LEAGUE OF NATIONS.

ARBITRATION AND SECURITY.

Report of the Third Committee submitted by H.E. Dr. Lazare Markovitch (Kingdom of the Serbs, Croats and Slovenes).

The Assembly of the League of Nations, at its last ordinary Session, after noting that the Geneva Protocol had not received the ratifications necessary for putting it into operation immediately, decided to reserve its decision as to the advisability of drawing up a fresh general convention concerning the pacific settlement of international disputes. The general principles of the Protocol — arbitration, security and disarmament — in themselves retained their full value for the solution of the problem of the friendly settlement of disputes between nations. For this reason, the resolution voted on September 25th, 1925, by the Sixth Ordinary Session of the Assembly of the League of Nations insists on the advisability and necessity of working for the establishment of peace by the sure method of arbitration, security and disarmament. Inspired by these sentiments and determined to continue its efforts with a view to discovering the most appropriate means of ensuring peace, the Sixth Ordinary Session of the Assembly recalled the guarantees provided by the Covenant and drew the attention of the States Members of the League of Nations to the advantages, from the point of view of their security, of the conclusion of individual arbitration or judicial settlement conventions.

The preliminary negotiations entered into last year between Germany and the Western Powers concerning a pact of guarantee had become a matter of common knowledge and they were expected to lead to results which would be favourable to the re-establishment of mutual confidence between nations. It was for that reason that the Sixth Ordinary Session of the Assembly openly referred to these negotiations and proclaimed in advance that it regarded them with favour and hoped for their final success. The Assembly went even further in its anticipation of events and formally requested the Council, in its resolution of September 25th, 1925, to examine all these conventions and to submit a report to the Seventh Ordinary Session of the Assembly on the progress in general security brought about by such agreements.

The events which have taken place since September 1925 are well known. The recommendation of the Sixth Ordinary Session of the Assembly with regard to arbitration conventions and treaties of mutual security has had its effect. Clear proof of this is to be found in the ever-increasing number of such treaties published by the Secretariat in the interesting volume entitled "Arbitration and Security" (a systematic survey of the arbitration conventions and treaties of mutual security deposited with the League of Nations: document C. 34. M. 74. 1926. V), which has been communicated to all the members of the Third Committee. The most important event, however, and one which marks a definite stage in the evolution of the problem of the pacific settlement of international disputes, is the conclusion of the Treaties of Locarno, the realisation of the wish alluded to in the Assembly Resolution of September 25th, 1925. This event has aroused world-wide interest. It is therefore not surprising that the Council of the League of Nations, in emphasising, in its reports on the matter, the capital importance of this historic fact, should not have hesitated to draw from it certain hopeful conclusions as to the maintenance of peace.

Acting in accordance with the recommendation of the last Ordinary Session of the Assembly, the Council has undertaken, through the intermediary of its competent organs, an examination of all the declarations, proposals and suggestions made to it or to the Assembly. It has also undertaken an examination of the treaties deposited with the League of Nations, in particular the Treaties of Locarno. The conclusions at which the Council has arrived will not fail to produce an impression on all sides. The Council notes that the movement towards the pacific settlement of international disputes is constantly gaining force in international policy.

In another passage of its report (document A. 32. 1926, page 12) the Council notes that this movement has acquired an ever-increasing force and can already be regarded as part of the practical policy which a number of States are in a position to adopt. The Third Committee is fully aware of the importance of these declarations; without indulging in exaggerated optimism, it has come to the conclusion that appreciable progress has been achieved by the Treaties of Locarno and that it is essential to continue along the road of confidence and peace so clearly traced by the signing of these Treaties.
When examining all these facts and endeavouring to determine their political significance, the Third Committee thought it desirable to recommend that the Assembly should not only note the progress realised in the matter, but should also take steps more particularly to promote the development of international relations in the spirit of mutual confidence and security which prevailed at Locarno and which should not remain the exclusive privilege of a few Powers. The Third Committee regards the present moment as most favourable for the consolidation of peace by means of the extension of the principles of the Protocol which were so emphatically confirmed by the Treaties of Locarno. It is convinced that the growing tendency to settle international disputes by pacific means, a tendency dwelt upon in the reports of the Council, stands in need of encouragement and support. It was for this reason and in view of the considerations to which reference has just been made that the Third Committee, on the proposal of the delegation of the Kingdom of the Serbs, Croats and Slovenes, drafted the proposal submitted to the Assembly for approval.

This resolution bears some relation to those of previous years and more particularly to the resolutions of September 25th, 1925. It is designed to testify to the League's desire to promote the continuation of the admirable work accomplished at Locarno and to make that work more far-reaching by extending it to other regions of Europe and the whole world. The resolution does not claim to exhaust the vast and complex question of the pacific settlement of international disputes.

The Committee fully realises that in certain parts of the world, and even in Europe, States will no doubt be able to go further and adopt a more strictly judicial system than that of the Locarno Treaties.

Furthermore, certain States which may consider themselves to be already in a position of security will not need to identify themselves strictly with the system of security by mutual guarantee provided for in these Treaties. The resolution is in the nature rather of a political resolution bearing upon the actual state and stage of evolution of those ideas of the Covenant which have found expression in the different Conventions on arbitration and security and more particularly in the Treaties of Locarno.

Further, we desire to mention a fresh element which would be introduced into the Council's sphere of activity by the last paragraph of the resolution. This contains a provision requesting the Council to offer its good offices, if necessary, for the conclusion of suitable agreements on the lines of the Locarno agreements. This simply means that the Council would be asked to give its encouragement and make a recommendation but would be left to judge, in its discretion, of the expediency of such mediation and the conditions under which it should be offered in concrete cases.

The Seventh Ordinary Session of the Assembly, by adopting this resolution would set the seal of its authority on the peaceful policy which it desires to see adopted by the States Members of the League in their individual policy and would thus be discharging the duty so eloquently described in the preamble to the Covenant as that of achieving international peace and security by the establishment of the principles which should be regarded as the actual rule of conduct among Governments.

Draft Resolution.

"The Assembly,

"Having examined the reports of the Council on Arbitration, Security and the Pacific Settlement of International Disputes,

"Records the fact that the resolution of the Sixth Ordinary Session of the Assembly to the effect that the most urgent need of the present time is the re-establishment of mutual confidence between nations has had definite results. It sees clear proof of this in the ever-increasing number of arbitration conventions and treaties of security conceived in the spirit of the Covenant of the League of Nations and in harmony with the principles of the Geneva Protocol (Arbitration, Security and Disarmament). It emphasises in particular the importance of the Treaties of Locarno, the coming into force of which has been rendered possible by the admission of Germany into the League of Nations and the principal object of which is to ensure peace in one of the most sensitive regions of Europe,

"Sees in the last-mentioned Treaties a definite step forward in the establishment of mutual confidence between nations,

"Considers that agreements of this kind need not necessarily be restricted to a limited area, but may be applied to different parts of the world,

"Asserts its conviction that the general ideas embodied in the clauses of the Treaties of Locarno, whereby provision is made for conciliation and arbitration and for security by the mutual guaranteeing of States against any unprovoked aggression, may well be accepted amongst the fundamental rules which should govern the foreign policy of every civilised nation,

"Expresses the hope that these principles will be recognised by all States and will be put into practice as soon as possible by all States in whose interest it is to contract such treaties.

"And requests the Council to recommend the States Members of the League of Nations to put into practice the above-mentioned principles and to offer, if necessary, its good offices for the conclusion of suitable agreements likely to establish confidence and security, the indispensable conditions of the maintenance of international peace and, as a result, to facilitate the reduction and limitation of the armaments of all States."