain nations to attain that object by concluding arbitration conventions and treaties of mutual security conceived in the spirit of the Covenant of the League of Nations and in harmony with the Protocol of Arbitration, Security and Disarmament.

He added :

In placing these documents under the guardianship of the League and attributing to the League all the authority which is therein specified, not less than by the agreement come to between Germany and the other nations that as part of those agreements Germany should enter the League of Nations, we have made a contribution which I trust will be acceptable to the League towards the support and increase of its authority and strength.

M. Paul-Boncour read a telegram from M. Briand (whose duties had prevented him from presiding at the meeting) containing the following passage :

These treaties which are inspired by the provisions and directing principles of the Covenant, are designed to be the beginning, between the States which have signed them, of normal relations based on equal desire to achieve conciliation within the limits of the Treaties and of the rights of each party.

M. Paul-Boncour added :

This is, for the League of Nations, and for all those who since its inception have devoted their efforts and consecrated their faith to the League — and I would remind you that there are here present some of the most distinguished of these persons — the highest reward, since the fundamental principles

underlying the League of Nations and its usefulness in the world are to-day confirmed.

M. Sciajola, Italy, examined the legal aspect of these treaties. He said :

We have established an organisation at Locarno which at first sight may appear complicated, but which is in fact very simple. The questions which can be settled by a legal procedure are submitted to arbitration or to the Permanent Court of International Justice. Other questions are sent to Conciliation Committees which have a wider competence—or rather an unlimited competence. As a final resort, if the conciliation committees are unable to achieve agreement, though we hope that they will always be able to find a way to eliminate causes of dispute, the questions are submitted to the Council, which is specially qualified and established to deal with such matters by the Covenant of the League, but which may perhaps have needed the preparatory organisations which we created at Locarno.

The other members of the Council associated themselves with the words of these three representatives and stated their conviction that, through the work it had already done, the League had had an important influence on the conclusion of these agreements.

CHAPTER V

Resumption of the preparatory Work. Decisions of the Assembly and the Council.

I. SITUATION AT THE END OF 1925.

The year between the Assemblies of 1924 and 1925 was almost entirely devoted to the discussion of the Protocol.

The preparatory work for the Conference on Reduction of Armaments was interrupted as the conference itself depended on the entry into force of the Protocol.

When the Assembly met in September, 1925, the preparations for the Locarno agreements were well advanced and all the members of the League associated themselves with this endeavour to restore a greater measure of security to Europe. Their approval was embodied in a resolution submitted by M. Quiñonès de León, and examined in the preceding chapter.

In anticipation of the Locarno agreements, the Assembly drew up a new programme and asked the Council to turn its attention to the constitution of committees with the necessary instructions.

This decision was reached after an exhaustive debate. A certain number of delegations expressed doubts whether it would not be preferable to await the results of the negotiations, and the effects which the successful issue of such negotiations might have on the preparation and conclusion of similar agreements, before the Council committed itself too definitely to preparatory studies for the reduction and limitation of armaments. They considered that this reduction and limitation would have no solid foundation until the political conditions under which they would be carried out were defined.

Other delegations thought that, while deferring until the most suitable moment—to be chosen by the Council—the summoning of an international conference for the reduction and limitation of armaments, it was essential that the preliminary work should be begun without delay.

The Assembly thought that these two points of view might be reconciled. On the one hand, though it was premature to contemplate immediately in all its details the summoning of an international conference, it was none the less possible

to begin the preliminary enquiries in so far as they might relate to all questions not directly affected by the international political situation. Accordingly, in the final paragraph of the resolution submitted by M. Quiñonès de León, the Assembly invited the Council to engage in preparatory studies for the organisation of a conference, in order that the conference might be convened as soon as satisfactory conditions had been assured from the point of view of general security, as provided in Resolution XIV of the Third Assembly.

As will be seen in the following chapter, the Preparatory Commission for the Disarmament Conference was constituted in virtue of this resolution.

Its programme of work, which bore on the technical aspects of the question and its connection with the security problem, was drawn up after the Locarno Agreements had been signed.

2. GUIDING PRINCIPLES OF THE NEW WORK. — SIMULTANEOUS EFFORTS AS REGARDS ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS.

The work entrusted to the Council and its advisory organisations aimed at the re-establishment of mutual confidence between nations and included studies along the following lines: *a)* Development of arbitration and security agreements of the Locarno type; *b)* completion of the technical work so as to enable a conference to be convened as soon as possible.

As it was not possible to apply the general solution proposed by the Protocol, the League's work from this moment concerned the investigation of special solutions.

The Locarno agreements were signed towards the end of 1925. In September, 1926, Germany was admitted to the League. At that moment the Assembly had before it the reports of the Council on the results obtained in the course

of the year which are summarised in the following chapter. It was thus able to confirm more definitely the instructions given the year before on which action was subsequently taken by the Council in December 1926.

The Assembly examined in particular the progress made in arbitration and security as described in a systematic survey of arbitration and security agreements prepared at its request by the League Secretariat. As stated by the rapporteur, M. Lazare Marcovitch, the Assembly's principal aim was to promote the development of international relations in the spirit of mutual confidence and security which prevailed at Locarno. The resolution adopted by the Assembly bore some relation to those of previous years, and more particularly to those of September 25th, 1925. It was designed to testify to the League's desire to promote the continuation of the work accomplished at Locarno, and to make that work more far-reaching by extending it to other regions of Europe and of the world as a whole.

The Assembly further stated that the conclusion of such agreements was a definite step forward in the establishment of mutual confidence and security, the indispensable conditions of the maintenance of international peace, and as such would facilitate the reduction and limitation of the armaments of all States.

The Assembly recommended that the limitation and reduction of armaments should correspond to existing conditions in regional and general security. It requested the Council to take action towards the application of these principles, expressing its conviction that the general ideas embodied in the clauses of the Locarno Treaties, whereby provision was made for conciliation and arbitration and for security by the mutual guarantee of States against any unprovoked aggression, might well be accepted amongst the fundamental rules which should govern the foreign policy of every civilised nation.

The Assembly accordingly invited the Council to recommend States members to put into practice the above-mentioned principles, and to offer, if necessary, its good offices for the conclusion of suitable agreements. This was a new departure which was subsequently approved by the Council. At that moment, as specified in the report, the Council had merely to give its encouragement and make a recommendation. The idea was nevertheless resumed later, and the Council is still studying the possibility of putting it into practice.

This was the general basis of the Preparatory Commission's work for the Disarmament Conference which it began in 1926, and upon which it is still engaged, a fresh impetus having been given by the 1927 Assembly. The main lines are described in the four following chapters. The first deals with the organisations preparing the Conference. It contains a list of the Committees and Commissions set up by the Council with their programme, which has been developed and completed as the discussions advanced and as possible solutions were gradually outlined. The other three chapters summarise the results obtained. They deal respectively with arbitration, security and the reduction and limitation of armaments.

CHAPTER VI

The Preparatory Commission for the Disarmament Conference. First Session.

In December, 1925, the Council, in accordance with the instructions of the Assembly, reorganised the Commissions preparing the Disarmament Conference. It had before it

proposals drawn up by its committees summarised in a report by M. Paul-Boncour, which it adopted almost entirely. It must be noted that, in addition to the Permanent Advisory Commission for military, naval and air questions, the Council Committee on Disarmament constituted the year before played an extremely important part in coordinating and directing the work.

The Council decided to set up the Preparatory Commission for the Disarmament Conference which has become the principal organ of this work. It is composed : a) of representatives of the States Members of the Council; b) of representatives of States which are in a special position as regards disarmament by reason of their geographical situation, and which are not otherwise represented on the Commission.

Two non-Member States sit on the Commission : the United States (1) since the beginning, and more recently the Union of Socialist Soviet Republics, whose representative took part in the session of november 1927.

There are at present twenty-six members on the Commission, all Government representatives, as the Council considered that this was necessary on account of the importance of the questions raised. Any State not represented on the Commission is entitled to submit memoranda on points which are of special interest to it and to be heard

(1) At the first meeting of the Commission the United States representative Mr. Gibson, recalled the reasons why his Government had agreed to send a representative, as stated by the President in his message to Congress on January 4th :

“ The general policy of this Government in favour of disarmament and limitation of armaments cannot be emphasised too frequently or too strongly. In accordance with that policy, any measure having a reasonable tendency to bring about these results should receive our sympathy and support. The conviction that competitive armaments constitute a powerful factor in the promotion of war is more widely and justifiably held than ever before, and the necessity for lifting the burden of taxation from the peoples of the world by limiting armaments is becoming daily more imperative ”.

in support of its memoranda. The Commission may further invite any States, which in its opinion is particularly concerned, to co-operate in work on special questions.

The Commission may seek the cooperation and advice of the competent League organisations, which may of their own initiative present any suggestions which they consider useful. For the military, naval or air aspect of questions the Commission is assisted by the Permanent Advisory Commission; for economic questions it is assisted by a special body, the Joint commission composed of two members of each of the Economic, Financial and Transit Organisations, and of representatives of workers and employers' groups of the Governing Body of the International Labour Office.

There are two expert committees; one on civil aviation, and the other on budget questions. Finally, the Preparatory Commission can always summon and hear any persons whose special qualifications are calculated to facilitate its work on a given subject.

- In his report to the Council, Dr. Benes described as follows the programme of the Commission :

These proposals are very skilfully designed to meet the requirement that the higher political direction and coordination of the preliminary work should be concentrated in the hands of accredited representatives of the Governments. In view of the very diverse features which the problem presents in different parts of the world and in order to meet the wishes of the Assembly, the scheme rightly provides for the extension of the leading organisation by adding to the representatives of States Members of the Council a certain number of representatives of other States which are in a special situation in regard to this problem. It also provides means of enabling States not directly represented to make their views heard, and it empowers this Commission of Government representatives to obtain the opinions of experts specially qualified to advise on particular questions. Another advantage offered

by the scheme submitted to us is that it creates a well-defined yet elastic, system of cooperation in the work of disarmament with the technical organisations of the League.

The Preparatory Commission set up two Sub-Commissions, Sub-Commission A (Military Questions) composed of a military, naval and air expert for each of the countries represented on the Commission; Sub-Commission B (Economic Questions) composed of a representative of each delegation to the Preparatory Commission. The President of the Plenary Commission, which held its first session in May, 1926, is the Netherlands representative, Mr. Loudon.

I. PROGRAMME OF WORK.

The original programme of the Preparatory Commission was drawn up by the Council Committee on Disarmament whose report, prepared by M. Paul-Boncour, was submitted to the Council in 1925.

The Committee of the Council had had to consider three lists of questions; one submitted by Lord Cecil (British Empire); one by M. Paul-Boncour (France) and the third by M. Cobian (Spain). On the basis of these lists the Committee drew up a questionnaire which was adopted by the Council with slight changes and finally became the programme of the Preparatory Commission. This questionnaire took account of the various points of view which had been revealed by the discussions both on the technical aspect of the questions and on the problem of security—points dealt with in a paragraph contemplating the possibility of making reduction of armaments proportionate to conditions of security and referring also to the question of mutual assistance economic and military.

In the report which Dr. Benes submitted to the Council on the subject, attention was drawn to certain political ques-

tions. The first concerned the interdependence of armaments. The French, Italian and Japanese representatives having stated on behalf of their Governments that they could not see their way to dissociate the various kinds of armaments—military, naval and air — and to consider them at separate conferences.

The rapporteur explained the position as regards the "potential war strength", a question which had often been discussed by the League organisations. He drew attention to the fact that the question was not to find a basis of comparison nor to effect a reduction, but to compensate potential war strength by economic and financial assistance.

A large number of delegates urged that it was impossible to deal with the disarmament question without reference to what has been called the potential war strength of the various countries—in other words, their population and their economic and industrial resources. As there could be no question of effecting a reduction in such factors, nor even of usefully examining them, they thought that it would not be practicable to find a fair basis for comparison between peace-time armaments properly so called unless the potential war strength of various countries were made comparable by organising economic and financial assistance as provided in principle in Article 16 of the Covenant.

The rapporteur then dealt with the question of the forces to be brought into line against a State guilty of aggression :

The French representative having laid great stress on the point that one of the essential objects of the reduction and limitation of armaments was to secure a position in which no country committing an aggression would be able to make head against the total forces which could be brought against it by the Members of the League acting conjointly in pursuance of Article 16 of the Covenant and of regional agreements as contemplated in Article 21.

Finally, the extremely controversial question of the international supervision and the limitation of armaments was touched upon :

The British, French and Spanish delegates expressed the opinion that the question of an international supervision to ensure that the observance of limitation of armaments was being observed should be examined by the Preparatory Commission. The French delegate emphasised the necessity of such supervision, particularly during the period when the arbitration and conciliation proceedings provided for in the Covenant of the League of Nations and in the various agreements recently concluded were in progress.

On this subject the Council Committee on Disarmament had not reached any conclusion. It had confined itself to submitting to the Council two statements giving the different points of view and recalling that M. Cobian (Spain) had proposed that an international organisation should be appointed to ensure the supervision and the limitation of armaments. The first statement was submitted by Viscount Cecil :

One question would at any rate have to be added. The Preparatory Commission would have to enquire into the nature of the international supervision to be, if possible, established in order to make sure that countries kept within the limits of the scale of armaments which had been fixed for them. It might prove impossible to establish such international supervision, and countries might have, as at present, to rely on their military attachés, but this was a matter which the Preparatory Commission should investigate.

The second by M. Paul-Boncour :

If the limitation of armaments were not to have as a counterpart a general system of control, it would be equivalent to placing a premium on bad faith. If, however, only the visible disarmament in peace time were taken into account, this control could only be exercised over the actual troops in bar.

racks and on the material of war in the magazines. On the other hand, were account to be taken of the potential war strength, it would have to be admitted that war material would have at the same time to be controlled and that control should be particularly active and vigilant during the period when the procedure of conciliation and arbitration was being applied. This procedure had just been defined by the recent agreements, which contained valuable promises of security.

2. LIST OF QUESTIONS REFERRED TO THE PREPARATORY COMMISSION.

The following questions were referred to the Preparatory Commission :

Question I.

What is to be understood by the expression " armaments " ?

(a) Definition of the various factors—military, economic, geographical, etc.—upon which the power of a country in time of war depends.

(b) Definition and special characteristics of the various factors which constitute the armaments of a country in time of peace; the different categories of armaments—military, naval and air—the methods of recruiting, training, organisations capable of immediate military employment, etc.

Question II.

(a) Is it practicable to limit the ultimate war strength of a country, or must any measures of disarmament be confined to the peace strength?

(b) What is to be understood by the expression " reduction and limitation of armaments " ?

The various forms which reduction or limitation may take in the case of land, sea and air forces; the relative advantages or disadvantages of each of the different forms or methods; for example, the reduction of the larger peacetime units or of

their establishment and their equipment, or of any immediately mobilisable forces : the reduction of the length of active service, the reduction of the quantity of military equipment, the reduction of expenditure on national defence, etc.

Question III.

By what standards is it possible to measure the armaments of one country against the armaments of another, *e. g.*, numbers, equipment, expenditure, etc.?

Question IV.

Can there be said to be "offensive" and "defensive" armaments?

Is there any method of ascertaining whether a certain force is organised for purely defensive purposes (no matter what use may be made of it in time of war), or whether, on the contrary, it is established for the purposes in a spirit of aggression?

Question V.

(a) On what principle will it be possible to draw up a scale of armaments permissible to the various countries, taking into account particularly :

Population;

Resources;

Geographical situation;

Length and nature of maritime communications;

Density and character of railways;

Vulnerability of the frontiers and of the important vital centres near the frontiers;

The time required, varying with different States, to transform peace armaments into war armaments;

The degree of security which, in the event of aggression, a State could receive under the provisions of the Covenant or of separate engagements contracted towards that State?

(b) Can the reduction of armaments be promoted by examining possible means for ensuring that the mutual assistance,

economic and military, contemplated in Article XVI of the Covenant shall be brought quickly into operation as soon as an act of aggression has been committed.

Question VI.

(a) Is there any device by which civil and military aircraft can be distinguished for purposes of disarmament? If this is not practicable, how can the value of civil aircraft be computed in estimating the air strength of any country?

(b) Is it possible or desirable to apply the conclusions arrived at in (a) above to parts of aircraft and aircraft engines?

(c) Is it possible to attach military value to commercial fleets in estimating the naval armaments of a country?

Question VII.

Admitting that disarmament depends on security, to what extent is regional disarmament possible in return for regional security? Or is any scheme of disarmament impracticable unless it is general? If regional disarmament is practicable, would it promote or lead up to general disarmament?

The Preparatory Commission began to work on this programme in May 1926, entrusting to its Sub-Commissions and advisory organisations a certain number of tasks of which the results are described in the following chapters.

3. ADDITIONS TO THE PROGRAMME OF SECURITY.

In the course of the work several questions were raised which made it necessary for the Council Committee to intervene. They concerned proposals made by the French, Polish and Finnish Delegations during the debate on the questionnaire concerning security. The object of the French proposal was :

(1) To establish methods or regulations which would faci-

litate the meeting of the Council in case of war or threat of war;

(2) To enable the Council to take such decisions as might be necessary to enforce the obligations of the Covenant as expeditiously as possible;

(3) To investigate procedure for the rapid drafting of recommendations regarding the military assistance provided for by Article 16 of the Covenant, and measures for preventing hostilities, and

(4) To study measures which would enable the Council to give most rapidly such economic and financial help as might be necessary to a State which had been attacked.

The Polish proposal concerned the special organisation of regional assistance.

The Finnish proposal aimed at organising in advance financial assistance for certain States which would be more particularly exposed to attack.

* * *

Such are the general lines of study pursued by the organisations set up by the Council. Numerous meetings have been necessary. The Commission and Committees are still at work. The results obtained, though not yet definitive, have marked a considerable step forward in the technical preparation of the Conference, and have contributed to the development of the procedure for the pacific settlement of international dispute.

CHAPTER VII

Arbitration and Conciliation.

Once it had been decided that the preparatory work should be resumed, and before the Council and its Committee had drawn up a general programme, the Assembly of 1925 turned its attention to arbitration and conciliation and recommended this procedure to the members of the League.

The debate on the Protocol was still too recent for the Assembly to invite the Council to resume its study of the principles of compulsory arbitration set forth in the first part of the Protocol, as proposed by M. Uden on behalf of the Swedish delegation. Several members of the Assembly had considered that it would be unwise to state in advance that the best means of promoting compulsory arbitration was the constitution of a general and uniform system. It was generally considered that account must be taken of the numerous agreements on arbitration and judicial settlement concluded during the last few years, and that an exhaustive study must be made of them. It would only then be possible to draw the necessary conclusions.

The Assembly also desired to retain the proposal submitted by M. Adatci, on behalf of the Japanese delegation, which concerned not only compulsory arbitration strictly speaking, but also conciliation, the importance of which had several times been recognised.

It accordingly invited the Council to institute a theoretical and practical study of the whole problem of the pacific settlement of international disputes.

The Assembly noted that one of the results contemplated by the Protocol, namely, the absolute prohibition of wars of aggression, could also be obtained by the conclusion of arbi-

tration conventions between members of the League, such engagements being guaranteed *ipso facto* by Article 14 of the Covenant and, in a special resolution, drew the attention of Governments to the desirability from the point of view of their security, of concluding particular conventions for arbitration or for the judicial settlement of disputes.

I. ARBITRATION AND CONCILIATION.

In 1926, the League Secretariat prepared at the request of the Council, a systematic survey of the arbitration and conciliation conventions, and of the treaties of mutual security, deposited with the League of Nations.

In the volume published on the subject, the first chapter deals with treaties of arbitration, strictly speaking. The characteristic feature of these Treaties—negotiated as a result of the Second Hague Conference of 1907—is that disputes in respect of which the parties must resort to arbitration are limited in the sense that only disputes of a legal character are to be dealt with by this procedure. There are a certain number of reservations.

Apart from these treaties with a restricted scope, there is another category which provides for compulsory arbitration between the contracting parties over a wider field. Such treaties extend to disputes which are not of a legal nature, and they employ wider terms, such as “the High Contracting Parties undertake to submit to arbitration all disputes of whatever nature, etc.”

These treaties which also contain certain reservations, were, in general, concluded in more recent times, particularly after the war.

Chapter II deals with Treaties of Conciliation.

In principle, a treaty of conciliation establishes, as between the parties, an obligation to submit disputes which may arise

between them to a Conciliation Commission or Commissioner. The essential difference between treaties of conciliation and arbitration treaties is that under the former the parties are obliged, in the first instance, to have recourse to the procedure for conciliation, but they are not necessarily obliged to abide by its result. The proposals of a conciliation commission must be, from their nature, optional; whereas the decisions of arbiters are binding.

A considerable number of the conciliation treaties were negotiated after the adoption by the Third Assembly of the League of Nations on September 22nd, 1922, of the recommendation in favour of treaties of conciliation.

These treaties provide for the establishment of permanent commissions of conciliation. They contemplate the procedure of conciliation as a parallel method to that of compulsory arbitration. Disputes capable of judicial settlement are not necessarily to be submitted to the preliminary procedure of conciliation—although the parties may agree that this should be done.

Chapter III concerns treaties of arbitration and conciliation which provide in one and the same instrument for arbitration or judicial procedure, and also for conciliation.

2. WORK OF THE COUNCIL.

The Council forwarded the survey prepared by the Secretariat to the 1926 Assembly. It set forth the number of treaties studied, saying that "it was happy to note this striking evidence of the spirit of conciliation which exists in international relations" and adding that "without doubt the most complete success achieved by this spirit in recent times was the Locarno group of treaties".

It had also instituted a study of all the proposals, declarations and suggestions presented to the Assembly with a

view to the pacific settlement of disputes. It considered that the general impression was that the movement for the pacific settlement of disputes which had undoubtedly started in the public opinion of all civilised nations, was acquiring an ever-increasing force and should already be regarded as part of the practical policy which a number of States were in a position to adopt.

The Council then enumerated the various tendencies which might be observed. It noted that the first was towards the development of methods of conciliation :

This method of conciliation is regarded from two points of view — as a preliminary stage, coming before arbitration and judicial settlement in the case of disputes which could ordinarily be settled by those methods if conciliation failed, or as a subsidiary method of settlement for disputes which are not submitted to judicial settlement. The tendency towards the development of conciliation takes two different forms :

(a) The consideration of the problem of conciliation as a whole, that is to say, from the standpoint of a general convention for the avoidance and, if possible, the settlement of international disputes by the system of conciliation. This tendency appears in the proposal to consider the possibility of improving the model conciliation convention drafted by the third Assembly (proposal of the Japanese delegation).

(b) The discussion of the desirability of establishing special conciliation committees — for example, for the affairs of Eastern Europe, for Eastern affairs, for American affairs — which would be in the nature of advisory committees to advise the Council when necessary.

In the opinion of the Council there was also a tendency to reaffirm, after the failure of the Protocol, the principle of compulsory arbitration. In this connection it noted that certain States Members had continued to be in favour of the general adoption of the principle of compulsory arbitration,

with the creation of arbitration zones which it was hoped would gradually extend.

The Council noted in conclusion that this active movement in favour of arbitration was a sure sign of the goodwill of the different States to establish peace on a solid footing. It considered it possible to hope that the development of such agreements would help to bring about the general solution which the Assembly had so often endeavoured to find. In any event the conclusion of such special agreements, far from being an obstacle to such a solution, could do nothing but assist it.

CHAPTER VIII

Security.

Enquiries into the question of security were undertaken by the Council Committee on Disarmament, assisted by the Committee on Communications and Transit and the Financial Committee.

These enquiries were conducted on the lines indicated by the Assembly, and bear in particular (1) :

(1) The Report of the Council to the Seventh Assembly in 1926 contains the following passage :

"Side by side with the proposals made for the pacific settlement of international disputes, mention should be made of the views expressed as to the causes of these disputes, so that, in the striking words of M. Scialoja, " law, no longer confined to the external form of international relations, may better regulate these relations themselves ". It is difficult to draw a line between the moment when a dispute could be settled and the moment when it could be avoided. In 1924, when the Protocol was under discussion, M. Jouhaux, of the French delegation, called the Assembly's attention to the economic causes of international disputes and the necessity of coping with them by means of an international organisation. This idea has been expressed on several occasions by the Italian delegation at the Assemblies of 1924 and 1925. It reappears in 1925 in a speech by Dr. Caballero, delegate of Paraguay, and obviously exercised a strong influence on the decision of the sixth Assembly upon the French proposal for the convening of an Economic Conference."

(a) on practical measures for strengthening the preventive action of the Council as mentioned in Article II of the Covenant,

(b) on methods or regulations to ensure the rapid working of the League organs in times of emergency,

(c) on financial assistance for States attacked.

At the same time the Council pursued the action which the Assembly had asked it to undertake with a view to the conclusion of treaties of the Locarno type.

I. MEASURES TO FACILITATE THE APPLICATION OF ARTICLE II OF THE COVENANT.

The studies of preceding years had shown the importance of the preventive action of the Council. The experience of the Council had confirmed these conclusions; the Preparatory Commission of the Council Committee consequently could not fail to be impressed by the importance attached to the procedure adopted by the Council when acting under Article II.

Attention was drawn to this question in a report submitted to the Council Committee in December 1926 by M. de Brouckère as a result of which three members of the Council Committee (M. de Brouckère, Lord Cecil and M. Titulesco) were requested to draw up a detailed scheme which the Council Committee terminated and adopted in March 1927, and which the Council itself adopted in December of the same year on the recommendation of the Assembly.

Considering that it would not be advisable to draw up definite rules for the procedure of the Council in cases contemplated by Article II, the Committee had not endeavoured to establish a code of procedure or to give an interpretation of Article II. It had confined itself to indicating measures which might be taken by the Council in given circumstances.

These measures are based mainly on resolutions of the Assembly and the Council, and on the precedents established by the Council more especially in connexion with the Greco-Bulgarian frontier incident.

This report sums up the experience of the past few years as regards the prevention of conflicts and constitutes, with due reference to established practice, a guide for the future action to the Council. Its title is: *Report on methods or regulations which would enable the Council to take such decisions as may be necessary to enforce the obligations of the Covenant as expeditiously as possible.*

It should be clearly understood that the measures contemplated below are only cited as examples, and that the value of any other measure which might be taken is neither under-rated nor disputed. It was considered impossible to prescribe by resolutions, recommendations or suggestions, limits to the extensive rights which the League held in virtue of its essential duty, that of effectually safeguarding the peace of nations.

The report emphasises that the procedure instituted under Article II in no way implies the exclusion of procedure taken under other provisions of the Covenant. The Aaland Islands question, for example, was referred to the Council by the British Empire in virtue of Article II, but this did not prevent the Council, acting under Article 4, paragraph 4 (any question affecting the peace of the world) from applying Articles 12, 15 and 17.

If any action is taken by the Council under the provisions of Article 15, the votes of the representatives of the parties will not count for purposes of unanimity as far as such action is concerned. The report referred to in Article 15, paragraph 6, may of course contain any recommendations which the Council may think likely to bring about a settlement of the dispute and prevent a rupture.

The report discriminates between cases where there is no threat of war or where it is not acute, and those where there is imminent threat of war. The measures proposed in the first case are the following :

(a) The Council will consider the question at a meeting, to be called specially if necessary, to which the contending parties will be summoned.

(b) The Council can request an organisation, or even a private individual appointed by it to exercise conciliatory action on the parties.

(c) The Council may also suggest that the dispute be referred to arbitration or judicial settlement, in accordance with the provisions of Article 13 of the Covenant.

(d) If there is a doubt as to the facts of the dispute a League Commission may be sent to the *locus in quo* to ascertain what has actually happened or is likely to happen. It is understood that such a Commission cannot go to the territory of either party without the consent of the State to which that territory belongs.

(e) If, for the accomplishment of its task, the Council deems it necessary, it can, in certain appropriate cases, ask for an advisory opinion from the Permanent Court, or else, in certain special circumstances, from a Committee of Jurists appointed by it.

and in the second case :

(a) Everything should be done to ensure that the Council shall meet with the greatest promptitude.

(b) Even before the Council meets, it is desirable that the Acting President should send telegraphic appeals to the parties to the dispute to refrain forthwith from any hostile acts.

(c) As soon as the Council meets, it will no doubt verbally urge on the representatives of the nations in dispute the great importance of avoiding a breach of the peace.

(d) Further, the Council may take steps to see that the

status quo ante is not disturbed in such manner as to aggravate or extend the dispute and thus to compromise the pacific settlement thereof. For this purpose it may indicate to the parties any movements of troops, mobilisation operations and other similar measures from which it recommends them to abstain.

Similar measures of an industrial, economic or financial nature may also be recommended. The Council may request the parties to notify their agreement on these points within the shortest possible space of time, the length of which will, if necessary, be fixed by the Council.

The details of these measures, and even their nature, obviously depend upon the whole of the circumstances of the dispute. It should be mentioned that, in certain cases with which it has had to deal, the Council fixed a neutral zone on either side, from which the parties to the dispute were called upon to withdraw their troops.

(e) In order to satisfy itself of the way in which these measures have been carried out and to keep itself informed of the course of events, the Council may think it desirable to send representatives to the locality of the dispute.

(f) Should any of the parties to the dispute disregard the advice or recommendations of the Council, the Council will consider the measures to be taken. It may manifest its formal disapproval. It may also recommend to its Members to withdraw all their diplomatic representatives accredited to the State in question, or certain categories of them. It may also recommend other measures of a more serious character.

(g) If the State in default still persists in its hostile preparations or action, further warning measures may be taken, such as a naval demonstration. Naval demonstrations have been employed for such a purpose in the past. It is possible that air demonstrations might within reasonable limits be employed. Other measures may be found suitable according to the circumstances of each case.

If, despite the measures recommended, a resort to war takes place, it is probable that events would have made it

possible to say which State is the aggressor, and in consequence, to enforce more rapidly and effectively, the provisions of Article 16.

2. WORKING OF THE LEAGUE ORGANISATIONS IN TIMES OF EMERGENCY.

The work of the Committee on Communications and Transit, the Council Committee and the Secretariat in regard to methods and regulations to ensure the rapid working of the League organisations in times of emergency was undertaken for the same purpose as the enquiries concerning Article II of the Covenant. In both cases the main pre-occupation is to render the action of the Council at such moments as efficacious as possible.

The settlement of the Greco-Bulgarian frontier incident in 1925 had shewn that the rapid action of the Council was an essential factor in the League's intervention, and the Commission of Enquiry despatched to the spot had recommended that Governments and the League Secretariat should be given special transmission and transit facilities in the event of a threat of war. It contemplated more particularly the use of wireless telegraphy and priority messages.

The Council asked the Committee on Communications and Transit to study this question, referring to it later other and more comprehensive proposals of the Preparatory Commission.

a) *Proposals of the Committee on Communications and Transit for the improvement of the League Communications.* — In this way, the Committee on Communications and Transit was led to examine the whole question of communications concerning the League in times of emergency. It considered what special measures might be taken as regards different kinds of communications to ensure that those of interest to the

League, when called upon to act in virtue of Articles 11, 15, or 16 of the Covenant, should work with the necessary speed and security in the event of the convocation of the Council, and as regards relations of all kinds between the States Members concerned, the Council, the Secretariat and missions sent out by the Council.

Expert advice was sought, and the Committee, after a preliminary investigation, proposed technical measures bearing on communications by rail, air, wire and wireless. They include the modification of time-tables in exceptional cases, the organisation of special trains, connections between different means of communication, transit authorisations for aircraft not belonging to a regular service and transporting members of the Council or League officials, the establishment in each country of a central service for the coordination of League communications, etc.

These proposals were adopted by the Committee of the Council and by the Council itself, which, in December 1926, invited States Members to consider the desirability of assuming an obligation to facilitate by every means in their power the most rapid and effective action of the League organs in case of emergency. It also invited them to give favourable consideration to the technical measures proposed and to take any steps which they might deem possible to facilitate their application.

b) *Study of the use of wireless telegraphy.* — Subsequently the Committee on Communications and Transit undertook further investigations with a view to the application of the measures contemplated in its report. These investigations concerned :

a) The identification of aircraft on League service in times of emergency, and accordingly entitled to special facilities;

b) The equipment of a landing-ground for aircraft

near Geneva offering adequate guarantee for all the League's requirements at times of emergency;

c) The identification of persons entitled to the transport and communication facilities in question;

d) Conditions for the flight in transit of aircraft doing service for the League.

The Committee also made a preliminary study of the possibility of providing the League with a wireless telegraphic station. After consulting experts, it drew up a programme for the establishment, at the seat of the League, of a wireless station which would enable it in time of emergency to have urgent radiotelegraphic communication with the countries affected (in particular, European countries), and, in normal circumstances, to ensure as far as possible its regular telegraphic correspondence (Secretariat, delegations).

c) *Agreement of the Members of the League.* — The Assembly approved these results in 1927. It adopted a formal resolution on the rapid working of the League organisations, once more affirming that States Members are under an obligation to facilitate by all means in their power the rapid meeting of the Council in times of emergency, and it invited them to take all the necessary measures in advance. The Council was asked to continue its studies.

3. MEASURES TO FACILITATE THE APPLICATION OF ARTICLE 16 OF THE COVENANT — FINANCIAL AID FOR STATES ATTACKED.

The technical aspect of the question of financial aid for States victims of aggression (Finnish proposal) was considered by the Financial Committee, which drew up a scheme for the organisation of financial assistance by a system under which the credit of the individual country would be strengthened by association with that of other States.

The credits would be obtained in the ordinary way in the money market, and the attacked State would itself contract a loan on the general security of its revenues, with the aid of an international guarantee, whose mechanism would be similar to that of the Austrian Reconstruction Loan. It is proposed that the scheme and general conditions should be embodied in a convention open for signature by the various States, but that a State should not benefit by it unless it accedes within a given period.

This scheme is at present being studied by the Arbitration and Security Committee constituted by the Preparatory Commission in November, 1927.

4. TREATIES OF GUARANTEE AND SECURITY.

While studying the means of preventing war offered by the Covenant and endeavouring to facilitate the technical preparation and execution of its decisions, the Council did not lose sight of the question of treaties of guarantee and security.

The collection of treaties of arbitration and conciliation prepared in 1926 contains two chapters on treaties of mutual guarantee and the Locarno agreements. The treaties of mutual guarantee published in this volume are usually of greater political than legal interest. The way in which they are drafted shows some signs of the influence of the work done by the League, those more recently concluded containing a statement in one form or another of the principle that the guarantee between States is designed within the framework of the League to reinforce respect for peace by strengthening the sanctions which aggression would incur.

In the report of the Council to the Assembly of 1926, special emphasis is laid on agreements of the Locarno type. It was pointed out that the Locarno agreements might be said to contain in varying degrees all the ideas already embodied in arbitration and conciliation conventions, with the

addition in certain wellknown cases of the idea of military guarantees or sanctions which also figured in the Treaty of Mutual Guarantee of 1923 and the Protocol of 1924.

The Council emphasised the fact that by the Locarno Treaties military intervention on behalf of the State attacked would take place under the strictest international guarantees but that at the same time the sovereignty of the guarantor was scrupulously respected. It further recalled that on several occasions at the Sixth Assembly agreements on the same general lines as the Treaty of Locarno were recommended for other zones of insecurity. Various speakers had emphasised the possibility of achieving the universal solution at which the Protocol had aimed through this more modest system of local solutions which might gradually cover the entire international situation.

CHAPTER IX.

Technical Work on Disarmament.

The Preparatory Commission of the Disarmament Conference has now entered upon a decisive stage of its work. It has had abundant material from its Sub-Committees and Technical Committees, the more important part of which is constituted by the report of Sub-Commission A, composed of military, naval and air experts of each of the countries represented on the Preparatory Commission.

I. REPORT OF THE MILITARY TECHNICIANS (SUB-COMMISSION A).

This document includes about 150 pages and is a series of replies to questions put to the Sub-Commission. These

questions were drawn from the list referred to the Preparatory Commission as its programme of work.

The Sub-Commission held three sessions between May 28th and November 5th, 1926, under the successive chairmanship of M. Cobian (Spain), M. Buero (Uruguay) and M. de Brouckère (Belgium).

The delegations reached agreement on numerous points, on others there were differences of opinion which explain the difficulties encountered later by the Preparatory Commission in reaching a unanimous agreement as to the basic principles of a convention for the limitation and reduction of armaments.

It is impossible to summarise briefly the extremely technical and detailed report of Sub-Commission A. For the opinion of the separate delegations reference should be made to the document itself, which contains, in addition to the replies, numerous detailed statements from one or more delegations.

The principal discussions as to what method of limitation and reduction should be chosen may be summed up as follows :

a) *Land Armaments.* — The main discussion bore upon the kind of armaments to be limited or reduced. Certain delegations considered that a distinction must be drawn between peace-time armaments and war-time armaments, and that only the first should be limited.

By peace-time armaments they understood the forces in service in peace-time (forces organised on a permanent footing) and capable of use without preliminary mobilisation measures, together with their material, live-stock and establishments.

War-time armaments were understood to mean forces capable of use in time of war, namely, trained reserves, mobilisation material (stocks of material, material that can be requisitioned) and all other personnel and material that can

be brought into action in the case of hostilities by means of the general resources at the disposal of each country.

The supporters of this theory maintained that only peace-time armaments could be limited, for the reason that these armaments could be used before the issue of the mobilisation order, and were therefore capable of immediate surprise action.

They considered further that as regards armaments used after the outbreak of hostilities, it was impossible to make an arbitral distinction between those prepared in advance and those manufactured at the outset of mobilisation. In certain cases armaments requisitioned and forming part of the national civil plant are utilised even before the material in stock.

To this argument a certain number of delegations replied by a discrimination between forces in service in peace-time, forces prepared for wartime (reserves of trained personnel, stocks of material and preparations of every description undertaken with a view to war) and the ultimate war forces created during hostilities by means of the general resources at the disposal of each country.

These delegations considered that the last-named class was not properly speaking war material, but that on the other hand, the limitations or reductions might bear in varying degrees on the two first classes.

They also maintained that the fact of possessing trained reserves and material for equipping them made it possible to put immediately numerous units into the field and to obtain decisive results from the outset. They considered that it was impossible not to take these factors into account, and that the trained peace-time reserves and the material stocked for their equipment should be limited. It should be noted that, with these exceptions, the military technicians reached agreement on a certain number of principles concerning the scope and efficacy of methods of limitation.

b) *Naval armaments.* — The Sub-Commission recognised that only warships should be limited and that such limitation should not hamper the construction of merchant ships, while at the same time admitting that the merchant fleets had a certain military value. Certain delegates considered that the military value of such fleets should be taken into account when establishing the ratios for the different navies.

As regards the methods of limitation of warships the naval delegates formed two opposing camps. On the one hand it was maintained that the limitation should apply to the total tonnage of each fleet and leave each country free to distribute and arrange this tonnage in the manner best suited to its defence.

At Washington the limitation only applied to capital ships and aircraft carriers. The supporters of the total tonnage argument maintained that this was no reason to continue the system of classes; in the first place because it was difficult to establish an equitable and uniform definition for all countries; in the second place, because this system presented great disadvantages for States with small navies. Limitation by classes would place the weaker navies at a disadvantage.

These delegations asked that the limitation of naval effectives should be placed on the same footing as that of land effectives.

To these arguments the supporters of limitation by classes replied that the fixing of a total tonnage would virtually nullify the stipulations of the convention. This method would make it impossible to maintain the ratio fixed for the strength of the various fleets. The limitation by classes would alone guarantee that any one navy would not develop into a menace for the security of others.

The partisans of this theory were opposed to a limitation of naval effectives which they considered useless. The de-

fenders of both theories based their arguments on experience. The supporters of the total tonnage argument recalled that the League had failed in 1924 in Rome when it had endeavoured to extend the principles of the Washington Naval Treaty to all States. The partisans of limitation by classes replied that their system which had been applied at Washington had prevented, as regards capital ships and aircraft carriers, an armaments race between the big navies, and that a similar result could be obtained if such limitations were applied to other fleet units.

c) *Air armaments.* — Generally speaking, the Sub-Commission recognised that the technical features of civil planes were, with a slight difference, similar to those of military planes. There was, however, a difference of opinion regarding the question of limitation.

Without entering into the technical considerations put forward by the various delegations, it may be said that a certain number of them maintained that, in order to be efficient, any method applied must provide for the limitation of military and civil aviation as a whole. At the present stage a country desiring to increase its war air power, despite the limitation of its military aviation, could nevertheless succeed in its designs by developing its civil aviation beyond its normal requirements.

Other delegations asked that civil aviation should be left untouched as its purposes were purely economic. Any attempt to limit it would only hamper the development of commercial aviation.

d) *Limitation of expenditure.* — Certain delegations proposed that the national defence expenditure should be limited. They considered that by this means it might be possible to cover armaments which it was difficult to limit directly, in particular, certain classes of material. It would also be a means of controlling indirectly the execution of the limitation of armaments.

Other delegations considered that expenditure did not constitute a real standard for measuring such armaments, and was not an equitable basis for their limitation. The reduction of expenditure would be the automatic result of a limitation of various kinds of armaments.

e) *Different kinds of armaments.* — Numerous delegations maintained definitely their standpoint as regards the necessity of limiting simultaneously land, sea and air armaments. They considered that owing to the interdependence of such armaments, it was impossible to deal with them in separate conferences or conventions.

Other delegations declared that, for practical reasons, it might be advisable to draw up separate conventions. They maintained that in any case it would be impossible to ask the Great Sea Powers to reduce their naval armaments unless such reduction were based on a reduction of the naval armaments of other countries, and not on the reduction of the land armaments of great military Powers.

f) *Supervision.* — The Sub-Commission was in general agreement on the question of general information as provided in Article 8 of the Covenant, and while admitting that it would be possible to complete and develop certain parts of the Military Year-book published by the Secretariat, particularly after the conclusion of a convention, it considered the publication of this year-book was a suitable means of conducting and developing the exchange of information.

Several delegations nevertheless considered that a more effective supervision would be necessary. A disarmament convention which did not provide for supervision would defeat its own end. Other delegations were of a contrary opinion, considering that a disarmament convention could only be based on international good faith. There were further differences of opinion regarding the possible methods of supervision.

Sub-Commission A also had to examine a kindred question raised for the first time in the Preparatory Commission by M. de Brouckère who had contemplated the possibility of investigations in the various countries in the event of complaints regarding the execution of the Convention. The procedure would be similar to that contemplated by Section XIII of the Peace Treaties concerning the statute of the International Labour Organisation.

Certain delegations were absolutely opposed to this procedure which in their opinion would be useless and would only give rise to international mistrust. Others were in favour of it, subject to the adoption of very definite measures of execution which would guarantee the technical efficacy of such enquiries.



This summary description, which is of necessity incomplete, gives some idea of the difficulties encountered by the Preparatory Commission in drawing up a Disarmament Convention. But the work of the technicians had established clearly the points on which there were differences of opinion and in regard to which the Government delegates had to seek compromise. Their report further constituted an extremely complete repertory of all the military aspects of the problems, and provided the groundwork for an agreement on many of the technical aspects of the limitation of land, sea and air armaments.

2. REPORT OF THE JOINT COMMISSION.

The Preparatory Commission also considered a report of the Joint Commission.

The Joint Commission had examined, in the first place, whether the supervision of the application of the Disarma-

ment Convention would encounter difficulties from the economic point of view. It had rejected the word "control" as lending itself to very different interpretations and had worked out a procedure which would enable the application of a convention to be watched from the economic point of view. It recommended that a permanent statistical organisation should be set up to centralise and study the data relating to the application of the convention.

As regards the proposal of Mr. de Brouckère to insert in the future convention provisions similar to those contained in Articles 411 to 420 of the Treaty of Versailles (Statute of the International Labour Organisation), the Commission concluded as follows :

Despite the minor economic drawbacks which such clauses may have and despite the serious economic consequences which certain forms of procedure might involve in case of violation, the Commission once more expresses its conviction that the insertion of the proposed clauses can only serve to enhance the feeling of security, by reason of the stricter — because more closely supervised — application of the Convention.

The report of the Joint Commission also dealt with the following points : the conclusion of an agreement between the chemical industries of the different countries under the auspices of the States concerned which would enable the manufacture of poison gas to be rationed; the limitation of armaments by means of the budget limitation, in addition to the direct numerical limitation of effectives and materials; the influence of economic factors such as the population and various resources of the country, on its armaments and war strength.

3. OTHER TECHNICAL REPORTS.

The Commission also had reports from two Expert Committees. The Committee on Civil Aviation had examined the

economic consequences to civil aviation which might be entailed by the various systems of limitation of air armaments. It concluded that further development of civil aviation should not be hampered by any military consideration, adding that every effort should be directed towards differentiating more and more clearly between civil and military aviation. The Committee was in favour of the conclusion of economic agreements between civil aviation undertakings in the different countries.

Another Committee, that of the Experts on Budget Questions, drew up a report containing a model statement of national defence expenditure which, if adopted "would serve the purpose of publicity for which it was intended".

4. WORK OF THE PREPARATORY COMMISSION (THIRD SESSION). — PREPARATION OF A DRAFT CONVENTION ON THE LIMITATION AND REDUCTION OF ARMAMENTS.

In the light of the work of its Sub-Committees and Technical Committees, the Preparatory Commission examined the draft conventions deposited by the British delegate, Lord Cecil, and the French delegate, M. Paul-Boncour, with a view to establishing a single text which might serve as a basis of discussion for an international conference.

a) *British draft.* — The first article of this draft laid down the general principle of an agreement for the limitation of land, sea and air armaments to the figures to be indicated in the tables annexed to the convention (1).

Article 2 contemplated a certain number of cases in which the convention would be suspended (war, rebellion, a serious emergency or the concurrence of the Council).

Articles 3 and 4 concerned budget expenditure. On this

(1) It would be left to the General Conference to indicate the figures.

subject, Lord Cecil when depositing this draft, spoke as follows :

All that we have so far found it possible to insert are two clauses showing that, in the first place, the parties to the convention shall communicate in the form of the model statement which one of our Sub-Committees is in the course of drawing up, an account of every proposed expenditure, and then at a later date, an account of the amount that they actually have expended. I think it is quite possible that some of my colleagues will wish to go further than that. All I can say is that there are grave practical difficulties in going further than that, but of course we should be most ready to take part in any discussion that may be raised on the point.

Thus, one of the first difficulties was raised, namely, budget limitation. For its solution, the British draft only contemplated measures of publicity.

The following three chapters dealt with land, sea, and air armaments.

Concerning land armaments, Lord Cecil said :

In the fifth article the broad general principle is stated that the limitation of land armaments should be in the main effected by limiting the number of effectives, and there follows a word of explanation that that means troops who can, within a period which is left blank, but a very short period, be used in the front line of the fight. In that matter I can quite conceive that there may be differences of opinion. The British Government have necessarily been guided to some extent by their own technical advisers, but this is a matter which I hope will be capable of arrangement without very much difficulty.

On this point, the British draft contemplated not only the limitation of effectives in service in times of peace, but also that of armaments prepared in view of war and immediately utilisable, thus adopting one of the arguments put for-

ward at the meeting of the Technical and Military Commission.

As regards Naval Armaments, Lord Cecil made the following comments :

Here we have simply adopted, provisionally at any rate, as we have had the matter discussed, the method of limitation by categories, the method that was no doubt adopted in the Washington agreement. I do not think I need elaborate it as it is very well known to anyone who has discussed the question, and I am myself satisfied that some such arrangement is almost essential for a large naval power, but it is possible that some other solution may be better for other powers. In any case, the one thing that seems to me vital so far as these articles are concerned, is that everyone shall know from the outset what they are to expect in the naval armaments of other countries.

In this respect the British draft accordingly recommended the system of limitation of tonnage by categories. It recognised eleven categories and limited in each of them the separate and total tonnage of ships, the number of ships and the calibre of the guns. It further limited the calibre of torpedoes employed by any kind of vessel.

As regards air armaments, the British draft contemplated the limitation of the number of shore-based aircraft of service types maintained in commission in first line combatant units, within the limits of each State party to the convention. "The point of view adopted (Lord Cecil said), is that for which the air representatives of the British Government contented in Sud-Commission A."

Lord Cecil laid special emphasis on Article 12 of the document. This article provided in certain circumstances for the investigation of facts which one of the contracting parties might bring to the notice of the other contracting parties, should it consider that one of the parties was maintaining

armaments in excess of the figures set out in the convention, or was in any other way violating the provisions of the convention. It was, nevertheless, provided that no investigation within the limits of the territory of any of the contracting parties should be made without its consent.

b) *The French Draft.* — This draft was more detailed than that of Lord Cecil. It included ten tables giving in detail the limitations to be effected by the conference.

Chapter I aimed at the limitation of land, sea and air effectives organised on a military basis.

M. Paul-Boncour said "In Chapter I, I stated a number of theses which might equally well be reproduced in all the other parts, that is that the limitations which an international convention may lay down can only be applicable to permanent peace armaments whether we are dealing with effectives, material or expenditure".

As regards mobilisation, the French draft recalled that the High Contracting Parties remained subject to the general obligations of the Covenant, and to the decisions of the Council. The Secretary-General of the League would be responsible for summoning the Council as quickly as possible.

"Mobilisation", said M. Paul-Boncour, — "it is the task of the League of Nations to make it futile by taking the decisions which it is its duty to take in time and with the necessary speed, with the necessary authority and without respect of Powers whether they be great or small."

The French draft also limited the period of service. The following chapters concerned the limitation of air material, naval material and expenditure.

The chapter concerning air material provided only for the limitation of material in service, as represented by the engine power of all kinds of aircraft, and the volume of dirigibles. There was, however, an article laying down that the limitations

contemplated should be accepted by each High Contracting Party in the light of the present development of civil aviation in other countries.

The article in the French draft also provided for the intervention of a permanent disarmament commission, should civil aviation in one or more of the contracting countries experience such a development as to constitute a possible danger to the security of some of the contracting parties.

The chapter concerning the limitation of naval material contains seven articles of which the first laid down that this limitation should bear on total tonnage.

Each of the Contracting Parties shall be free to distribute and allocate this total tonnage as may be best for the purposes of security and the defence of its national interests.

A maximum was fixed for the tonnage of vessels and the calibre of guns. It was provided that no war-vessel should be replaced before reaching a certain age-limit, and that in the assessment of total tonnage, account should be taken of depreciation due to age.

The limitation of expenditure was dealt with in Chapter V. The Contracting Parties were to undertake not to exceed a certain figure for their military budgets.

M. Paul-Boncour said :

In this respect as in others, limitation does not mean uniformity. A country which has a professional army will have to provide for greater expenditure in its budget in proportion to the effectives of its army than a country which has a conscript army; but, allowing for this, the limitation of budget expenditure is, in my opinion, one of the most important questions which the conference we are preparing will have to discuss.

Finally, the French draft contemplated the establishment of a permanent disarmament commission for the centralisa-

tion of all information supplied to the Secretary-General. This Commission would also be responsible for studying such progress as might be made in regard to the limitation and reduction of armaments. It would follow the annual budget statements supplied by the Contracting Parties and make periodical reports which would be published simultaneously with their despatch to the Council and the High Contracting Parties.

In certain specified cases, this Commission would be empowered to decide by a two-thirds majority that an enquiry should be made either on the basis of documents or on the spot.

c) *The draft Convention adopted at first reading.* — At a session which lasted from March 21st to April 26th, 1927, the Commission endeavoured to establish a text which might serve as a basis of discussion in the second reading. It did not succeed in establishing one single text. It was, however, possible to reach unanimity on a certain number of articles. The document finally established showed points on which unanimity was obtained as well as the reservations submitted by various delegations. Where it was not possible to establish a unanimous text the document gave the different proposals submitted.

Generally speaking, it was understood that the acceptance by each delegation at the first reading did not prejudice the attitude it might adopt at the second reading, and did not bind it in any way. Each delegation retains full freedom to reconsider at the second reading the suggestions and proposals put forward, and to submit further ones. The document established is, accordingly, a document for study presenting a complete and detailed basis for discussion.

It begins by a preamble which was not discussed in detail and contains British, French and German drafts.

The first chapter concerns effectives and contains a single

text for all seven articles, to three of which there are no reservations of principle. The first and most important provides that the High Contracting Parties shall limit the effectives in service in their armed forces or land, sea and air formations organised on a military basis and who may for that reason be immediately employed without having to be mobilised, to the effectives determined in the tables annexed to the Convention (1).

A certain number of reservations were made to this chapter. The most important concerns the non-limitation of reserves given military training. The Commission, nevertheless, did not present an alternative text.

Chapter II concerns material. In the first section, which concerns land armaments, a text of the French draft is given together with one deposited by Count Bernstorff, Chief of the German Delegation. This draft aims at the limitation to the figures fixed in the table of the maximum material in service and in stock.

In depositing this proposal, Count Bernstorff said :

Why is direct limitation so imperative? First, gentlemen, because each State must know the armaments in respect of material possessed by other States, which it must take into account in its estimates. Only in this way can it procure a basis on which to estimate the scale of its own material armaments. No one will question the fact that particulars relating only to expenditure will never afford an accurate idea of

(1) For land armaments, the following tables were given :

Table I. Maximum home forces.

Table II. Maximum overseas forces stationed in the home country.

Table III. Maximum of total forces stationed in the home country.

Table V. Maximum of the total forces of the High Contracting Parties.

Table VI. Maximum of the forces belonging to formations organised on a military basis stationed in the home country.

Table VII. Maximum of the forces belonging to formations organised on a military basis stationed in overseas territories.

the armaments in material of any country; in particular, it will afford no idea of the stocks of arms and ammunition existing when the Disarmament Convention comes into force.

Section 2 of the same Chapter concerns naval armaments. On this subject there were prolonged discussions, and three drafts were reserved for a second reading :

a) A British draft aiming at the limitation of the number and tonnage of all vessels by categories,

b) A French draft established "with a view to compromise" which was substituted for the original French draft "with a view to finding a formula for agreement", aiming at the limitation of total tonnage, but also at the division of the total tonnage stated by each Contracting Party into total tonnage by groups. These groups would apply to four classes, capital ships, aircraft carriers, service vessels under 10,000 tons and submarines. Each Contracting Party would undertake to fix a maximum tonnage for each of the categories during the period of validity of the convention. Nevertheless, within the limits of the total tonnage stated, each party could alter its division subject to informing the Secretariat of the League of Nations at least one year before laying down the portion of the tonnage to be transferred.

c) An Italian draft, aiming at the limitation of total tonnage, the parties remaining free to distribute and arrange their tonnage to the best advantage for their national interests, subject to communicating to the League Secretariat, at least six months before laying down the keel, the characteristics of each war vessel which it intended to construct.

Unanimous agreement was reached on seven other articles of this section.

Section 3 of the Chapter on material concerned air armaments. The first article provides for a limitation of air material based on the number of aeroplanes in service, and

their total horse-power. A unanimous text was adopted, certain delegations having confined themselves to submitting reservations in view of the second reading.

Another article, also adopted unanimously with three reservations, stipulates that the limitations stated are accepted by each Contracting Party in the light of the present development of civil aviation in other countries.

The whole section concerning air armaments was adopted in the first reading with a certain number of reservations. By its final article, the High Contracting Parties undertake to encourage, as far as possible, the conclusion of economic agreements between civil aviation undertakings in the different countries.

In this connection it may be mentioned that the recommendations of the Preparatory Commission as regards civil aviation were approved by the Assembly in 1927.

Chapter III deals with the annual budget expenditure.

It contains the article of the French draft and the observations of the delegations who were of a different opinion.

Chapter IV concerns chemical warfare and consists of a proposal from the Belgian, Polish, Serb-Croat-Slovene, Roumanian and Czechoslovak Delegations. The discussion of this proposal was adjourned to the second reading.

Chapter V contains miscellaneous provisions. Its first section only contains the French draft concerning the constitution of a permanent disarmament commission.

Section 2 concerns the exchange of information. The first article was adopted unanimously with some reservations, and concerns the yearly publication and despatch to the Secretariat of very complete tables concerning effectives. It is followed by a detailed Dutch proposal for the publication by each of the Contracting Parties of annual statements of the material of its land, naval and air forces.

This is followed by a certain number of articles adopted for a second reading, regarding the publicity of military, naval and air expenditure.

Sections 3 and 4 concern exceptions, and the procedure for complaints and revision. They give the texts of the British and French drafts.

The final section of the draft Convention (ratification, entry into force, denunciation) contains five articles for which the Commission submits a single text with a certain number of reservations.

These texts as a whole constitute the basis for the discussions of the Preparatory Commission in 1928. The Commission will endeavour to adopt a single text which will be forwarded to the Council so that, in the words of the Assembly, it may be able to convene as soon as possible a conference for the limitation and reduction of armaments, to which will be submitted a draft established by the Preparatory Commission.

CHAPTER X

The Three-Power Naval Conference. — Continuation of the League's Work. — Creation of the Arbitration and Security Committee.

Up to 1925 the League had endeavoured to reach a general solution for the problem of arbitration, security and reduction of armaments. From that moment it had suspended its enquiry in this direction, while noting at Council and Assembly meetings the statements of Governments which desired to place on record that this did not imply, on their part,

an abandonment of the principles to which they remained faithfully attached, and that it was only for political reasons that they had agreed to other methods.

Since 1925, in particular, since the conclusion of the Locarno Agreements, the League has no longer sought a general solution, but has encouraged solutions which one may call partial or local. Similarly, it has endeavoured to facilitate the application of the articles of the Covenant concerning the maintenance of peace.

It was to be expected that the League would be obliged to modify, complete and improve its programme. In the course of the work many difficulties were revealed. In 1926, the Assembly had asked that the conference for the reduction and limitation of armaments should be convened before September 1927, unless this was materially impossible. Certain members have since expressed their conviction that it has in fact proved materially impossible to summon the Conference so soon.

Complicated questions, generally of a political nature, arose in the course of the technical work undertaken by the League organisations. The question of security, in particular, preoccupied certain delegations.

Further the Three-Power Naval Conference (the British Empire, The United States, and Japan) which took place at Geneva in the summer of 1927 did not obtain the desired results. There were differences of opinion on several technical questions and it seemed possible that these might complicate the work of the Preparatory Commission in preparing a draft convention, and that the resumption of its work would have to be postponed for longer than had appeared necessary, so as to enable the Governments as far as possible to reconcile their different views.

Although, the Three-Power Naval Conference was not a League Conference, it is necessary for this reason to give a brief description of its results.

I. THE THREE-POWER NAVAL CONFERENCE, GENEVA, JUNE-AUGUST, 1927.

This Conference was held on the invitation of President Coolidge, shortly after the meeting of the Preparatory Commission.

On February 10th, 1927, President Coolidge had asked the British, French, Italian and Japanese Governments whether they would be disposed to empower their representatives at the forthcoming meeting of the Preparatory Commission to initiate negotiations for an agreement on limitation in the classes of naval vessels not covered by the Washington Treaty. In his message to Congress, President Coolidge explained in a special memorandum that his Government had followed with close attention the proceedings of the Preparatory Commission, and had concluded after most careful deliberation, that it could helpfully make certain observations at this time which it hoped might contribute materially to the success of that Commission, a success earnestly desired by the Government and people of the United States. The discussions of the Commission, he added, had been most valuable in making clear the views of the various Governments as to the problems presented and in demonstrating the complexity and diversity of the obstacles to be overcome. The American Government thought that the conclusion of an agreement for further naval limitation, far from interfering with or detracting from the success of the Preparatory Commission, would constitute a valuable contribution to the achievements of that Commission, and would facilitate the task of the final conference.

The British and Japanese Governments accepted the invitation. The French Government sent an information mission, and the Italian Government an observer. The Conference sat at Geneva from June 20th to August 4th, 1927. At the suggestion of the British and Japanese Govern-

ments acting in agreement with the American Government, the Secretary-General of the League placed the premises of the League at the disposal of the Conference, and gave certain secretarial facilities.

The Conference found it impossible to reach a final agreement, and a joint statement read at the last plenary session explained this position :

These points of agreement relate particularly to the limitation of destroyers and submarines, and it was only when the Conference took up the question of the limitation of the cruiser class that difficulties were encountered. These difficulties proved to be of a character to render it desirable to adjourn the present negotiations until the respective Governments have had an opportunity to give further consideration to the problem and to the various methods which have been suggested for its solution.

The American delegation presented the view that, within total tonnage limitations, which they initially suggested should be between 250,000 and 300,000 tons in the cruiser class for the United States and the British Empire and between 150,000 and 180,000 tons for Japan, each of the Powers should have liberty to build the number and the type of vessel which they might consider best suited to their respective national needs, with freedom, subject to the limitation of the Washington Treaty, to arm these vessels as they saw fit.

The British delegates, whilst putting proposals tending to a limitation of the size of vessels of all classes, have opposed the principle of limitation by total tonnage alone on the ground that the largest ship and the heaviest gun permissible must inevitably become the standard. They desired, first, a strict limitation of the number of 10,000 ton 8 inch-gun cruisers, and secondly the establishment of a secondary type of cruiser of a maximum displacement of 6,000 tons, carrying guns of a maximum calibre of six inches. The British delegates contended that the establishment of this type figure would alone enable the British Empire, within a moderate figure of total

tonnage, to attain the numbers which it regards as indispensable to meet its special circumstances and its special needs.

The Japanese delegates presented the view that low total-tonnage levels should be fixed which would effect a real limitation of auxiliary naval vessels. As for the question of the 8-inch-gun cruisers, while the Japanese Government could not agree to any restriction as a matter of principle, they had no difficulty in declaring that, provided a tonnage level of 315,000 tons for auxiliary surface vessels were fixed for Japan, they would not build any further 8-inch-gun cruisers until 1936, except those already authorised in existing programmes.

At the end of their statement the three Powers expressed their conviction that the obstacles which had been encountered should not be considered as terminating the efforts towards a new limitation of naval armaments.

It was evident that the differences of opinion could not be reconciled before the meeting of the Assembly which took place a few weeks later, in September 1927, and that the discussions of the Naval Conference must have some influence on the work of the League.

2. WORK OF THE 1927 ASSEMBLY ON ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS.

These difficulties and the situation with regard to the preparatory work of the Conference were brought to the notice of the Assembly of 1927 which, while confirming the guiding principles enunciated by the Assemblies of 1925 and 1926, again defined the League's views on the problem and initiated practical measures designed to advance the work (1).

(1) In addition to the resolutions on reduction of armaments strictly speaking which are commented upon in this chapter, the Assembly adopted on September 24th

The Assembly received several proposals in this connection; one, submitted on behalf of the Netherlands delegation, by M. Beelaerts van Blokland, suggested that the Assembly should resume its study of the principles of disarmament, security and arbitration as embodied in the Covenant. Two others were deposited in the course of the session one by M. Paul Boncour, on behalf of the French delegation, the other by Count Bernstorff on behalf of the German delegation.

Dr. Nansen, on behalf of the Norwegian delegation, proposed that an international convention should be drawn up for the compulsory arbitration of disputes.

As regards arbitration and conciliation the report submitted by the First Committee of the Assembly indicates the following points for study, marking the unanimous desire of the Members of the League to enlarge the field of application of pacific procedure :

a) Means should be sought for encouraging and promoting the acceptance of the optional clause of Article 36 of the Statute of the Permanent Court of International Justice and the conclusion of special treaties for judicial settlement, arbitration and conciliation.

b) In any investigation into the methods of pacific settle-

on the proposal of the Polish delegation, the following declaration concerning wars of aggression :

The Assembly,

Recognising the solidarity which unites the community of nations;

Being inspired by a firm desire for the maintenance of general peace;

Being convinced that a war of aggression can never serve as a means of settling international disputes and is, in consequence, an international crime;

Considering that a solemn renunciation of all wars of aggression would tend to create an atmosphere of general confidence calculated to facilitate the progress of the work undertaken with a view to disarmament :

Declares :

(1) That all wars of aggression are, and shall always be, prohibited:

(2) That every pacific means must be employed to settle disputes, of every description, which may arise between States.

The Assembly declares that the States Members of the League are under an obligation to conform to these principles.

ment of disputes between States, special attention should be paid to the procedure of conciliation, which is of the utmost importance.

c) Very special attention should also be given to the question of the relations between the mediatory action of the Council and the Assembly and procedures of arbitration and conciliation.

d) In studying a general convention for compulsory arbitration enquiry should be made as to how the convention could be given sufficient flexibility to permit the contracting States to adjust the obligations assumed to their particular circumstances.

The Assembly was of opinion that the German, French, and Netherlands proposals supplemented one another and might be combined in a resolution expressing the general desire for the completion of the technical work on disarmament, while continuing the enquiry on security, so as to increase the chances of success of the future general Conference for the reduction and limitation of armaments. The first part of the resolution reads as follows :

(The Assembly.)

Being anxious to bring about the political conditions calculated to assure the success of the work of disarmament;

Being convinced that the principal condition of this success is that every State should be sure of not having to provide unaided for its security by means of its own armaments and should be able to rely also on the organised collective action of the League of Nations;

Affirming that such action should aim chiefly at forestalling or arresting any resort to war and if need be at effectively protecting any State victim of an aggression;

Being convinced that the burdens which may thereby be imposed on the different States will be the more readily accepted by them in proportion as :

(a) They are shared in practice by a greater number of States;

(b) The individual obligations of States have been more clearly defined and limited :

1. Recommends the progressive extension of arbitration by means of special or collective agreements, including agreements between States Members and non-Members of the League of Nations, so as to extend to all countries the mutual confidence essential to the complete success of the Conference on the Limitation and Reduction of Armaments;

2. Recalls its resolution of September 24th, 1926, which read as follows :

Being desirous that the investigations, in regard to which the Assembly itself took the initiative in its resolution of September 25th, 1925, should be brought to a successful conclusion as soon as possible, it requests the Council to call upon the Preparatory Commission to take steps to hasten the completion of the technical work and thus be able to draw up, at the beginning of next year, the programme for a Conference on the Limitation and Reduction of Armaments corresponding to existing conditions in regard to regional and general security, and it asks the Council to convene this Conference before the eighth ordinary session of the Assembly, unless material difficulties render this impossible.

The Rapporteur, M. de Brouckère, emphasised the desire of the Assembly that a Disarmament Conference should be convened as soon as possible, and that conditions of security should be improved so that the first step might be as large as possible :

“ All the delegations, ” he said, “ were agreed that the work of disarmament should be prosecuted with the utmost energy, and urged that a further effort should be made to reach a conclusion without delay. At the same time all realised that the proposed movement along the road to disarmament would only be the first step and must be followed by others before any real disarmament could be achieved. It was recognised

on all hands that the greater the improvement in conditions of security and the more decided the nature of the first step, the sooner the subsequent steps would be taken. It was therefore felt that to reach definite solutions as quickly as possible, the study of the questions arbitration and security should be resumed on systematic lines.

On this occasion M. de Brouckère noted the continuity of the Assembly's directive.

From the time when the problem of disarmament had first been approached by the League, those dealing with it had been struck by the close connection between that problem and the problem of arbitration and security. In spite of the progress made in arbitration and in spite of the advance made in security, the connection still existed, and it had grown steadily more apparent that, as arbitration expanded, security would increase, and with it the possibility of hastening disarmament. Nevertheless, if some progress had been made in arbitration, and even in security, the first step towards disarmament was still in the trial stage. The will to take this step had been shown frequently. The resolution reaffirmed that wish.

In the text submitted by the Sub-Committee would be found a reference to the resolution of September 24th, 1926, which had been prompted by the belief that from Locarno would result the beginning of security in Europe, and that consequently it was necessary to make a start with disarmament. The text submitted by the Sub-Committee embodied the same principle.

The rapporteur also emphasised the necessity of careful technical preparation if the Conference were to meet with any chance of success.

The resolution of last year stated that the disarmament Conference should be convened when the preparatory and technical work had been terminated. It was to be hoped that the present Assembly was still of the same mind. The Sub-

Committee was, in any case, of the same mind. It was useless to convene the disarmament Conference while the technical work was still unfinished. That work had been laborious. It would be resumed and followed up until achieved, and it must be pushed forward as rapidly as possible.

3. CREATION OF THE COMMITTEE ON ARBITRATION AND SECURITY — ESTABLISHMENT OF ITS PROGRAMME.

The second part of the Assembly resolution provided for the constitution of an arbitration and security committee to seek a practical solution for this problem within the framework of the League. This Committee was to be an organ of the Preparatory Commission, and its general programme was described in the Assembly resolution :

The Assembly 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.

Explaining this part of the resolution, M. de Brouckère said :

It had been enquired whether, side by side with a Committee working in the interval between sessions on the task of ensuring disarmament, it would not be useful to form a Committee to study the question of security. It was obvious that such studies for ensuring real security would be extremely complex and very technical, and they could be brought to a successful conclusion only by a continuous effort. It had been realised that neither the work of the Preparatory Commission nor that of the Committee for Security — if it might thus be called — would have any real practical result unless it was carried on simultaneously. Experience had shown that in the course of the preparatory work problems of security arose at every moment.

The Preparatory Commission must be in a position to obtain explanations, and M. de Brouckère considered that,

once the Committee on Security had been constituted, it should be acquainted with the studies of the other Commission in order to be able to work satisfactorily. A close liaison was therefore indispensable, and it was in order to secure such liaison that it had been proposed to establish not only a moral tie, resulting from the closeness of the goals sought by the two bodies, but also an organic bond, in order that the Security Committee might be at the disposal of the Preparatory Commission on Disarmament in carrying out the enquiries undertaken.

The Rapporteur also pointed out that each of the articles of the Covenant contained resources of which full use had not yet been made, and that important results might be obtained by studying them. As regards the paragraph of the programme concerning special agreements between members of the League, the report contained the following passage :

The agreements are not in any way to be confused with such alliances as it was possible for countries to contract for political purposes of one kind or another before the Covenant of the League established general principles and obligations which introduced a measured harmony into international life. The agreements referred to in the resolution are to be regarded as means for enabling States which wish to enter into closer mutual engagements than are provided by the Covenant to help each other to discharge more effectively, so far as they are concerned, the obligations embodied in the Covenant itself. These agreements, therefore, are to be regarded simply as instruments for applying the principles of the League more effectively in specific regions.

The final paragraph of the programme of the Arbitration and Security Committee concerned the military, naval or air forces that States might contribute to support the Council's decisions. The report gave the following explanations.

There is no question of asking the Council to send to States Members of the League a questionnaire regarding their inten-

tion in all imaginable cases. The idea which the Commission wished to express is that the Committee which it has suggested should be set up should be instructed to study the form in which the Council should ask the different States to inform it what measures they would be prepared to take to support its recommendations or decisions in certain cases which the said States might indicate. It is understood that States will have all possible liberty to reply in such manner as they think best to these enquiries by the Council.

The object thus sought is to render it easier for individual States, at the disarmament Conference, to fix the lowest possible figure for their armaments, by enabling them to graduate them in proportion to the guarantee of security afforded by the assistance on which in certain circumstances they might be able to rely.

4. FOURTH SESSION OF THE PREPARATORY COMMISSION. FIRST SESSION OF THE ARBITRATION AND SECURITY COMMITTEE

The Preparatory Commission constituted the Arbitration and Security Committee during its fourth session which took place at the end of November 1927.

The creation of this Committee was the principal item on its agenda, the continuation of its technical work (the preparation of a draft convention) having been postponed till its fifth session. Nevertheless, during the short debate on the progress of the work, the delegate of the Union of Socialist Soviet Republics, who attended for the first time, read a statement on behalf of his Government, depositing a proposal which set forth a series of measures with a view to complete and universal disarmament within four years at the latest. He added that his delegation would be willing to take part in all discussions in so far as they concerned practical measures, and that it would be prepared to sign a convention on the prohibition of the use of chemical and bacteriological weapons.

After a short discussion, the Commission, with the agree-

ment of the Russian delegate, decided that the examination of this proposal should be postponed to its fifth session when the second reading of the draft convention would take place.

It then proceeded to the constitution of the Arbitration and Security Committee.

All States Members of the League represented on the Preparatory Commission are represented on the Arbitration and Security Committee. The delegate of the Union of Socialist Soviet Republics sits as an observer.

The United States representative, recalled the statements made by former American representatives, explaining the historic attitude of his country towards the political problems of Europe; that attitude was simple and consisted in its determination to leave to European States those matters which were peculiarly their own concern.

He emphasised his Government's intention and desire to continue to participate in the labours of the Preparatory Commission, and stated that when the Arbitration and Security Committee submitted its recommendations to that Commission, his Government would be glad, in the light of its traditional historic policy, to take these recommendations into careful consideration.

Once constituted, the Committee met and elected as Chairman Dr. Benes (Czechoslovakia). At its first meeting it confined itself to examining the programme drawn up by the Assembly and appointing three rapporteurs, M. Holsti (Finland) for questions of arbitration and conciliation; M. Politis (Greece) for security agreements, and Mr. Rutgers (Netherlands) for the study of articles of the Covenant. These rapporteurs received detailed instructions regarding the reports which they were called upon to submit.

a) On arbitration the Committee adopted the following main outlines :

Treaties of Arbitration.

1. Measures for their promotion.

Resolution of the 1926 Assembly; Recommendations to States Members and offer of the Council's good offices.

2. Suitable means of co-ordination and generalisation.

Two methods may be indicated :

(1) An analytical study of existing treaties for the purpose of extracting the substance common to all of them on which a model convention might be based;

(2) A study of the draft optional convention for the obligatory arbitration of disputes, submitted to the Third Committee by Dr. Nansen on behalf of the Norwegian delegation, taking into account the following recommendations of the First Committee of the Assembly.

b) For security agreements the work of the rapporteur was to be based on successive resolutions of the Assembly and on the experience gained in the course of numerous discussions bearing on the subject of special treaties. The object of this work was to seek means of encouraging and coordinating security agreements; to study in what way the Council might offer its good offices to the parties concerned for the conclusion of such agreements, and how existing security treaties might afford the Council means of action when called upon to apply articles 10, 11, 16 and 17 of the Covenant; finally, to define the agreements which the States Members of the League might conclude among themselves, without prejudice to their obligations under the Covenant, to arrange in advance commitments they would be disposed to accept, taking account of the degree of solidarity, geographical or otherwise, existing between them and other States.

The rapporteur will also study the procedure to be followed by the Council to give effect to the last paragraph of the Assembly resolution concerning measures which States would be prepared to take to support the Council's decisions

or recommendations in the event of a conflict breaking out in a given region.

For the study of these questions, the Committee disposes of considerable material collected by the Secretary-General on the following points :

1) The legal position resulting from the application in peace time of measures of economic pressure contemplated in Article 16, in particular the maritime blockade.

2) Legislation to facilitate the enforcement of economic sanctions (on this subject a questionnaire has been sent to Governments).

3) Information on the economic and financial relations of States.

PART 2

SPECIAL QUESTIONS

CHAPTER I

1. The St. Germain Convention of 1919.

Article 23 (*a*), of the Covenant entrusts the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

At the time of the Peace Conference, it seemed indispensable to exercise supervision over large quantities of arms and munitions of war, the dispersal of which would have constituted a danger to peace and public order.

The delegations to the Peace Conference had also expressed the view that the treaties and conventions, and particularly the Brussels Act of July 2nd, 1890, regulating the traffic in arms and ammunition in certain regions, no longer met existing conditions, which required more elaborate provisions applicable to a wider area in Africa, and the establishment of a corresponding regime in certain territories in Asia.

This question was dealt with in the Convention signed at St. Germain-en-Laye, on September 10th, 1919. The Convention contained twenty-six articles divided into five chapters. The first chapter embodied a general prohibition of the export of arms of war and only provided for certain exceptions to be granted by the Contracting Parties

as regards export licenses to meet the requirements of their Governments or those of the Government of any of the High Contracting Parties.

A central international office, placed under the control of the League of Nations was to be established for the purpose of collecting and preserving documents of all kinds, with regard to the trade in an distribution of arms and munitions.

The other chapters dealt with the so-called prohibited zones under maritime supervision which included certain African and Asiatic territories.

2. FAILURE OF THE ST. GERMAIN CONVENTION.

The problem of the trade in arms was brought before the League not only by Article 23 of the Covenant, but also in the course of its studies made in virtue of Article 8 of the Covenant on the private manufacture of war material.

The Temporary Mixed Commission had, in 1921, expressed the opinion that one of the essential factors in an agreement dealing with private manufacture was the supervision of the international trade. It had asked the Assembly to do all in its power to bring about the general ratification of the St. Germain Convention. This Convention could only have its full effect if ratified by all powers and especially by those with a highly developed arms and munitions industry.

An enquiry made by the Secretary-General on this subject showed that there was little chance of getting the Convention brought into force. Only eleven States had ratified it. Several important industrial powers had made their ratification conditional on that of all the signatories. The United States of America in reply to a note of the Secretary-General, had stated that "while the Government of the United States was in cordial sympathy with efforts to restrict traffic in arms and munitions of war, it found itself unable to approve

the provisions of the Convention and to give any assurance of its ratification."

The work done at the Peace Conference had therefore to be resumed on a fresh basis. It was clear that to gain the adhesion of the United States of America, it would be necessary to establish a system of supervision which would enable that country to cooperate, without binding it as regards the League to obligations similar to those contained in the St. Germain Convention.

3. PREPARATION OF A NEW CONVENTION.

In 1923 the Fourth Assembly asked the Council to invite the Temporary Mixed Commission to prepare a draft convention to replace that of St. Germain. It recommended the Council to invite the United States Government to appoint representatives to cooperate in this task. The United States Government accepted the invitation and appointed its Minister at Berne, Mr. Grew, to take part in the discussions of the Commission.

The draft convention was completed in the course of 1923 and 1924. It constituted the principal work of the Temporary Mixed Commission during that period, its other studies having been interrupted pending the replies of Governments to the Draft Treaty of Mutual Assistance, which had been forwarded to them by the Assembly of 1923.

The Commission had two preliminary drafts for consideration; one submitted by the Marquis de Magaz (Spain), the other by M. Jouhaux, on behalf of the Labour Group of the Commission.

The feature of the Jouhaux draft was the extremely strict supervision which the League would have exercised over the arms trade by a system of export and import licenses delivered by the Governments concerned and centralised and checked by the League of Nations. The other draft

was more in keeping with the St. Germain Convention, but at the same time took account of the principal objections of the United States Government.

A classification of the arms and munitions to be dealt with in the convention was drawn up by the Permanent Advisory Commission. It divided them into the three following classes : *a*) Arms and munitions exclusively designed for land, sea, or air warfare whatever their mode of employment; *b*) Arms and munitions capable of use both for military and other purposes; *c*) arms and munitions having no military value. It also established a definition of war material and examined the articles of the draft convention from a technical point of view, in particular, those concerning the prohibited zones and supervision.

The final text was established in 1924. The Temporary Mixed Commission had retained numerous suggestions made by the authors of the preliminary drafts including for example, the system of licenses. International control by the League was replaced by a simple system of publicity entrusted to an international central office set up by the Council. It was not specified whether this organisation should be set up within the framework of the League, this question having been left open so as to meet the objections of the United States.

The draft was forwarded to the Assembly and the Council, and by the latter communicated to all Governments. The Council then summoned an international conference which met at Geneva on May 4th, 1925, under the presidency of M. Carton de Wiart, former Prime Minister of Belgium.

4. CONFERENCE FOR THE SUPERVISION OF THE ARMS TRADE.

Forty-four countries accepted invitations to this conference. Among them were Germany, who was not yet a

member of the League, Egypt, the United States, and Turkey. Argentine representatives sat as observers.

In his opening speech the President recalled that the object of the draft prepared by the Temporary Mixed Commission was to restrict purchases of war material to those made by Governments, and to give publicity to the international movement of war material.

a) *Solution of the principal difficulties.* — The principal difficulties dealt with in the discussions were the definition of war material, the categories to come under the system of export licenses and publicity (in particular the question of war vessels), the unification of nomenclature for import and export statistics, the definition of bodies entitled to purchase war material, questions concerning supervision and publicity, geographical and technical problems concerning the prohibited zones.

On all these points, the conference reached unanimous agreement, and the conclusion of the convention was described by the President as marking an important progress in the work for the reduction of armaments. For the first time, he, said "the question of the arms trade has been removed from the domain of private law and brought within that of public international law".

- The controversy on international control was settled by the adoption of detailed provisions concerning export licenses and a system of publicity considered as a preparation for a general system of armaments publicity. The suggestion concerning the constitution of a central international office was rejected.

The prohibited zones contemplated by the St. Germain Convention were modified in the light of existing circumstances. Thus Egypt, Abyssinia, Tunis, the Spanish settlements of Northern Africa, Southern Rhodesia and the mandated territory of South-West Africa were not included in

the African prohibited zone. (In the St. Germain Convention, the only territories excluded from this zone were Algeria, Libya, and the South African Union). In Asia, there was also a slight modification of the prohibited zone, Persia and Turkey being no longer included..

The Persian delegation withdrew from the Conference, being unable to agree to the inclusion of the Persian Gulf and the Gulf of Oman in the special maritime zones.!

Reservations made by the States bordering on Russia were accepted until such time as that country might accede to the convention.

b) *Connection between the supervision of the arms trade and the private manufacture.* — During the Conference, a question arose in regard to which the League was called upon to make further enquiry.

While studying the question of private manufacture, the League organisations had noted that it was closely connected with that of the supervision of the trade. This interdependence appeared still more clearly during the Conference of 1925, the non-producing States drawing attention to the fact that the supervision of the trade would place them at a disadvantage in relation to the manufacturing countries; the latter would not be reached by publicity, whereas by the agency of the League, the armaments of non-producing countries would be disclosed. Accordingly a clause was inserted in the Final Act of the Conference to the effect that the Governments of the signatories "intend to apply strictly their internal laws and regulations to prevent fraudulent commerce in arms, and to exchange all information on the subject; they declare further that the Convention must be considered as an important step towards a general system of international agreements regarding arms and ammunition and implements of war, and that it is desirable that the international aspect of the manufacture of such

arms, ammunition and implements of war should receive early consideration by the "different Governments".

c) *Results of the Conference — Analysis of the Convention.*
— The Conference concluded its work on June 17th. In addition to the convention, it drew up a protocol relating to chemical warfare, declaration relating to the Spanish territory of Ifni in North Africa, a protocol of signature, and a Final Act.

The Convention comprises 41 articles and is divided into five chapters. Its object is to establish a general system of supervision and publicity for the international trade in arms, munitions and implements of war and a special system for areas where measures of this kind are generally recognised as particularly necessary.

Chapter I defines the arms, munitions and implements to which the convention applies. They are divided into five categories :

CATEGORY I.

Arms, Ammunition and Implements of War exclusively designed and intended for Land, Sea or Aerial Warfare

A. — Arms, ammunition and implements exclusively designed and intended for land, sea or aerial warfare, which are or shall be comprised in the armament of the armed forces of any State, or which, if they have been, but are no longer comprised in such armament, are capable of military to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered by other Categories.

Such arms, ammunition and implements are comprised in the following twelve headings :

1. Rifles, muskets, carbines.
2. (a) Machine-guns, automatic rifles and machine-pistols of all calibres;

- (b) Mountings for machine-guns;
- (c) Interrupter gears.
- 3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.
- 4. Gun-sighting apparatus including aerial gun-sights and bomb-sights, and fire-control apparatus.
- 5. (a) Cannon, long or short, and howitzers, of a calibre less than 5.9 inches (15 cm.);
(b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches (15 cm.) or above;
(c) Mortars of all kinds;
(d) Gun carriages, mountings, recuperators, accessories for mountings.
- 6. Projectiles and ammunition for the arms enumerated in No. 5 above.
- 7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles.
- 8. (a) Grenades;
(b) Bombs;
(c) Land mines, submarine mines, fixed or floating, depth charges;
(d) Torpedoes.
- 9. Appliances for use with the above arms and apparatus.
- 10. Bayonets.
- 11. Tanks and armoured cars.
- 12. Arms and ammunition not specified in the above enumeration.

B. — Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare part.

CATEGORY II.

Arms and Ammunition capable of use both for Military and other purposes.

- A. — 1. Pistols and revolvers, automatic or self-loading, and developments of the same, designed

for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm.

2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from fire-arms in Category I; other rifled fire-arms firing from the shoulder, of a calibre of 6 mm. or above, not included in Category I, with the exception of rifled fire-arms with a "break-down" action.
3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I.
4. Swords and lances.

B. — Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

CATEGORY III.

Vessels of War and their Armament.

1. Vessels of war of all kinds.
2. Arms, ammunition and implements of war mounted on board vessels of war and forming part of their normal armament.

CATEGORY IV.

1. Aircraft, assembled or dismantled.
2. Aircraft engines.

CATEGORY V.

1. Gunpowder and explosives, except common black gunpowder.

2. Arms and ammunition other than those covered by Categories I and II, such as pistols and revolvers of all models, rifled weapons with a "break-down" action, other rifled fire-arms of a calibre of less than 6 mm. designed for firing from the shoulder, smooth-bore shot-guns, guns with more than one barrel of which at least one barrel is smooth-bore, fire-arms firing rimfire ammunition, muzzle-loading fire-arms.

Chapter II lays down that Governments only shall have the right to export or import arms of the first category (exclusive war utility). Exceptions are contemplated in the case of manufacturers of war material and duly authorised rifle clubs or similar associations. Consignments for export must be accompanied by a license or declaration of the importing Government. Arms of the second category (possible war utility) may also only be exported under cover of export documents.

As regards the foreign trade in the first and second categories, the Convention provides for publicity, in the form of the regular publication of statistical returns within two months of the close of each quarter. The trade in arms of the third and fourth categories, *i. e.* warships and aircraft, is subject to publicity regulations only. The trade in arms of the fifth category is free.

Chapter III defines the system to be applied to certain areas referred to as *Special Zones*. These comprise :

- a) A land zone consisting of the African Continent, with the exception of Egypt, Libya, Tunisia, Algeria, the Spanish possessions in North Africa, Abyssinia and the Union of South Africa, together with the territory under its mandate, and of Southern Rhodesia. This zone includes the adjacent islands situated within 100 marine miles from the coast, Prince's Island in the Bight of Biafra, St. Thomas, Annobon and Socotra, but not the Spanish islands north of 26° north

latitude; it includes further the Arabian peninsular, Gwadar, Syria, Lebanon, Palestine, Transjordanian and Iraq;

b) A maritime zone, including the Red Sea, the Gulf of Aden, the Persian Gulf, and the Gulf of Oman, bounded by a line drawn from and following the latitude of Cape Guardafui to the point intersection with longitude 57° east of Greenwich and proceeding thence direct to the point at which the eastern frontier of Gwadar meets the sea.

To these zones the export of all arms save those of the third category (warships) is forbidden except under certain conditions. It may be authorised, if the High Contracting Party exercising sovereignty, jurisdiction, protection, or tutelage over the territory to which the export is consigned is willing to admit the articles in question and if these articles are intended for lawful purposes.

Chapter IV contains three provisions of a special nature. The first relates to Abyssinia, whose Government has expressed its willingness to put into force in its territory measures designed to give effect to the provisions of Chapter III; the second relates to the reservations which a certain number of countries bordering on Russia may wish to make in order to adapt the general principles of the Convention to the special position in which they might be placed owing to the non-adhesion of Russia; the third provides for the case of countries possessing extra-territorial jurisdiction in the territory of another State.

Chapter V is confined to general provisions. It lays down that the Convention shall not apply to arms forwarded to the military forces of the exporting country, wherever these forces may be, or to those carried by the individual members of such forces or by other persons in the service of the exporter. It is also provided that, in time of war, the stipulations of Chapter II (supervision and publicity) so far as any consignment of arms to, or on behalf of, a

belligerent is concerned, shall be suspended until the restoration of peace.

All provisions of international conventions prior to the present one shall be considered as abrogated in so far as they relate to the matter dealt with therein. The Convention shall not, however, be deemed to affect rights and obligations arising out of the Covenant of the League of Nations, the treaties of peace signed in 1919 and 1920, the Washington Treaty of February 6th, 1922, and other treaties and engagements concerning the prohibition of export, import, or transit of arms

Disputes arising between the Contracting Parties as to the interpretation or application of the Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. Should the parties to the dispute not be signatories of the Statute of the Permanent Court, the dispute shall be referred either to the Permanent Court or to a court of arbitration constituted in accordance with the Hague Convention of 1907, or to some other arbitral tribunal.

The Convention will come into force after ratification by fourteen Powers. Ratification and subsequent accessions will be notified to the French Government.

Up to the present the Convention has been signed by thirty-four States, but has only been ratified by France, China and Venezuela. This delay is attributed to the fact that States are awaiting the work contemplated in the Final Act with regard to the international aspect of the manufacture of arms, munitions and war material.

CHAPTER II

Private Manufacture of Arms and Munitions.

Paragraph 5 of Article 8 of the Covenant notes "that the manufacture by private enterprise of munitions and implements of war is open to grave objections". The Council is invited to advise "how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the League which are not able to manufacture the munitions and implements of war necessary for their safety".

I. FIRST ENQUIRIES OF THE TEMPORARY MIXED COMMISSION. PROHIBITION OR REGULATION

In 1920 the First Assembly invited the Council to have the question of private manufacture studied by its competent commissions.

Two methods were submitted to the Temporary Mixed Commission, one, supported by the labour members of the Governing Body of the International Labour Office, aiming at the absolute prohibition of private manufacture, the other contemplating the control of private manufacture.

The Commission considered that the first method should be rejected as contrary to the interests of States which did not produce all the material they required.

It then drew up and submitted to the Assembly the list of the objections and proposed certain measures as likely to render control more effective, namely :

- 1) The prohibition of all export of arms without a special license from the Government of the exporting country;
- 2) The prohibition of all import of arms without a licence from the Government of the importing country;

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

2. PREPARATION OF A CONVENTION BY THE TEMPORARY MIXED COMMISSION.

The Temporary Mixed Commission made the necessary arrangements to comply with the instructions of the Assembly to prepare a draft international convention on private manufacture. It received for discussion a draft treaty prepared by a member of the League Economic Committee, Sir Hubert Llewellyn Smith, and a more complete scheme in the form of a convention which was submitted by one of its members, Colonel Carnegie (Canadian). A convention drafted by a sub-Committee which met in Prague in 1924, was subsequently adopted by the Commission.

The minority of the members of the Commission, composed principally of the labour members, urged that the international control of private manufacture should be strongly organised; but in order to make a agreement possible, they did not press for entire prohibition.

The Commission did not endorse this opinion, but established principles designed to serve as a basis for a convention providing for the national control of private manufacture by a system of licences and for the official publication by the Government concerned of information concerning the licences.

The minority drew up a report observing that in their opinion the text of the Commission was inadequate on the following points :

The international character of control, and the rôle of the Council of the League of Nations in the matter :

Control of the accounts of undertakings for the manufacture of arms and munitions;

Measures calculated to prevent owners, directors or higher officials of private enterprises for the manufacture of arms exercising undue influence over organs of public opinion and in particular over newspapers;

Measures calculated to prevent the establishment of international rings consisting of firms concerned in the manufacture of arms;

Measures to ensure uniform methods in regard to the national inspection of enterprises for the manufacture of arms and munitions and steps to coordinate such efforts by international arrangement(1).

(1) The report was signed by the three labour members, MM. Jouhaux, Oudegeest and Thorberg, and a Roumanian member of the Commission, M. Jancovici.

3. POSITION OF NON-PRODUCING COUNTRIES.

Before giving instructions for the final drafting of the Convention, the Assembly and the Council thought that it was absolutely necessary to await the results of the Conference of 1925 on the supervision of the Arms Trade.

At this Conference, as already noted, the non-producing countries pressed for a system of control of private manufacture which, from the point of view of armaments publicity, would place them on an equal footing with producing countries, and a clause was accordingly inserted in the Final Act to the effect that the international aspect of the manufacture of arms, munitions and implements of war should be examined by Governments as soon as possible.

4. ESTABLISHMENT OF A DRAFT CONVENTION.

In these circumstances the Council Committee was instructed to prepare a draft international convention on the private manufacture of arms, and thus to resume the work of the Temporary Mixed Commission. This Committee consulted the different Governments, and in 1926 a draft convention was prepared by three of its rapporteurs. The principal difficulties which had to be solved were the following :

a) *Question of State manufacture.* — A certain number of countries asked that the supervision should bear not only on private manufacture, but also on State manufacture.

b) *National or international supervision.* — Certain Governments were in favour of a national system of supervision; others asked that an international body should be appointed to compile and published information received from the various countries.

The Council Committee endeavoured to solve these diffi-

culties by confining the control to manufacture taking place in establishments of which the State is not the sole proprietor, but extending the publicity to all manufacture whether by private or State enterprise. It hoped in this way to overcome the conflict between the principle of national control and the principle of international control by the system of publicity. It considered that such publicity was in the spirit of the last paragraph of Article 8 of the Covenant which provides that members of the League shall interchange full and frank information as to the scale of their armaments, their military, naval and air programmes, and the condition of such of their industries as are adaptable to warlike purposes.

5. CONNECTION WITH THE GENERAL DISARMAMENT PROBLEM.

At the 1926 Assembly various delegations drew attention to the close connection between the supervision of private manufacture and of the arms trade on the one hand and the general problem of the reduction of armaments, on the other — a connection which had already been noted by the Council. The Assembly felt that the work on private manufacture, if resulting in a convention, would be a valuable contribution to the preliminary work for the conference on the reduction of armaments.

The Council, accordingly, set up a special commission of all its members and invited the Union of Soviet Socialist Republics and the United States of America to send representatives. The latter accepted and recalled the main lines of their argument which had already been stated by Senator Burton their delegate to the May Conference :

1. The United States Government has for many years collected and published statistics covering the production in this country of arms and ammunitions;

2. The United States would be willing to enter into a suitable

international agreement providing for the publication of such statistics by the governments parties thereto, and

3. Such an agreement to be effective should cover the manufacture of arms and ammunition in both private and government factories. The American Government believed that the principles enunciated would provide a sound basis for an international convention.

The work on the subject is still being pursued, the Assembly of 1927 having requested the Commission to proceed on parallel lines to the Preparatory Commission for the Disarmament Conference.

6. THE DRAFT CONVENTION.

Before the Assembly met the Commission had already prepared a draft convention with alternative texts. The main difficulty which still remains to be solved is whether the convention shall apply merely to private manufacture or shall include State manufacture. The Commission was not able to reconcile the various points of view of Governments on the subject, and has not considered itself authorised to make a choice. Nevertheless, the draft, established with sixteen articles and a model statistical statement as annex, gives alternative texts only for the preamble and three articles. The arms categories are the same as in the convention for the supervision of the arms traffic.

The High Contracting Parties undertake not to permit in the territory under their jurisdiction the private manufacture of articles included in the first four articles without the written authorisation of the Government.

The signatories undertake to forward to the Secretary-General or publish within six months after the close of each half-year (June 30th and December 31st) the list of the licences granted during that half-year together with :

a) the kind or kinds of war material which the holder of the licence is allowed to manufacture;

b) the name and address of the registered enterprise or principal seat of the holders of a licence.

The Contracting Parties further undertake to forward to the Secretary-General or publish all statutes, regulations or orders in force within their territory dealing with the manufacture of war material, covered by Article 1. All provisions concerning the application of the convention will be published or forwarded to the Secretary-General.

There are various other provisions concerning publicity upon which unanimous agreement was not reached. The same observation applies to provisions concerning category 3 of war armaments (War vessels).

CHAPTER III

Chemical Warfare.

The question of chemical warfare has engaged the attention of the League of Nations since the beginning. Although during the war this weapon was invariably considered as contrary to the law of nations, it was nevertheless generally employed and intensified.

The problem was complicated by the fact that the substances used may easily be furnished by factories producing in peace time chemical materials for industrial purposes.

The League has aimed at publicity on the danger and horrors of chemical warfare, at obtaining from its members an engagement not to resort to this form of war, and at dealing with the problem as a whole at the eventual conference for the limitation and reduction of armaments.

I. PUBLICITY AGAINST CHEMICAL WARFARE.

The question of the use of poison gases in wartime was first put to the Permanent Advisory Commission by the Council. The Commission was of opinion that the employment of gases against non-combatants must be regarded as barbarous and inexcusable, but that it would be useless to seek to restrict their use in wartime by prohibiting or limiting their manufacture in peace time.

The Council then proposed that Governments should consider the penalties to be imposed upon any nation using poisonous gases in wartime and decided to seek, with the help of competent scientists, a means of effectively preventing their manufacture.

This question was referred in 1921 to the Temporary Mixed Commission which discussed the possibility of appealing to scientific men throughout the world to publish their discoveries concerning poisonous gases in order to prevent any State from becoming the sole possessor of a weapon of this description.

After consulting the Committee on Intellectual Cooperation, the Temporary Mixed Commission came to the conclusion that an appeal of this nature was not a practical measure for the following reasons. A chemical process invented by a scientist cannot be used for war before it has been officially tested. These tests are generally secret. It is moreover difficult to ensure that all new methods are published, and this fact would place countries responding to the appeal at a disadvantage as compared with those who do not. The Temporary Mixed Commission considered that it was essential that people should grasp the importance of the problem, and, for purposes of publicity, asked the Committee to draw up a report on the possible effects of the chemical weapon in the event of a future war.

With the approval of the Assembly, this Committee began work in 1923. It drew up a questionnaire which was forwarded to a certain number of scientists. A detailed report was prepared which explains the effects of substances which are now known, examines the possibility of fresh discoveries and studies means of protection, drawing conclusions which the Temporary Mixed Commission adopted in its report in 1924.

The report explains that chemical weapons produce extremely varied physiological effects.

There are no conceivable limits to their power, their efficacy, and their variety, any more than there are limits to pharmacology or any other branch of chemistry. The effects on unprotected persons are extremely serious. They may be mitigated by adequate protective measures, but the problem of the protection of the civilian population has not been solved. It is to be feared that unscrupulous belligerent powers will not discriminate between the use of poison gases against troops on the battlefield and their use against the centres which provide such troops with the means of fighting. It is therefore indispensable that all people should realise the terrible menace which this arm constitutes.

The Assembly noted the report and requested the Council to publish it if such a course appeared advisable, and to encourage efforts making information on the subject generally accessible to the public. It added that the attention of public opinion throughout the world should be drawn to the necessity of endeavouring to remove the causes of war by the pacific settlement of disputes, and by the solution of the problem of security so that nations might no longer be tempted to use their chemical, industrial or scientific powers as weapons of war.

The Council expressed the hope that the Assembly delegates would do all in their power to make the report known in their respective countries.

2. UNDERTAKING NOT TO RESORT TO CHEMICAL WARFARE.

The Assembly of 1922, while approving the measures proposed by the Temporary Mixed Commission to enlighten public opinion, adopted a resolution recommending that States members of the League and other nations should accede to the Treaty concluded at Washington on February 6th, 1922, on the use of asphyxiating gases and submarines in time of war, and other similar questions.

Article 5 of this Treaty reads :

The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilised world and a prohibition of such use having been declared in treaties to which a majority of the civilised powers are parties (1).

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

The Council accordingly decided on January 31st, 1923, to place the accession of States to the Washington Treaty on the agenda of an international conference for the reduction of naval armaments which it was proposed to hold in Geneva in the near future. This conference did not take place, owing to the failure of the preparatory work of the Naval Sub-Committee in Rome (1924).

The discussion of the question was resumed by the inter-

(1) The Treaties referred to in the first paragraph of this article are the peace treaties which all contain an article beginning "The use of asphyxiating poisons, or other gases, and all similar liquids, materials, or devices being prohibited...".

national conference (May 1925) for the supervision of the trade in arms. Senator Burton (United States) proposed to prohibit the export of asphyxiating gases and other poisonous substances for warlike operations. The Polish delegation asked that the prohibition should include bacteriological weapons.

The Conference noted that this prohibition would not prevent the chemical weapon from being used by States possessing a chemical industry, and that it would be extremely difficult to apply, as chemical war products are very similar to those used in industry or for pharmaceutical purposes. It concluded that the most simple solution would be to ask all States to give a formal undertaking not to resort to chemical warfare. A Protocol was drawn up in the following terms:

The Undersigned Plenipotentiaries, in the name of their respective Governments

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare :

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

3. PREPARATORY WORK FOR THE CONFERENCE ON THE LIMITATION AND REDUCTION OF ARMAMENTS

Such formal undertakings were not sufficient to allay the anxiety of those who feared a return to the practices of chemical warfare, and in the course of the preparatory work for the Disarmament Conference during the last two years, the question of chemical warfare was once more raised as likely to gain in importance in the event of the limitation of the quantity or strength of war material not prohibited by the law of nations.

At the request of the British delegation, the Preparatory Commission for the Disarmament Conference referred to its technical sub-commissions questions concerning the time required for the adaptation of chemical factories for the manufacture of poison gases, the means required for such transformation, the time and means necessary to equip civil or military aircraft for chemical warfare, the effect of the distribution of poisonous gas over closely populated districts, possible penalties for a State resorting to chemical warfare. The Military Sub-Commission and the Joint Commission sought the advice of civilian experts and recognised unanimously that, according to the amount to be manufactured and the nature of the peacetime production, the time necessary for the transformation of factories and aircraft might vary from some hours to several weeks. It would take longer if a chemical industry had to be built up from the beginning and if there were no factories which could be made use of.

The Military Sub-Commission did not see how it was possible to prevent such transformation. The Joint Commission proposed agreements between the producers of the various countries in order to ration manufacture and to be able to supervise the prohibition of manufacture for purely military purposes. The Joint Commission also suggested that government subsidies for official laboratories or private

institutions for research work on poisonous substances for military purposes should be prohibited.

As regards penalties which might be inflicted on a State violating its undertaking not to resort to chemical warfare, certain members of the military Sub-Commission proposed that immediate reprisals should be organised with the same chemical substance. Other members objected that the organisation of such reprisals would demand preliminary study, and that this would merely imply the recognition of the chemical arm as a legitimate means of warfare.

The Belgian delegation to the Preparatory Commission suggested that an international convention should render compulsory the publication of inventions capable of being used for prohibited forms of warfare. The Military Sub-Commission was of opinion that such a convention would in practice be useless for the same reasons as those given in connexion with the publication of inventions.

The Belgian delegate also asked for consideration of the possibility of inserting in a convention on the prohibition of chemical warfare a clause providing for a procedure of complaint and investigation on the subject, similar to that contained in the charter of the International Labour Organisation. The Committee of Experts consulted by the Joint Commission had expressed the opinion that an international convention for the prohibition of chemical warfare could not be effective without an agreement between the industries concerned. Once such an agreement is concluded, if it is violated by any industry, the syndicate has to settle the incident. If the violation is due to secret manufacture or Government action, the procedure of investigation on the spot may be contemplated without difficulty from the economic point of view. The Committee added that penalties for the guilty would be an advantage for the general prosperity as they would contribute to a feeling of general security.

The Preparatory Commission for the Disarmament Conference did not have sufficient time at its session in March 1927 to find a solution of the problem on the technical basis furnished by its Committees. Without discussion, it confined itself to inserting the proposals submitted in its preliminary draft convention.

CHAPTER IV

The Right of Investigation.

The Treaties of Peace which put an end to the war of 1914 to 1918 all contained at the end of the chapter concerning military, naval and air clauses an article by which Germany, Austria, Bulgaria, and Hungary undertook to lend themselves to any investigation which the Council by a majority vote might consider necessary (Articles 213 of the Treaty of Versailles, 159 of the Treaty of St. Germain, 104 of the Treaty of Neuilly and 143 of the Treaty of Trianon). In May 1920 the Council instructed the Permanent Advisory Commission for military, naval and air questions to study the question and submit rules for the exercise of this right of investigation. The Temporary Mixed Commission also considered the question, but the drafts established were never applied, for the Inter-Allied Commissions of Control continued in office longer than was contemplated by the Treaties. The discussion of the question was resumed in 1924 at the request of the British Government at a moment when it appeared that these Commissions would shortly be disbanded.

I. THE RULES OF 1924.

The Council had first to settle a preliminary question. Certain Governments which were not represented on the

Council had asked to be represented in virtue of Article 4, paragraph 5, of the Covenant when questions of investigation were discussed. The Council, after taking legal advice, decided to sit with its usual membership.

The Permanent Advisory Commission submitted, in September 1924, a series of draft rules which were much more detailed than those of 1921. The Council adopted them with some modifications. These rules define the duties of the bodies concerned in the investigation.

a) *Rôle of the Council.* — Without prejudice to the right of an individual member of the Council to bring any matter to the direct notice of the Council, every Government member of the League may communicate to the Secretary-General for consideration by the Council any reports or information which in its opinion call for the exercise by the Council of the right of investigation.

Once an investigation is decided upon, the Council will notify the Government concerned, without informing it of the details of such investigation which may bear on the demilitarisation of territories provided for by the treaties, and the military, naval and air clauses of the treaties.

The programme of the investigation and the lists of experts are drawn up by the Council. The Council decides the composition of the Commissions and appoints the presidents, who receive their instructions from the Council and are responsible to it (1).

The Council fixes the period of the investigations and receives all reports and information.

b) *Composition and functions of the Permanent Advisory Commission.* — The Permanent Advisory Commission is

(1) The Acting-Presidents of the Investigation Commissions are General Baratier, for Germany; General Calcagno, for Austria; General Schuurman, for Bulgaria; and General G. C. Clive, for Hungary.

responsible to the Council for preparing any investigation upon which the Council may decide.

Any State which is not member of the Council, but a neighbour of a State which has given to the former State undertakings by one of the Peace Treaties to submit to investigations, shall be represented on the Permanent Advisory Commission for all questions concerning investigations.

According to the nature and importance of the investigation, the Permanent Advisory Commission will submit to the Council proposals as to the exact composition of the Commission of Investigation. It supplies the presidents with such information as may be necessary, and the presidents address to it copies of reports upon which the Commission forwards to the Council a reasoned opinion.

Members of the Permanent Advisory Commission cannot be members of the Commission of investigation.

c) *Composition and functions of the Commissions of Investigation.* — The members of these Commissions are chosen from a list of experts qualified in the various matters likely to form the subject of investigations. These lists are kept by the Governments of States represented on the Council.

The exact composition of the Commission varies according to the nature and importance of the investigation. It may be fixed by a majority vote of the Council. With the exception of States subject to investigation, the States represented on the Council, when an investigation is decided upon will be represented in principle on every commission of investigation.

Every local investigation will be carried out by at least three experts of different nationalities.

The presidents of the Commissions will not reside in a State subject to investigation except during the period of investigation. They can, within a period fixed by the Council

and with its approval, detach groups to remain at points in demilitarised zones where continuity of investigation is required (1).

d) *Powers of the Commissions of Investigation and facilities to be granted by Governments subject to investigation.* — The rules were completed by a report on ways and means of assuring to the Commissions of Investigation free and complete execution of the duties entrusted to them.

This report was drawn up by the Permanent Advisory Commission with the assistance of a committee of jurists, and was adopted by the Council in September 1924. It is in two chapters, the first dealing with the powers of the Commissions, the second with the facilities which Governments should grant them. It is the duty of the Government concerned, on receipt of a notification from the Council that it has decided to exercise its right of investigation, to take all measures to ensure that the Commission may accomplish its mission to the fullest extent in complete freedom and without encountering resistances, whether active or passive, on the part of any authority or of the local population. The Government concerned must also assure the Commission the legal means for the execution of its mission.

The Council forwarded these rules to the four countries concerned in order to enable them to take the necessary measures to ensure the proper carrying out of the system of at any time put into operation.

The Council drew attention to the fact that in its opinion the essential point in regard to the investigations was that the States concerned were formally bound by treaty to submit to these operations.

e) *Right of investigation in the demilitarised Rhine Zone.* — On the proposal of the French representative, the Council in

(1) See below amendments to Rules of Investigation.

December 1924 asked the Permanent Advisory Commission to study the application to the demilitarised Rhine Zone of the rules on demilitarised zones. It will be recalled that these rules provided that with the approval of the Council the president of the Commission of Investigation could detach groups to remain at points in demilitarised zones where the continuity of investigation was required.

The Permanent Advisory Commission submitted a report which was not unanimous, and on which the Council did not take any decision. The question was postponed and was only settled in December 1926 when the rules of investigation were revised to take account of the objections of the German Government.

2. AMENDMENTS TO THE RULES OF INVESTIGATION AT THE REQUEST OF THE GERMAN GOVERNMENT.

In January 1926, the German Government replied to the Council on the subject of the rules of investigation. While stating its readiness to facilitate the investigations which it considered as offering to some extent a guarantee against unjustified allegations, the German Government pointed out that the rules might be interpreted as intending to transform into a permanent control the investigation contemplated in Article 213, which could only apply to specific cases. It stated that the provisions concerning detached groups and demilitarised zones could not apply to the Rhine zone, and that an investigation in that zone could only bear on the general clauses of the treaty concerning armaments (Part V of the Treaty of Versailles), and not on the special articles (42, 43, 44, of the Treaty of Versailles) concerning the zone. Finally the German Government expressed its willingness to grant the Commissions all necessary facilities, but pointed out that the powers requested in regard to German authorities and individuals were in some measure

inconsistent with the German constitution. It hoped nevertheless that it would be easy to reach an agreement on the subject.

The Council discussed these objections when, after the Locarno Agreements, Germany entered the League and became a permanent member of the Council. It adopted the following text as interpreting the Rules of Investigation :

1. The Council of the League of Nations, acting by a majority vote, shall decide in conformity with Article 213 of the Treaty of Versailles, whether it is necessary, in any particular case, to hold an investigation, and it shall then specify the object and the limits of such investigation. The Commissions of Investigation shall act under the authority and on the instructions of the Council; the Council's decisions shall be taken by a majority vote.

2. To render an effective investigation possible, the Commission shall apply to the representative appointed by the German Government or to his delegates, who will procure without delay the assistance of the administrative, judicial or military authority competent under German law. Such investigations shall then be carried out and findings reached as the Commission, acting within the limits of its instructions, may consider advisable, the interested party being given a hearing.

3. The prohibition laid down that the nationals of a State subjected to the right of investigation shall not form part of Commissions of Investigation, shall be understood in the sense that the nationals of the State in the territory of which an investigation is undertaken, shall never form part of a Commission holding such investigation.

4. It is understood that the provisions of Article 213 of the Peace Treaty with Germany, relating to investigations, shall be applicable to the demilitarised Rhine zone as to other parts of Germany. These provisions do not provide in this zone, any more than elsewhere, for any special control by

local standing and permanent groups. In the demilitarised Rhine zone such special groups, not provided for Article 213, shall not be set up except by convention between the Governments concerned.

5. The explanations give in Articles 1, 2, and 3 above naturally apply to cases under Articles 159 of the Treaty of Saint-Germain, Article 143 of the Treaty of Trianon, and Article 104 of the Treaty of Neuilly.

The Council has been notified by the Conference of Ambassadors of the termination of the Inter-Allied Control in Germany, Hungary, and Bulgaria. It is expected that a similar communication will be received with regard to Austria. The final reports of the Commissions of Control in the three first named countries have been deposited in the archives of the Secretariat.

The Conference of Ambassadors has also informed the Council of the agreements between the Governments represented on the Conference and the Governments of Germany and Bulgaria with regard to the civil aviation regime to be applied in those two countries. A similar agreement has been concluded between the Conference and Hungary.

CHAPTER V

Publications of the Secretariat.

I. MILITARY YEAR-BOOK.

The Disarmament Section publishes a military year-book containing general and statistical information on the land, sea and air armaments of most countries.

When the Temporary Mixed Commission proposed that this year-book should be published, it considered that it would have an excellent effect from a moral point of view and would make it possible to refute any alarmist press campaign based on inaccurate information. The year-book was first published in 1924, when it contained information on the armaments of about twenty countries. It has been developed since that date and now contains statements concerning fifty-eight countries, members and non-members of the League.

Each statement is in three parts, the first giving general information on the army, air force, and navy, the second concerns national defence expenditure, the third contains statistical information on the production and exchange of raw material and manufactured wares of importance to national defence. One of the annexes gives extracts of the treaties and conventions in force which concern the limitation or reduction of armaments. Another annex, which was published for the first time in the latest edition, contains graphs giving the position as regards navies of the principal sea Powers in 1913, 1919 and 1926, and statistical tables giving the characteristic features on the armies of all countries.

2. STATISTICAL INFORMATION ON THE ARMS TRADE.

The Disarmament Section also publishes each year statistical information on the trade in arms, munitions and implements of war. The first publication of this kind was issued at the request of the Temporary Mixed Commission, in view of the preliminary work for the conventions on the arms trade and the supervision of private manufacture.

In 1925 the Fifth Assembly instructed the Secretary-General to continue regular publication of this information, which is drawn from the customs statistics of the various

countries. The document is in three parts, the first containing statistical tables for the different countries of imports and exports classified according to wares, source and destination, and on the general balance of the arms trade. The second summarises in tables the import and export trade in arms and the situation in the different countries. The third gives the official documents upon which the tables are based.

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LEAGUE

OF

NATIONS PAMPHLETS

(Prepared by the Information Section)

The League of Nations : A Survey (<i>Revised edition</i>)		1/-
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The Health Organisation of the League of Nations (<i>Revised edition</i>).	6 d.	15 cents.
Social and Humanitarian Work of the League of Nations (<i>Revised edition</i>).	6 d.	15 cents.
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