Justice. Above all, make disarmament obligatory upon all nations. Finally, see to it that the justified wishes of the population for an adjustment of frontiers be met by means of properly regulated legal procedure. Remember that development never ends, and that, unless you wish it to find vent on some violent eruption, you must not make the bootless attempt to curb and enclose it. No, we must give it free progress along the lines of right and justice. So, and only so, will it be possible to provide the premises for the vigorous efficacy of the League of Nations; so, and only so, to create the possibility of an energetic growth of its authority; so, and only so, to prepare the way for that universality of its membership without which it will never be able to fulfil its great task. Then Germany, too, would no longer need to hesitate whether she should, on condition of equality of rights, enter the community of nations united in the League and to co-operate in the maintenance of peace on the footing of justice and righteousness.

Berlin, July 5th, 1924.

(Signed) Hoetzsch Kaas Kahl Krieger Meinecke Montgelas Schiffer Schucking.

REPLY FROM THE NETHERLANDS GOVERNMENT.

[Translation.]

In your letter C.L. 105 of October 25th, 1923, you submitted for consideration by the Netherlands Government, in accordance with the Council’s decision of September 29th, and a resolution of the fourth Assembly, the draft Treaty of Mutual Assistance drawn up by the Third Committee of that Assembly. In the same letter you requested me to communicate Her Majesty’s Government’s opinion on the draft.

In reply, I beg to refer to the letter which I sent you on June 23rd, 1923, and in which the Netherlands Government, in compliance with a request made by you, stated its opinion on the resolution adopted by the third Assembly concerning the question of treaties of mutual guarantee. The Royal Government mentioned the doubts which it had entertained from the outset as to whether the putting into effect of the treaties of guarantee would really achieve the proposed object — namely, the reduction of armaments. The Government questioned whether it was justifiable to assume that the universality which is essential for this purpose would be achieved more easily or more rapidly by means of the Treaty of Guarantee than by the Covenant of the League of Nations, or to suppose that a system of military co-operation which did not provide the necessary legal guarantees that the assistance to be given should only be granted to States in a position to claim it rightfully would be likely to create between countries that atmosphere of peace and confidence by which alone the reduction of armaments could be realised.

Further, the Government raised the question whether the system contemplated in the above-mentioned resolution was in accordance with the principles and spirit of the Covenant, and whether its adoption would promote the development of the League of Nations.

After taking cognisance of the discussions at the fourth Assembly, the Netherlands Government continued its enquiry into these questions and made a most careful examination of the draft Treaty. As a result of that examination, it has not been led to modify its original point of view; rather, it is confirmed in its opinion.

I presume that it was not the object of your circular letter to invite the Governments to give in their replies a detailed criticism of the various articles in the draft Treaty. I shall accordingly confine myself to referring to the speech of the first delegate of the Netherlands at the plenary meeting of the Assembly on September 29th, 1923. In his speech, Jonkheer Loudon drew attention to the inadequate interdependence established in the draft Treaty between the guarantee and the reduction of armaments; he emphasised the preponderating weight given to partial treaties under the proposed system. The standpoint of Her Majesty’s Government on this question is in complete agreement with the views expressed by the first delegate on that occasion.

The report submitted by the Permanent Advisory Commission in April 1923 showed that, in application, the principle of the mutual guarantee would necessarily result in the conclusion of separate treaties specifying in detail the terms upon which the Contracting States would assist one another in case of aggression. Accordingly separate treaties form an essential constituent of the system proposed in the draft. Without contesting the right of States to conclude separate and original treaties of this nature, the Netherlands Government is of opinion that it would be contrary to the principles and spirit of the Covenant to expand the conclusion of such agreements into a system and to make them in a way the basis of the international commonwealth. Indeed, this system would rather appear likely to give rise to serious alarm with regard to the maintenance of peace.

Further, the Netherlands Government entertains some doubt whether the draft Treaty would accelerate the reduction of armaments stipulated in Article 8 of the Covenant. In view of the preponderating position given to separate agreements, the proposed system
involves a risk that, in practice, the limitations specified in that article would cease to be regarded as a maximum which should not be exceeded, and would come to be regarded rather as a minimum which the Contracting Parties would be entitled to demand from one another. The result might be that the weaker Powers would lose their freedom to decide on their own authority alone the various questions relating to the organisation of their armaments.

In the Government's opinion, the foregoing objections would become decisive if the legal guarantees which are intended to control the operation of the proposed system were to fail. It must be admitted that in this respect the draft is far from satisfactory. Its failure on this point may be best inferred from Article 8, which provides for the automatic operation of the machinery of assistance.

While maintaining, therefore, its objections to the draft Treaty, the Netherlands Government remains fully aware of the great importance for the entire world of the question of the reduction of armaments, and, again, the necessity of finding some method of arriving at a solution of this vital problem. Instead of employing for this purpose a system of an essentially military character based on the use of force, Her Majesty's Government thinks that it is chiefly essential to encourage the development of all the various institutions of the League of Nations and to give practical proof in international life and in relations between States of the League's spirit of conciliation, co-operation and mutual discussion. Once the League becomes universal, and once the States are genuinely and fully prepared to comply with the provisions and spirit of the Covenant, more particularly in regard to the peaceful consideration and settlement of disputes likely to lead to a rupture, that atmosphere of international security and confidence will be created which is both the most powerful argument for the general reduction of armaments and, at the same time, the essential condition thereof. Her Majesty's Government, which was among the first to adopt as obligatory the jurisdiction of the Permanent Court of International Justice, will constantly endeavour to strengthen the legal guarantees desired by the League of Nations and to give that body the universal character which is indispensable to its efficacy. The Government cannot, however, support proposals which would establish an organisation resting on might rather than on right, thus resulting in the creation of political groups on a military basis and, in consequence, in the disruption of the international commonwealth, instead of promoting the ideal of unity and general collaboration, which is one of the fundamental principles of the League of Nations.

(Signed) V. Karnebeek.

REPLY FROM THE PORTUGUESE GOVERNMENT.

[Translation.]

Lisbon, August 1st, 1924.

The Portuguese Government, having examined the draft Treaty of Mutual Assistance and the documents accompanying your letter of October 25th, 1923, has the honour to inform you:

1. That the Government of the Republic accepts in principle the provisions of the Treaty of Mutual Assistance;
2. That, nevertheless, it considers the guarantees afforded in case of aggression to be inadequate and the indispensable definition of what constitutes aggression to be insufficiently clear and definite;
3. That the Portuguese delegation to the fifth Assembly has been instructed by the Government to give its opinion on the details of the Treaty if the latter is again brought up for discussion.

(Signed) V. Gardine.

REPLY FROM THE CHINESE GOVERNMENT.

[Translation.]

Rome, August 2nd, 1924.

I have the honour to inform you that my Government has given careful consideration to the draft Treaty of Mutual Assistance which you submitted to it in your communication of October 25th, 1923 (C.L. 105. 1923. IX), and to the documents accompanying the draft Treaty.

The Chinese Government considers that, taken as a whole, the text of this Treaty may be regarded as acceptable, as the draft is well calculated to promote the aims of those who are working to ensure universal peace and a reduction of armaments.
The Chinese Government wishes to point out, however, that it will continue to adhere to the plan drawn up by its Ministry of War in 1922 for the reduction of the strength of its army from 1,500,000 to 800,000 men. The latter figure may be still further reduced to the absolute minimum compatible with the armaments of the other Powers and the requirements of internal security.

As regards its naval forces, the Chinese Government wishes to repeat once more the reservation it has already put forward on several occasions to the effect that it must take into account the special position of the country. Its existing naval forces are far from sufficient for the defence of its coast line, which exceeds 3,000 nautical miles, and of its rivers; in the opinion of experts a fleet of at least 500,000 tons would be required, to say nothing of the construction of naval bases and arsenals.

The Chinese Government intends to send you a communication later in regard to its air armaments, in respect of which it also begs to refer you to the letter which I had the honour to send you on July 30th, 1923.

(Signed) Ts. F. Tang.

REPLY FROM THE SPANISH GOVERNMENT.

[Translation.]

Madrid, August 4th, 1924,

The Spanish Government has examined the terms of the draft Treaty with all the attention and care which a document of such world-wide importance merits, and in the drawing-up of which the Government of His Majesty had zealously co-operated. It was, at the same time, important not to lose sight of the special position of Spain, or of the fact that, like all countries, she is obliged to see that her present means of defence are not replaced by means which may be less effective.

The Spanish Government was accordingly led to consider the close connection between the main points of the scheme, i.e. the decision as to when "aggression" has taken place and the application thereafter of effective pressure on the aggressor State. It quickly realised that it was difficult, if not impossible, to define an "act of aggression", although it is upon this definition that all subsequent action depends. For the purposes of this action, the scheme confers upon the Council powers which are perhaps even more extensive than those it possesses in virtue of the Covenant itself. We may therefore anticipate that, in practice, misgivings may be felt by countries which are not represented on the Council, since they will be compelled to act in accordance with the latter's decisions.

Further, even assuming that aggression is defined by the Council, one is inclined to think, on examination of the terms of the scheme, that the economic or military action which followed would only be carried out slowly by reason of its collective character. In these circumstances, the Government of His Majesty feels that the guarantees afforded by this scheme, however great its merits, may not inspire sufficient confidence to enable a Government conscious of its responsibilities to make a serious reduction in the national armaments.

These considerations should not be taken to indicate that the Government of His Majesty fails to appreciate the eminent desirability of continuing investigations for the purpose of attaining the result desired, by means of an agreement even more universal than the preliminary one which will only bind the present Members of the League of Nations. The Spanish Government realises, however, that it will require long and persevering effort to attain, by means of a general limitation of armaments, a state of mutual confidence which will dispel even the suspicion of action contrary to the free development of the creative energy of mankind. The Spanish Government is likewise persuaded that it is possible to work to this end, to prepare the way for this universal brotherhood, and to strengthen the Covenant which expresses tis ideals, by means of other agreements which would give a contractual form to the idea of compulsory arbitration.

In the opinion of the Government of His Majesty this era of fraternity and concord may be attained by means of a general treaty, and not by partial agreements. Partial agreements, even if they were under the supervision of the League of Nations (assuming that the League could overcome the difficulties involved in such supervision), would — though based on high ideals in so far as they originated from motives of self-defence — soon be vitiated by realities and by the human tendency to partiality for one's own cause, and would consequently deteriorate into an unfortunate survival of a past which we trust will never return.

For these reasons, the Government of His Majesty regrets that it cannot adhere to the draft Treaty of Mutual Assistance communicated in your Note, C.L. 105 of October 25th, 1923. It is of opinion, nevertheless, that the work which has been taken in hand should be zealously
pursued and it is prepared to co-operate wholeheartedly in finding a method of quelling at the outset, by means of united action, any threat of armed conflict. Such action would constitute the most effective and valid guarantee for peace.

(Signed) Marquis de Magaz,
Head of the Government ad interim.

REPLY FROM THE GOVERNMENT OF THE KINGDOM OF THE SERBS, CROATS AND SLOVENES.

[Translation.]
August 7th, 1924.

The Government of the Kingdom of the Serbs, Croats and Slovenes has given repeated proofs of its earnest desire to ensure the maintenance of peace. It cannot therefore fail to express its wholehearted admiration for the efforts which have been made with a view to diminishing the danger of war, in the future, by a Treaty of Mutual Assistance and by the reduction of armaments. It has consequently examined, with the greatest care, the draft of this Treaty transmitted to it with your letter C.L. 105 of October 25th, 1923.

In the opinion of this Government, a Treaty of Assistance should be general, at least as regards Europe; further, the measures which it provides should be effective and should guarantee absolute security to each signatory State.

The Government is, moreover, of opinion that the general reduction of armaments is impossible until some practical solution has been found for the problem of assistance.

Mutual assistance should be absolute and unconditional; it should be immediately effective both as regards time and the forces employed, and it should be founded on the maintenance of the status quo. It should come into action automatically and rapidly as soon as the need for it is felt. Unfortunately, these requirements are not sufficiently met by the draft submitted to the Royal Government.

In cases of aggression, the draft provides for a procedure which, in the opinion of the Royal Government, could, in most cases, only be set in motion and could only produce its final result — i.e. the action taken against the aggressor (if any such action follows, for even that is not certain) — slowly and with considerable delay. As any delay would place the aggressor State in a favourable situation as compared with its victim, especially if the latter were a small Power, the effect of intervention would thus be weakened. The State assisted, whose territory would be invaded and laid waste, would have difficulty in repairing the devastation, even if it obtained reparation for the damage caused by the enemy. This has been clearly proved by the example of the last war.

In view of the above considerations and without going further into the details of the scheme, the Serb-Croat-Slovene Government feels that it could not entrust its safety to the guarantees provided by the draft.

The Royal Government, looking confidently to the future and earnestly desiring to assist in finding a solution for the difficult question of the reduction and limitation of armaments, which is indissolubly bound up with that of guarantees, will readily continue to co-operate in the work which has thus been begun and the final success of which has undoubtedly been advanced by the results already obtained.

(Signed) Dr. V. Marinkovitch,
Minister for Foreign Affairs.

REPLY FROM THE NORWEGIAN GOVERNMENT.

[Translation.]
Christiania, August 14th, 1924.

The Royal Government does not think it necessary for the moment to submit the observations which might be suggested by a detailed consideration of the various provisions of the draft Treaty of Mutual Assistance.

When Norway adhered to the Covenant of the League of Nations, the greatest importance was attached, as appears from my predecessor’s letter of July 17th, 1923, to maintaining absolutely intact the right of the country’s constitutional authorities to decide for themselves in regard to this country’s participation in military operations. This right would become illusory if the draft Treaty were adopted, since, according to Articles 3 and 5 of the draft, it is for the Council of the League to take a formal decision regarding the employment of military force. The Norwegian Government is unable to concur in such a proposal. In general,
it is opposed to the adoption of treaties of guarantee which so largely increase the obligations imposed upon the Members of the League by the Covenant.

Moreover, as already stated in my predecessor's letter of July 17th, 1923, the Royal Government considers that, in virtue of Article 8 of the Covenant, the Members of the League have already undertaken to reduce their armaments without other guarantees than those provided in the Covenant. The Royal Government is most anxious to promote general disarmament and will do all that lies in its power to bring it about; but it is of opinion that this result cannot be attained by the conclusion of a general treaty of mutual guarantee supplemented by special defensive agreements. Nor does it think that the guarantee of security which a number of States have found it necessary to demand before materially reducing their armaments can be provided by means of a treaty of military assistance. In its opinion, this security can rather be attained by the consistent pursuance of a peaceful policy on the part of the States themselves and by working for the reduction of armaments in every country, without having recourse to a system of military guarantee. The all-essential consideration is to develop progressively co-operation between nations in support of peace and justice, and to fortify international organisation without assigning to military strength so predominant a place as is given to it in the draft Treaty of guarantee under consideration.

As Resolution XIV of the third Assembly points out, no plan for the reduction of armaments can fully succeed unless it is general: the draft Treaty now submitted to the various Governments stipulates therefore that, subject to certain conditions, every country may adhere thereto. In the opinion of the Royal Government it is probable that a plan of military assistance would result in the formation of groups of Powers and would consequently create a situation which experience has shown to contain the seeds of war. For this reason also, the Royal Government feels unable to give its support to the scheme.

(Signed) J. L. MOWINCKEL.

REPLY FROM THE POLISH GOVERNMENT.

[Translation.]

Warsaw, August 16th, 1924.

The Polish Government has no desire to criticise this complex document, which is the result of three years' continuous, devoted work in the cause of peace by certain eminent and exceptionally qualified men. On the contrary, the Polish Government is happy to pay tribute to the endeavours made to secure general disarmament by means of the establishment of a system of guarantees for the security of the different countries.

The Government of the Republic considers that a general Treaty of Mutual Assistance should be the most forcible manifestation of that international solidarity which is the very basis of the League of Nations.

Its chief anxiety being to safeguard the territorial integrity and independence of the country, as is the duty of every responsible Government, the Polish Government hastens to give its adhesion to the principle of establishing preliminary guarantees, already recognised as essential in Resolution XIV of the third Assembly.

In the opinion of the Polish Government, the realisation of this principle, which is closely associated with the undertakings entered into in Articles 10 and 16 of the Covenant, which is incorporated in the Treaties of Peace, would constitute a valuable means of defending the political integrity and independence of the various countries.

Thereby it is laid down that any attack upon a country's heritage, which is the most heinous of all international crimes, will involve the operation of a complicated system of mutual assistance, military, economic, financial and political.

The reduction or limitation of national armaments, in conformity with the provisions of Article 8 of the Covenant, can only be made possible by putting into practice a scheme of guarantees facilitating the application of Articles 10 and 16 of the Covenant. By the universal authority which it enjoys, the League of Nations is able to achieve this task, on which the peace of the world depends. The Polish Government, therefore, will always assist in the work of international pacification undertaken by the League.

The Polish Government has given very careful consideration to the draft Treaty forwarded to it. Subject to the observations on points of detail which it will put forward during the discussions of the Assembly, it desires to submit below certain remarks which it considers of particular importance.

I. It is evident that the first decision to be taken by the Council will be whether or not an act of aggression has been committed. The work of the Temporary Mixed Commission and the Commentary drawn up by the Special Committee in co-operation with certain members of the Permanent Advisory Commission show that, failing an exact definition of the word "aggression", the chief difficulty which the Council would encounter in the matter would be the impossibility of establishing the fact that an act of aggression had really been committed, of deciding which was the aggressor State and, consequently, of putting the different clauses of the Treaty into effect.
The Polish Government considers, however, that this circumstance cannot be held to be an insurmountable obstacle to the putting into force of a scheme designed to be a decisive contribution to the establishment of a new era in international relations.

In the opinion of the Polish Government, the fact should be recognised beyond all doubt that, quite apart from and independently of the "material signs of the aggressive intention", which preoccupied the authors of the Commentary, the mere invasion of the territory or violation of the frontier of a neighbouring State constitutes not merely a presumption that an international crime has been committed but a wrongful act, which is a decisive factor in aggression, determining the immediate operation of the provisions for mutual assistance. Further, the task of the Council would be assisted if a detailed list of the measures to be regarded by it as expressive of an aggressive intention were appended to the Treaty. The list, which would be drawn up by a special committee of experts, should take into account improvements in military science and the conditions of modern warfare.

II. In the view of the Government of the Republic, the ideal of international solidarity, which is the foundation of the Covenant, the new international charter, should inspire every endeavour to create equal conditions of security for all States and so enable the work of disarmament to be enhanced by a stipulation establishing the system of guarantee at the time of the settlement of the dispute. It should, however, be stated that the favourable situation in which certain countries are placed as regards their security handicaps the full and complete realisation of the principle of international solidarity in the field of general assistance. It is accordingly the duty of responsible Governments, while duly making allowance for the present state of affairs, to seek for the means of arriving at immediate and effective assistance as provided for in Resolution XIV of the third Assembly.

For the moment these guarantees can only be realised by means of the complementary agreements specified in Article 6 to 8 of the draft, since these agreements are designed to regulate beforehand the assistance which the signatory States would give one another in the event of a specific act of aggression being committed. As they would be disassociated from the schemes for general assistance laid down in the Treaty, the operation of which is subordinate to a system of decisions by the League, and as they would be both carefully drawn up according to pre-arranged plans, which could be immediately put into operation, the complementary agreements constitute the only genuine guarantees capable of realising the reduction of armaments.

III. Again, we must take into consideration the fact that the geographical, economic or political situation of certain countries or groups of countries would seem to indicate the necessity of bearing in mind that all the High Contracting Parties might not be required to support to the same extent the burdens of the engagements contained in the provisions of the draft. In certain cases, for example, effective financial aid might beneficially supplement the military assistance suitable to the particular conditions of the countries concerned.

Further, with a view to increasing the practical value of the draft so far as possible in time of war, it would be well to establish and specify beforehand the various means of coercion to be placed at the disposal of the Council. The list of these means should be kept up to date and regularly communicated to the Members of the League of Nations.

For this purpose every State adhering to the Treaty of Mutual Assistance should be required to declare:

(1) The extent and kind of assistance which it expects from the Council under the terms of the Treaty, and the assistance which it is able to give to the other High Contracting Parties;
(2) The limit to the reduction of its armed forces.

Being thus in possession of the requisite information for regulating without restriction the operation of the various kinds of pressure to be brought to bear on the aggressor State, the Council would also be free to determine the individual rights and obligations of the High Contracting Parties in such conditions as were acceptable to each.

IV. The application of the principle of international solidarity might, in the view of the Government of the Republic, be immediately displayed in a general way by the universal reprobation of the act of aggression. The most suitable means might be the suspension of diplomatic relations with the aggressor by all countries signatories to the Treaty. If a stipulation of this kind were introduced into the Treaty, it would also be an effective means of completing Article 16 of the Covenant.

V. The Polish Government considers that the practical value of the Treaty might be enhanced by a stipulation establishing the system of guarantee at the time of the settlement of a dispute.

The only provision in the draft which refers, and that in an indirect manner, to the conditions governing the termination of a dispute is Article 1. Under the terms of this article, even in case of a war which shall not be considered as a war of aggression, no State shall violate the political independence and territorial integrity of any of the High Contracting Parties. There is, therefore, all the more ground for laying down that, in an aggressive war which, under the authority of the Council, has mobilised the united forces of the High Contracting Powers against the attacking country, the settlement of the dispute and the peace negotiations must be designed to include international guarantees safeguarding the territorial integrity and political independence of the countries attacked.

Accordingly, it is essential that at this all-important moment for the attacked country, the powers and duties of the Council should be at least as decisive and extensive as at the
beginning of the dispute or during the procedure regulating the assistance provided for in the Treaty.

VI. Although the Polish Government is far from ignoring the importance of the principle of unanimity which is the basis of the League's procedure, it thinks that the moral authority of the Council, in whose hands the peace of the world would be placed in the event of a threat of war, might be weakened by the strict application of this principle to the procedure contemplated in Articles 3 and 4 of the draft Treaty. The decisions of the Council, when the latter is summoned to organise combined action on the part of the High Contracting Parties against the aggressor, might run the risk of remaining inoperative, if any single High Contracting Party voted in opposition to the others. The Polish Government is of opinion that, in cases where unanimity is impossible to obtain, the Council might take a majority decision.

VII. Under the terms of Article 16 of the draft, States which are not Members of the League shall be entitled to adhere to the Treaty with the consent of two-thirds of the High Contracting Parties with regard to whom the Treaty has come into force. The Polish Government considers it extremely desirable, in view of the character of the Treaty, which is a natural corollary to the Covenant, that States desiring to adhere should first give effective guarantees as specified in Article 1, paragraph 2, of the Covenant.

(Signed) SKRZYNSKI,
Minister for Foreign Affairs.

REPLY FROM THE CZECHOSLOVAK GOVERNMENT.

[Translation.]

Prague, August 17th, 1924.

The Government of the Czechoslovak Republic desires to tender its thanks to the Secretariat of the League of Nations for forwarding to it the various documents regarding the discussion at the fourth Assembly in September 1923 on the question of the Treaty of Mutual Assistance and the limitation and reduction of armaments. The Czechoslovak Government has examined these documents with the closest attention and it desires to pay tribute to the devoted work of all those who have contributed to the collection of the valuable information, the highly important material and the ideas, which must be recognised by all, as springing from the highest and most generous motives.

The Czechoslovak Government, since the establishment of the Republic, has followed with special attention and zeal all matters tending to settle the great question of general disarmament and the question closely connected with it — namely, that of security and the prevention of future wars. Czechoslovakia herself, after having, at the beginning of her independent existence, taken certain military measures and having obtained such armaments as were indispensable for her immediate security, has latterly become somewhat reassured as to the stability of the general situation and has consequently begun to effect progressive reductions in her expenditure on armaments and proposes to continue to do so.

Having thus given practical proof of her conception of the principles and aims of the League of Nations, she attaches the greatest importance to all efforts to assure a more permanent and definite peace. The future of the smaller nations is, in her opinion, guaranteed only by an international system, in which, as a result of obligations freely entered into, all the nations, without thought of national egoism, undertake to offer determined resistance to evil with all the material means at their disposal, even in cases in which their own interests are only affected indirectly or from the moral point of view.

It is the aim of the League of Nations to arrive by progressive stages at such a state of affairs. This goal can probably be reached in various ways; and for the last five years the League of Nations has made every effort to find such ways and to decide which is the most likely to succeed. The Government of the Republic considers it immaterial which method is adopted; it considers it essential, however, that every effort should be made to find a method; that such efforts should be unceasing; that the real object of them should never be lost sight of and that a positive result should be finally attained.

This positive result it desires for two reasons:

(1) It is essential, after the Great War, that the nations should at last enjoy the assurance of a quieter life and the certainty of a lasting peace;

(2) It is essential that the League of Nations should not meet with any check in this matter. For this question is the very essence of the League, its main object and, in the opinion of the Czechoslovak Government, its justification.

For some years past, the League of Nations has been endeavouring, by means of the efforts of its important organisations, to find a way by which these objects may be attained. One such way was thought at last to have been found in the proposal for a Treaty of Mutual Assistance drawn up by the Third Committee of the fourth Assembly.

The Czechoslovak Republic, to which this question has been submitted for opinion, adheres to its general policy and to its principle of examining, without prejudice or reservation,
all proposals embodying the objects of the League and ventures to lay before you its candid and definite views on this matter.

I. The Czechoslovak Government considers the idea of the Treaty of Mutual Assistance capable of achieving what the League of Nations desires to achieve. The Czechoslovak Government is not aware, at the moment, of any other means by which this object can be attained and is doubtful if indeed, other means exist. After full consideration, therefore, it accepts the idea of the Treaty of Mutual Assistance submitted to it for consideration as a basis for further efforts to bring about general disarmament and the security of nations. It accepts it as a basis, but is at the same time prepared to abandon it directly any plan is presented that is easier of realisation, more effective in result, and less open to objections than this draft Treaty. The Czechoslovak Government itself recognises these objections.

Until it sees a better method, the Czechoslovak Government considers it to be its duty, in view of the obligations entered into in regard to the League of Nations, to make every effort to improve the present proposal, to remove these drawbacks and to endeavour to bring it to a successful issue.

It is in this spirit that the Czechoslovak Government now declares itself a firm supporter of the Treaty of Mutual Assistance, but it would, at the same time, submit certain reservations in regard to various articles of the Treaty.

II. There are certain general observations which inevitably occur to all those who, responsible to their country and to international public opinion, do not wish to treat lightly questions of such importance and are endeavouring to approach the very heart of the proposal submitted to us. From this point of view, the Czechoslovak Government has followed with the closest attention all official and unofficial expressions of opinion in the various countries regarding the question of the Treaty of Mutual Assistance and disarmament.

There is, in the first place, one important and serious objection to the very principle upon which the whole text of the Treaty is based: that is, the interdependence between security and the progressive reduction of armaments. This principle signifies, indeed, that there shall be no reduction of armaments except in proportion to the security furnished to any State attacked by the guarantee of the other States.

The following objection immediately arises: Does not the Covenant in Article 8 simply and unconditionally impose upon all the Members of the League the obligation to proceed to the reduction of armaments?

The Czechoslovak Government considers that such an interpretation of the Covenant is entirely wrong. It is of opinion that Article 8 must necessarily be supplemented by Articles 10 and 16, that one cannot be applied without the other, and that Articles 10 and 16 express simply and solely the idea of security which, in the draft Treaty in question, is still further accentuated and transferred, so to speak, from the theoretical plane of the Covenant into the practical sphere of the Treaty of Mutual Assistance.

It has been said, and rightly said, that the Treaty of Mutual Assistance is “an extension of the Covenant”. I would say, further, it is the putting into concrete, practical form of the Covenant, and more especially of Articles 10 and 16. Finally, it appears to me that the idea of interdependence between security and the reduction of armaments is essentially inherent in the Covenant and entirely in keeping with its spirit. The Czechoslovak Government has never interpreted those articles of the Covenant in any other manner.

If, therefore, the Council of the League and the Assembly are endeavouring to put into practice the principles of the Covenant, they can only follow the method indicated by the principles expressed in the Treaty of Mutual Assistance, that is to say, they can only put into force the idea of disarmament, by developing at the same time the principles contained in Articles 10 and 16.
The Czechoslovak Government cannot conceal the fact that a certain amount of anxiety has for some time past been apparent in public opinion in its country. Public opinion in Czechoslovakia has not failed to note that for the last two years repeated attempts have been made in the League of Nations to reduce the importance of Article 10, to lessen its significance to the point of rendering it ineffective in the event of any real threat of aggression against a smaller country. I rather fear that these tendencies led to more or less positive results during the Fourth Assembly.

I venture to add that such tendencies appear to me contrary to the spirit of the Covenant and, in such a case, to the Covenant itself; the League of Nations would thereby lose much of its value and its real moral importance, and the very basis of the League would be jeopardised.

The Czechoslovak Government was therefore delighted to see the opposite tendency developing, the tendency to enhance the importance of the great principle of the Covenant contained in Article 10.

In conclusion, the Government of the Czechoslovak Republic is of opinion that to emphasise the interdependence of two essential principles — security and the reduction of armaments — is not to add a fresh condition to the execution of the Covenant but, on the contrary, to act in the spirit of the Covenant and to give it the true significance which it should always possess.

III. There is a whole series of other objections of principle which appear perhaps still more important. They may be summed up as follows:

The Treaty of Mutual Assistance cannot have the desired result and will be ineffective for the following reasons:

(a) A unanimous decision of the Members of the Council is required to decide which party is the aggressor. In practice, however, it is impossible to believe that in a really serious case unanimity could be obtained.

(b) In case of aggression it is necessary to act promptly; but the procedure laid down for the Council not only rules out, a priori, any such prompt action, but even precludes the possibility of a prompt agreement as to the military or other measures to be taken, the strategic plan of campaign, etc.

(c) The authors of the Treaty were indeed alive to this difficulty, and they finally adopted, as a complement to the general guarantees of the Treaty, the further special guarantee of the partial defensive Treaties, thus reverting to the old system of alliances, which encourage the formation of rival groups and are contrary to the spirit of the Covenant.

(d) In addition to this ineffectiveness as a practical instrument, and to its reversion to the pre-war system of alliances, the scheme contains a final and serious disadvantage. It weaves a whole web of grave international obligations, without in any way advancing the general cause; and these obligations are so complex that they seem likely to be a source of fresh difficulties rather than a means of avoiding disputes.

If these criticisms were justified, they would amount to a final condemnation of all schemes for a treaty of mutual assistance. Their arguments may be summed up as follows: You are seeking to create a system of obligations which will not procure the advantages desired and promised, but which will justify the formation of mischievous alliances — admittedly indefensible, from a moral point of view — and will provoke fresh international difficulties.

IV. The acceptance of such criticisms would, however, amount to a blank negation of the whole conception of the League of Nations; and, if they are justified, it would follow that the idea of the League of Nations, as now constituted and as conceived by its authors, is impracticable.

What is the essential basis of any conception of a League of Nations? Is it not the desire for universal and lasting peace; is it not the demand that the community of nations should guarantee the independence and freedom of each of its members; is it not the endeavour to make the brotherhood of nations a reality, and at the same time to offer an effective barrier to any violation of public right or justice by using measures of constraint against those who commit such a crime against the law of nations?

In spite of these criticisms — which in our view are only justified up to a certain point in regard to the present Treaty — the Czechoslovak Government remains firm in its loyalty to the League of Nations ideal. It believes that it would be only a half-way measure to seek the final abolition of war through efforts for the reduction and limitation of armaments — since, in practice, we can never contemplate complete disarmament. For the question at once arises: would it not be possible to begin a war with reduced armaments and reduced supplies of munitions? Would it not be possible to violate the conventions establishing the demilitarised zones, or the other less important conventions? Is it not a fact that in the last war some States entered into the struggle almost without armaments, and only took steps to supply their requirements during the course of hostilities? And how are we going to act, and how is the League of Nations going to act, if such cases arise in future? Should we not be failing in our duty as Members of the League if we did not foresee such eventualities and prepare to guard against them?

The fact is that to endeavour to prevent wars by the reduction or limitation of armaments is to mistake the means for the end, thus committing a fundamental error. The employment of the means — even with a large measure of success — in no way implies that the goal has been attained.

The question which I have just raised is one which will always have to be faced by the League of Nations, particularly by the smaller nations which are so much exposed to aggression.
If, in spite of the reduction of armaments and of all these conventions, a State attacks one of its neighbours, notwithstanding its reduced armaments and in violation of its pledged word, what policy are we going to adopt?

There are certain States whose social and economic structure enables them to increase so rapidly their supplies of the arms and munitions required for the scientific and technical warfare of to-day that their neighbours might be easily and rapidly overwhelmed if they possessed no other form of guarantee.

V. These are very disturbing questions; they all lead back to the fundamental question: Do we desire, and is it in our power to prevent, wars? Is it in our power to guarantee the safety of nations which may be the victims of aggression, and are we prepared to adopt measures of constraint in case of a violation of public right?

If the answer is No, let us say so frankly and not blind ourselves with illusions. Let us expose the naked truth, before the eyes of the whole world, and particularly of certain small nations which are especially concerned about their future. For these nations have both the right and the duty of acquainting themselves with the facts and of shaping their policy accordingly. The world would draw the inevitable though somewhat melancholy conclusion — which, nevertheless, would be much better than uncertainty or the kind of vague hopefulness which at present prevails — that the League of Nations in its full idealistic sense is an impracticable idea, and that it must continue to play — no doubt an important — but still a secondary role as an organisation which may often be usefully employed for subsidiary tasks, but which is incapable of solving the real problems of international relationship, and in particular the most burning problem which now confronts humanity — the problem of permanent and durable peace.

If the answer is Yes, let us set to work without hesitation, let us redouble our efforts and strive to eradicate the defects in the schemes to secure the safety, liberty and independence of the peoples.

In the present case we might get rid of some of the difficulties in the way of the draft Treaty of Mutual Assistance by adopting the principle of a majority in place of a unanimous vote for decisions in cases of aggression. This suggestion does not entail any amendment to the Covenant. The Covenant is not involved; we are simply concerned here with the stipulations of a new treaty to be freely accepted by the High Contracting Parties. The principle of decisions by a majority vote would thus only apply within the ambit of the treaty, and would not necessarily entail any amendments to the Covenant. The results would quickly be evident.

We might also make a bold effort to hasten the procedure by which the Council is to afford assistance. We could arrange for the partial treaties to be operated under the supervision of the League. I am fully alive to the defects of the partial treaties. But these treaties exist, they will continue to exist, and no one has hitherto ventured to maintain that they would be contrary to the spirit of the Covenant, seeing that they must contain a clause to the effect that they can only become operative if compatible with the Covenant.

We are told, as a serious objection, that partial treaties are imperfect and even dangerous instruments. To that I would reply that every human institution has two aspects — its good side and its bad side, and that it may always be diverted to wrong uses. We do not stop using knives because it is easy to cut our fingers with them!

In this case we are concerned with a great idea, the development of which is being watched with anxiety and hope by a large section of mankind. Let us have the courage to recognise that, in order to realise so great an ideal and to attain so great a goal, it is necessary to take risks: we must choose the lesser evil. I prefer to accept the principle of the partial treaties, which certainly involve some difficulties — though it should be easy to surmount them if we grapple with them vigorously — rather than to abandon the idea of a Treaty of Mutual Assistance and so virtually condemn the very ideal of the League of Nations. Even the strictest moralists do not scruple, in their daily lives, to practise the rule of choosing the lesser evil. If all nations had practised this rule in political affairs, we should long ago have entered the era of eternal peace between nations.

VI. The last argument which the Czechoslovak Government would advance in favour of giving effect to the Treaty of Mutual Assistance is as follows: Why should we not adopt both courses simultaneously? Why not seek to improve, and carry out, by successive stages, the scheme for security through a treaty of mutual assistance, and at the same time proceed with the necessary steps and measures for the conclusion of special conventions concerning the demilitarised zones, the specially exposed frontiers, the extension of arbitration, etc.? Neither of these courses excludes the other. On the contrary, they mutually assist and supplement one another, and by thus supplementing one another they will mutually eliminate the objections which are peculiar to each.

To conclude, the Czechoslovak Government believes that the idea of the Treaty of Mutual Assistance is one which cannot be abandoned without the danger of provoking — particularly among the smaller nations — the impression that they can never obtain even comparative safety, and that in the last resort it will always be the force in the hands of the most powerful nations which will decide their rights and destinies. My Government, however, holds that there are other paths by which we may approach the same objective and that the use of these paths does not exclude that of this particular scheme, so that our efforts to attain the desired end by these paths should be continued. The Government of the Republic draws particular attention to the principle of compulsory arbitration, which it endeavours to apply in its own attention, whenever there is an opportunity for doing so.
Confident in its belief in a genuine human idealism—a belief which has inspired the views expressed in this letter—the Government of the Republic is convinced that the combination of methods which it has indicated offers the right, and indeed, the only path, to the solution of the great problem of disarmament and of a universal and durable peace.

(Signed) Dr. EDUARD BENES.

REPLY FROM THE FRENCH GOVERNMENT.

Paris, August 19th, 1924.

The French Government has examined with the closest attention and the fullest sympathy the report of the Third Committee of the fourth Assembly and the draft Treaty of Mutual Assistance, both of which you communicated to it in your letter of October 25th, 1923.

Before expressing any opinion on the text of the Treaty, the French Government desires to confirm the favourable opinion which it expressed on June 15th, 1923, as to the proposals put forward in Resolution XIV of the third Assembly, and at the same time to state more definitely its views on certain points. These are the necessity of establishing, as the third Assembly proposed, an indissoluble connection between the terms security and armaments, and of making any scheme for the reduction of armaments contingent upon the prior provision of mutual assistance in an immediate and effective form. Accordingly, as, in the opinion of the French Government, no reduction of armaments can be effected unless external support of equivalent value and equal rapidity in operation is forthcoming, any a priori scale of reduced armaments calculated on a more or less arbitrary basis must be rejected absolutely.

So far from awaiting the organisation, in the form of a treaty, of mutual assistance on the principles laid down by the third Assembly, the French Government has already—since it regards the Covenant of the League of Nations as constituting in itself a general treaty of mutual assistance affording the most valuable moral guarantees—effected the full reduction of armaments, which such guarantees rendered possible for France. This operation has taken the form of a reduction of the period of military service with the colours by 50 per cent, of the number of divisions of the line by 25 per cent, and of naval tonnage by over 50 per cent as compared with 1914. The French Government would emphasise that the reduction of national armaments can only be considered as a whole and with close reference to the guarantees of security; the various kinds of armament (land, sea and air) must not be taken separately, since, at least in the case of France, they constitute an indissoluble unit.

Further, since the primary condition of any organisation for mutual assistance is mutual confidence in the international obligations assumed by States, it is clear that no State could be admitted to such an organisation unless it had given, in the words of Article 1 of the Covenant of the League of Nations, “effective guarantees of its sincere intention to observe its international obligations”.

In its letter of June 15th, 1923, to which reference has already been made, the French Government suggested a solution, the principle of which was embodied in the draft treaty by the Temporary Mixed Commission and by the Third Committee of the Assembly. This suggestion was that, according to the varying requirements of different countries in the matter of security, two forms of assistance should be combined.

The first would be military, immediate and practically automatic. It would be furnished by defensive agreements designed to meet certain specific possibilities of war, the intention being that the scope of these agreements should subsequently be enlarged by the adhesion of a greater number of countries.

The second form of assistance would be general, progressive in development, and conditional. It would be furnished by a general treaty for the application of Articles 10 and 16 of the Covenant, and under certain conditions the defensive agreements mentioned above would be incorporated in this treaty.

The foregoing is a statement of the position taken up by the French Government with regard to the draft Treaty of Mutual Assistance after the third Assembly had adopted Resolution XIV and before the Treaty had even been drafted.

The French Government, after an exhaustive study of the draft, unreservedly approves the manner in which it combines the two forms of assistance—individual and general—in accordance with its own suggestion made in 1923. It also endorses the fundamental principles embodied in the preamble and in Article 1, namely:

1. The object of the Treaty—a combination of mutual assistance (Articles 10 and 16 of the Covenant) with the reduction or limitation of armaments (Article 8 of the Covenant).

2. The solemn renunciation of aggressive warfare, which will, it hopes, have the desired result of protecting political independence and territorial integrity—the foundations of peace in the modern world.

The principle of general mutual assistance, to be afforded by all countries, is the outcome of the conception of international solidarity. While fully realising the heavy mutual obligations which this principle may require the States to assume, the French Government feels that it is not possible in honour to repudiate obligations once assumed by the act of adhesion to the Covenant. Its own intention, therefore, is to contract, so far as is compatible with...
the requirements of its own security, such obligations as are alone capable of giving vitality to the principle of international solidarity and of putting it gradually into effect through the practical organisation of mutual assistance between States. It was with this conception before her that France signed the Covenant of the League of Nations, and that in 1923 the French Government endorsed Resolution XIV of the third Assembly. It must be admitted that, in the event of aggression, the practical value of general assistance alone would seem likely to be very slight from the military standpoint, for its operation before her that France signed the Covenant of the League of Nations, and that in 1923 the practical organisation of mutual assistance between States. It was with this conception to the principle of international solidarity and of putting it gradually into effect through the requirements of its own security, such obligations as are alone capable of giving vitality to be necessary until the military form of general assistance can be made "immediate and in Articles 6 to 8. The French Government is of opinion that such agreements will continue to spread of the plague of war.

It is not, however, conceivable that any treaty of mutual assistance should afford less effective guarantees than those offered by the Covenant itself. Assistance should therefore be required, from one continent to another, not only in an economic and financial form but also, whenever possible, in the form of naval, air and even military co-operation.

While it concurs in the necessity of organising and developing the system of general assistance provided for in Articles 2 to 5 of the draft Treaty, the French Government is of opinion that immediate steps should be taken to ensure the security of countries which, "for historical, geographical or other reasons", are "in special danger of attack", as specified in Resolution XIV of the third Assembly. That is indeed the object of the supplementary defensive agreements whose conditions of validity and operative machinery are laid down in Articles 6 to 8. The French Government is of opinion that such agreements will continue to be necessary until the military form of general assistance can be made "immediate and effective".

In the opinion of the French Government, the criticisms to which these agreements have been subjected were fully answered in the debates at the Third Committee of the fourth Assembly, inasmuch as they clearly showed that it was no longer possible honestly to regard these agreements as similar to the old type of alliance and as being vitiated by the defects ascribed to those alliances. Whereas these alliances were secret and limited, the proposed agreements are to be public, and to be open to subsequent adhesion by other States. The Council is to consider and decide whether they can be incorporated in the general treaty as constituting the most effective instruments for the application of the principle of international solidarity. There is good ground for hoping, therefore, that the Governments would consider it to their advantage to submit such agreements to the Council in order to qualify for the benefits of general assistance, and would accordingly waive their incontestable right to conclude such agreements without reference to the general Treaty of Mutual Assistance or to the Covenant of the League.

While, however, it is essential that these agreements should be subject to certain conditions as a guarantee of their purely defensive character, they must not be deprived of their raison d'être, namely, their efficacy, which depends entirely upon their coming automatically into effect in certain previously specified cases. The French Government is anxious to make it clear that mutual assistance should not be brought automatically into play in every case of aggression but only in certain flagrant cases recognised as casus foederis in advance by the Council when the defensive agreements were submitted to it. In these specified cases, and in no others, the defensive agreement would carry with it the right to general assistance on the one condition that the Council should have acknowledged the existence of the facts. In other words, there could be no uncertainty as to the Council's decision if there arose one of the cases of aggression clearly defined in the agreements.

Nevertheless, while approving the draft as a whole as being in principle in conformity with its own policy, the French Government desires to offer comments on certain points of the text submitted to it. The following are the principal points which have engaged its attention:

1. Though it is difficult to define specifically all cases of aggression, it is undoubtedly possible to specify the most flagrant cases, which would in themselves furnish a solid foundation for the provisions of the draft Treaty.

2. The difficulty which the Council would experience in deciding within four days which party was the aggressor suggests that it might suffice to require such decision to be reached as speedily as possible, e.g. within not more than a fortnight.

3. Failing a unanimous decision on the part of the Council as to which States was the aggressor, provision should be made for a majority vote; in this event the High Contracting Parties would retain full freedom to take such action as they thought necessary for the upholding of right and justice. The vote should be open to all representatives, except those of the parties actually engaged in hostilities.

4. There is some danger that the operation of mutual assistance might be paralysed by the rule requiring a unanimous vote of the Council, and it would therefore be better to require only a two-thirds majority.
(5) It would also be desirable to define more clearly the provisions of Article 18, and especially to provide for the case of a State being attacked during the period between the ratification of the Treaty and the approval by the Governments of the scheme for the reduction of armaments. Such a State ought undoubtedly to be entitled to the benefits of mutual assistance during the period in question.

In offering these observations, and in suggesting some of the amendments which it thinks necessary, the French Government has been anxious to show that, while the existing draft cannot be regarded as final, there is no reason for giving up hope of rendering it generally acceptable. The French Government will always be ready to consider any proposal likely to contribute to the satisfactory solution of the problem of security, provided always that the reduction of armaments is to be proportionate to the value of the commensurable guarantees afforded by the scheme adopted, and it maintains its belief that, following the policy of international solidarity set forth in Resolution XIV of the third Assembly, a solution, which will meet that Assembly's unanimous desire, can eventually be reached.

(Signed) Herrriot.

REPLY FROM THE LITHUANIAN GOVERNMENT

Kovno, August 22nd, 1924.

The Lithuanian Government views with great satisfaction the results so far obtained by the League of Nations in the important question of the reduction and limitation of armaments, and fully accepts the principles on which the draft Treaty of Mutual Assistance is based, since they will, in its view, strengthen international confidence and will afford States a guarantee of security in return for the reduction of their armaments.

The Lithuanian Government feels bound to point out, however, that the guarantees of security offered by the draft Treaty are open to serious criticism, and that the assistance provided for in the draft might not prove sufficient to enable States to reduce their armaments without jeopardising their national security. At the same time, it is the Lithuanian Government's opinion that the draft Treaty of Mutual Assistance marks an important step towards the realisation of the aim set before the Members of the League of Nations by Article 8 of the Covenant.

The Lithuanian Government considers, however, that the draft Treaty, in the form voted by the Third Committee of the fourth Assembly, contains certain serious gaps to which it would venture to call the attention of the League of Nations.

In the Preamble of the draft it is stated that the aim of the Treaty is to establish the general lines of a scheme of Mutual Assistance with a view to facilitate the application of Articles 10 and 16 of the Covenant; in other words, the Powers adhering to the Treaty would, among other things, undertake to respect one another's territorial integrity. This provision obviously presupposes that frontiers have been regularly established and are recognised by the States concerned. Unfortunately, cases exist where there is no frontier regularly established and are recognised by the States concerned. A striking example of this is the Lithuanian-Polish dispute regarding Vilna, with which the League is only too familiar. The Lithuanian Government could not undertake to come to the assistance of Poland, should the latter be the victor, unless and until she restores Vilna, the age-long capital of Lithuania together with the adjacent territory, which Poland now occupies in violation of treaties and of her own international engagements.

Moreover, the Lithuanian Government takes the view that States participating in the Treaty of Mutual Assistance should undertake not to resort to force for the purpose of settling international disputes, and also to accept the compulsory arbitration and obligatory jurisdiction of the Permanent Court of International Justice.

The Lithuanian Government accordingly ventures to propose that the following two provisions should be inserted in the draft Treaty of Mutual Assistance:

(1) The reference, in the Preamble, to Article 10 of the Covenant of the League of Nations shall in no wise prejudice already-existing disputes between States adhering to this Treaty;

(2) The Contracting Parties undertake to adhere to the optional clause regarding the jurisdiction of the Permanent Court of International Justice.

In view of the special circumstances in which Lithuania is placed, the Lithuanian Government can only adhere to the draft Treaty of Mutual Assistance on condition that the two provisions which it has suggested are adopted.

(Signed) V. Carneckis,
Minister for Foreign Affairs.
REPLY FROM THE ITALIAN GOVERNMENT.

[Translation from the Italian.] Rome, August 25th, 1924.

The Royal Government has examined with the closest attention the draft Treaty of Mutual Assistance, drawn up by the Temporary Mixed Commission and amended by the Third Committee of the last Assembly of the League.

In confirmation of the statements in my note dated June 10th, 1923, the Royal Government cannot but regard with satisfaction any proposal which aims, directly or indirectly, at the reduction of armaments; and accordingly it would welcome the conclusion of a general treaty of mutual guarantee, freely accepted by all nations, if the intention and the practical effect of such treaty contributed to that end.

Resolution XIV of the third Assembly and the draft Treaty now submitted to the Governments for consideration, contemplate that the guarantees of security offered to the different countries to enable them to reduce their armaments might take the form of a general treaty and of partial and regional agreements.

With reference to the conclusion of partial and regional agreements, the Royal Government shares the misgivings which were authoritatively expressed in the course of the preparatory work on the draft. It fears that, so far from furthering, they may jeopardise the operation of the general treaty as a means of securing peace.

As regards the provisions of Article 4 of the draft Treaty, to the effect that, in the event of hostilities, the Council of the League of Nations will determine within four days which of the High Contracting Parties is the victim of aggression and will accordingly set the machinery of the guarantee in motion against the aggressor, the Royal Government feels bound to express the opinion that in most cases it will be extremely difficult, if not impossible, for the Council to decide, within the brief period allowed, which party is the aggressor and which the victim; for it is not easy to define what either in law or in fact constitutes aggression.

Lastly, the Royal Government considers that, if the great humanitarian object of the Treaty is to be attained, a larger number of adhesions will be necessary than is contemplated in Article 18 of the draft; this, indeed, should be an essential condition for the operation of the Treaty.

(Signed) MUSSOLINI.

REPLY FROM THE ROUMANIAN GOVERNMENT.

[Translation.] Bucarest, August 25th, 1924.

The Roumanian Government has given its careful consideration to the report on the draft Treaty of Mutual Assistance which you transmitted to us in your letter of October 25th, 1923.

Pursuing as she does an eminently peaceful policy, no country would welcome with greater satisfaction than Roumania the attainment of general disarmament, but, in view of her geographical position and of the special dangers to which it exposes her, the Roumanian Government is clearly unable to assume the grave responsibility of reducing the national armaments unless it is offered real and effective guarantees of security.

It is therefore in the light of this vital consideration that we have examined the draft prepared by the Temporary Mixed Commission and amended by the Third Committee.

After most careful consideration we have been obliged to come to the conclusion that the draft is not of a nature to provide us with real and effective guarantees of security.

If a treaty of mutual guarantee is to be really effective and if it is not to expose the States which disarm to serious danger, it appears to us that it is an essential condition that the treaty should be a general treaty.

As long as there exist, side by side with the countries which disarm, countries which continue to arm, it is impossible for true disarmament to be attained or for serious guarantees to be offered for countries which consent to follow such a policy.

Resolution XIV of the third Assembly bears witness to the truth of this when it says in point I that "No scheme for the reduction of armaments within the meaning of Article 8 of the Covenant can be really successful unless it is general."

Not only, however, does the present situation preclude the plan from having a really general character, but the procedure which has been adopted renders it possible for certain Members of the League of Nations to evade their most important obligations.
For this reason Article 17, which provides for the possibility of conditional or partial adhesion, appears to us particularly liable to deprive the pact of mutual guarantee of its real efficacy.

Again, we consider that it would, if necessary, be possible to accept even a scheme which was not definitely general in character if mutual assistance in case of aggression were so organised as to ensure the maximum aid and security to countries against which an act of aggression was committed.

Unfortunately, the draft does not seem to us to provide the requisite guarantees even from this point of view.

1. It does not define the facts which constitute aggression. It leaves the decision of this vital point to the Council.

2. It fails to provide for sufficiently rapid action in case of aggression, as it does not state the time limits within which the necessary decisions must be taken. The seriousness of this omission, from the point of view of the State threatened, is obvious.

3. It does not provide for adequate assistance in case of aggression, as the determination of the military contingents is left to the discretion of the Council, which may even confine itself to taking merely economic measures.

4. It attempts to combine and to dovetail into each other a number of over-complicated and over-intricate systems of mutual guarantees, whereas the first requisites of the situation are simplicity and speed.

5. As regards the period during which disarmament is to be carried out, there is no clause definitely stating whether a country which is actually reducing its army can rely on the assistance of the other signatory States in the event of aggression.

6. Lastly, Article 19 lays down that denunciation by one of the great Powers permanently represented on the Council renders the Treaty invalid, thus simultaneously depriving the signatory States which have reduced their armies of every guarantee. This is, in our opinion, quite inadmissible.

In these circumstances, the Roumanian Government considers that the present draft does not offer adequate guarantees to ensure the success of a policy of general disarmament.

If the League of Nations, whose praiseworthy efforts to ensure the establishment of world peace we warmly appreciate, succeeds in discovering a system which obviates the drawbacks mentioned above and provides more effective guarantees for the security of countries which agree to disarm, the Roumanian Government will be glad to give its support.

Having achieved her national unity, Roumania needs to devote all her resources to the work of consolidation and progress incumbent upon her, and is therefore most anxious to relieve her budget of the military burdens imposed by the present general situation.

(Signed) J. G. DUGA,
Minister of Foreign Affairs.

REPLY FROM THE SWEDISH GOVERNMENT.

[Translation.]

Stockholm, August 25th, 1924.

The object of the present draft Treaty is to facilitate the carrying out of an international reduction of armaments which, according to Article 8 of the Covenant, is one of the duties of the League of Nations.

The Royal Government considers it of capital importance that the League of Nations should take, as soon as possible, effective steps to carry out this important duty. If all the States, whose attitude in this matter might in any way concern Sweden agreed to reduce their armaments simultaneously, the Swedish Government would also be prepared to adhere to an agreement upon equitable terms.

The authors, in working out this draft Treaty, hoped no doubt that by so doing, they would be taking the first step towards the reduction of armaments. It is, however, extremely doubtful whether the desired result can be attained by a Treaty of this kind. This Treaty does not provide for any binding undertaking by the signatory Powers to reduce their armaments, but only a promise on the part of each Power to bring about, as far as that Power considers possible, a reduction or limitation of its armaments and to co-operate with the other signatory Powers in a general plan for the reduction of armaments. Even these restricted engagements would be dependent on the carrying out of the system of guarantees provided for in the Treaty. It is, therefore, probable that the whole question of disarmament would be postponed until the Treaty had been accepted. The Royal Government has serious doubts as to the advisability of thus combining the two questions, especially since past experience had clearly revealed the difficulties that would have to be overcome in order to make the Treaty acceptable to the majority of States.

The principal idea underlying the Treaty is that the contracting parties should undertake to give assistance to any party who is a victim of a war of aggression on condition that the State attacked has conformed to the terms of the Treaty in the clauses relating to the reduction of armaments.
The Royal Government wishes, in the first place, to stress the fact that the nature of the engagement in question has given rise to certain differences of interpretation on an essential point. By the terms of Article 2 of the Treaty, such an engagement should only be carried out "in accordance with the provisions of the present Treaty"; one of these provisions, however, is contained in the last paragraph of Article 5, which lays down that a decision regarding the military assistance to be furnished to the State attacked can only be valid if such decision has been taken unanimously by the Members of the Council of the League of Nations, including the State whose assistance has been called for.

A recognised authority on the subject has pointed out, in reference to the provisions of Articles 2 and 5 mentioned above, that any State has the right to decide for itself whether or not, in any case that arises, it will furnish military assistance to the State which is the victim of an aggression, and that the Treaty in this respect only involves a moral obligation. If this interpretation is correct and it is therefore possible for a State to refuse to adhere to a decision of the Council concerning the measures for assistance without such a refusal being considered a breach of the Treaty, there is no doubt that the value of the Treaty is negligible as a guarantee. We cannot therefore see that the acceptance of the Treaty would remove the hesitation shown by certain States in the matter of the reduction of their armaments.

The Royal Government, however, has grounds for putting another interpretation on the Treaty. The Government is of the opinion that the draft Treaty really implies, for the contracting parties, a strictly obligatory engagement to furnish military assistance to one another, leaving the State whose assistance is asked for free, of course, to form an opinion at the meeting of the Council, whether aggression has been committed or not. If this interpretation is admitted, the Treaty must call forth serious objections on the part of the Swedish Government.

According to the Government’s statement in the letter which it had the honour to address to you on June 1st, 1923, on the subject of the draft Treaty then submitted, the Government and the Rikstag had, in the course of the discussions preceding the entry of Sweden into the League of Nations, carefully examined the extent of the obligations which this country’s entry into the League would involve. They had considered the fact to be of special importance that their adhesion to the League did not involve the obligation for Sweden to renounce the right of herself considering the question of her possible participation in any military sanctions taken by virtue of Article 16 of the Covenant. There is no reason to believe that public opinion in Sweden has changed on this subject. There are still less grounds for believing that the Rikstag would be disposed to assume the obligation of furnishing military assistance to an extent beyond that provided for in the above-mentioned article.

Such, however, would be the consequence of the draft. Whereas the sanctions, whether economic or military, stipulated in the Covenant would only be applicable in the case of sudden aggression — a method of action which, under Article 13 of the Covenant, all Members of the League of Nations have declared themselves prepared to abandon unconditionally — the Powers signatory to the Treaty would, under the terms of the draft, be obliged in addition to take part in military operations in the event of a State resorting to war merely on the failure of the conciliation procedure provided for under Article 15 of the Covenant to result in a unanimous recommendation by the Council. Even should a State resort to war in pursuance of a decision by the Permanent Court of International Justice or an arbitral tribunal or, finally, on a unanimous recommendation by the Council under Article 15 of the Covenant, a war of this nature might, in certain circumstances, call for military measures on the part of the signatory Powers. The latter would, under Article 1 of the draft, be obliged to intervene if there were ground for supposing that the aggressor intended to violate the political independence or the territorial integrity of another State.

Further, the Royal Government considers that the extension of the system of sanctions contained in the Covenant is unacceptable, since it is not accompanied by a corresponding extension of the rules contained in the Covenant for the solution of international disputes. If it is desired to apply military sanctions in a general manner to a State which embarks upon a war of aggression, specific stipulations must be made that all disputes which cannot be settled in a friendly manner should be submitted to the decision of a tribunal or other international authority, which would of course be a great step forward, but one for which the majority of States is not yet ripe.

If, again, the draft is examined from the point of view of the security against attacks, which acceptance of the draft is to secure for the signatory Powers, it is impossible not to express certain doubts concerning the efficacy of the guarantees contained in it. Even if the only guarantee under consideration in the present case were the less extensive guarantee mentioned in Article 16 of the Covenant — which obliged the Members of the League automatically to apply the economic blockade to the aggressor State — we cannot be sure that we could immediately rely on the assistance of all States without exception, which is a necessary condition for the effective working of this system. We should therefore certainly rely on the execution by all countries, at the proper moment, of the military undertakings stipulated in the Treaty. The Treaty can only become operative if the Council unanimously decides which of the opposing States is the aggressor and unanimously take certain decisions regarding the assistance to be furnished. The organisation of the Council, however, does not fit it for this kind of work. The Council is a political organisation consisting of persons who act under the instructions of their Governments. We cannot help feeling that the decisions taken by a body of this character might sometimes be influenced by political considerations.
If a single Member of the Council voted upon considerations other than those of justice and truth, the whole system of guarantees would break down. Again, the task incumbent upon the Council under the draft of deciding within four days by whom the act of aggression had been committed appears extremely difficult and even impracticable, particularly since the Treaty, as worded, contains no directions for the Council in cases in which it may be called upon to define the term, "war of aggression". The extremely interesting commentary on the definition of the case of aggression drawn up by the Temporary Mixed Commission and annexed to the draft gives an idea of the difficulties with which the Council will be confronted in this matter.

It is very natural, in view of the purely relative efficacy of the proposed system, that the general Treaty should contain a stipulation suggesting that the signatory States should separately conclude, either as between two of them or as between a larger number, complementary defensive agreements and should determine in them the nature and extent of the assistance which they would undertake to furnish one another. Agreements of this nature are already in existence and are not incompatible with the Covenant. If, however, the view of the Royal Government is accepted that separate agreements of this kind tend to the formation of mutually hostile groups of Powers and consequently to involve certain dangers to Peace, the agreements proposed under the Treaty cannot be contemplated without certain misgivings. The stipulations under which a certain measure of control is conferred upon the Council as regards these agreements are not, in the opinion of the Royal Government, sufficient to remove the disadvantages inherent in the system.

The Royal Government has not yet dealt with Article 17 of the Treaty, which provides for the possibility, subject to the Council's consent, of conditional or partial adhesion to the stipulations of the Treaty. There is no exact definition of the scope of this stipulation, a fact which may also be inferred from the proceedings of the Third Committee of the 1923 Assembly. Obviously, from the Swedish point of view, partial adhesion, under which the country would be free from certain obligations stipulated in the Treaty, would meet with fewer objections than unconditional adhesion. As the Treaty does not mention the advantages to be gained by partial adhesion, it would appear that it is for the Council to take a decision in the matter should occasion arise. We could only, however, expect advantages which would counterbalance the obligations assumed. If these obligations did not include military participation, there would accordingly be no compensation at all.

In view of the considerations set forth above, the Royal Government is of opinion:

That acceptance of the draft does not offer States which sign the Treaty any advantages which would counterbalance the risks inherent in adhesion;

That, under these circumstances, there is no prospect of the Treaty obtaining general acceptance; and

That in consequence it is not desirable to make the realisation of disarmament as specified in Article 8 of the Covenant depend upon the acceptance of the Treaty.

The Royal Government, therefore, much regrets to inform you that it does not consider that Sweden should adhere to a treaty of this nature.

(Signed) E. MARKS DE WURTENBERG.

REPLY FROM THE GOVERNMENT OF URUGUAY.

Montevideo, August 7th, 1924.

The Uruguayan Government has given careful consideration to the draft Treaty of Mutual Assistance adopted by the Third Committee of the fourth Assembly, concerning which this Government has been asked by the President of the Council, in his note C. L. 48, 1924. IX, of April 11th last, to give an opinion.

In general, the Uruguayan Government considers that the Committee's conclusions are in accordance with the spirit of the Covenant and with the high ideals of the League of Nations. It ventures, however, to make a few observations, which it hopes will be taken into consideration when the treaty comes up for discussion.

Uruguay, like almost all South American countries, is in a very peculiar position as regards the putting into operation of the machinery of mutual guarantee set up under the draft Treaty.

It is only natural that, in the draft Treaty, account should have been taken mainly of the geographical, economic and military situation in Europe, because, in the first place, the dangers and possibilities of conflict on that continent are more immediate, and also because (as the question has been dealt with in a European atmosphere) the special circumstances to which the situation in Europe daily, and almost hourly, gives rise have necessarily been taken into account.
The assistance which Members of the League would, in accordance with the instructions of the Council, be called upon to furnish to a State when it is attacked may be very easy and expeditious in Europe, where means of communication have the advantage of being very rapid, where it can be known almost immediately what country will go to the assistance of another, and where such co-operation can be given without any appreciable delay.

The position of the Members of the League in this part of the world is very different. Communications with countries in other continents, are slow and at times difficult; it may therefore happen that measures for cooperation and effective assistance can only be carried out when the situation has become virtually irretrievable.

Within the continent itself, or even in each district of the continent, the position is no better. Uruguay, for instance, owing to the difficulty of communications, is further from the northern countries of South America than from all, or nearly all, the countries of Europe.

If, in accordance with the terms of paragraph b of Article 5, mutual guarantee is limited, as regards participation in military, naval and air operations, to the countries belonging to the continent where the conflict, or danger of conflict, arises, a threatened country situated at one end of the American continent may be said, at least in certain circumstances, to be left completely unprotected. Such a country therefore would have to assume all the obligations imposed upon it by the draft Treaty and would be obliged to furnish such military assistance as the Council required in accordance with the terms of the Treaty, without being in a position itself to receive the co-operation and military assistance for which provision is made.

The situation would be even less satisfactory if the continental divisions fixed by Article 18 for the whole of America are taken to mean that American countries are to be grouped into three divisions for the purposes of the Treaty, for in that case no State of Northern or Central America would be obliged to come to the assistance of any South American State requiring military assistance. Article 18, to which we refer, differs fundamentally from Article 25 of the draft formerly submitted by Lord Robert Cecil, because the latter treated the whole of the American continent as a single unit for the purposes of the treaty whereas the text now submitted for consideration to the various Governments provides for three continental divisions, as mentioned above.

The Uruguayan Government recognises that the sole object of this continental grouping is to facilitate the observance of such text as may finally be adopted, with a view to ensuring earlier ratification by the countries concerned. This Government, however, feels or at least fears, that in practice the arrangements suggested in the present draft may be taken to mean — by an extension of the principle that co-operation is limited to continental divisions — that the grouping adopted for ratification will, in short, be the grouping which shall govern the execution of the military obligations imposed by the treaty.

The Uruguayan Government expects that in the course of the discussions to which the draft text will give rise, amendments will be proposed which will meet these objections. In addition the Uruguayan delegates will undoubtedly avail themselves of such opportunity to present a full and thorough explanation of them, and any other proposals which may be made, when the Assembly comes to consider the problem.

(Signed) Alvaro Saralegui.

REPLY FROM THE GREEK GOVERNMENT.

[Translation.]

Athens, August 12th, 1924.

I. The object of the draft under consideration is to enforce the observance of signed treaties and, by the promise of mutual assistance between nations, to render possible a reduction of armaments.

II. This latter point, which is the crux of the whole question, has been taken into serious consideration by the Greek Government which, on its own initiative, has found it possible to take certain measures which testify to its desire to reduce its military forces to a minimum.

Greece has accordingly:

(a) Reduced the period of military service from 24 months to 18 months,

(b) Reduced her ordinary military expenditure by diminishing the sums appropriated for this purpose in her Budget.

(c) Although the population of Greece has increased by a quarter since 1913, while 200 square kilometres have been added to her territory, Greece has reduced the number of her Army Corps from 5 to 4 and that of her Divisions from 15 to 12. These measures sufficiently demonstrate Greece’s willingness to restrict her armaments and her sincere desire to contribute, to the peaceful solution of disputes.

III. The Greek Government is therefore in favour of the conclusion of a Treaty of Mutual Assistance which would provide the basis of a general agreement leading to the limitation of armaments while guaranteeing the security of the Signatory States.

The Greek Government does not consider, however, that the draft in itself provides sufficient guarantees of peace or that it is likely to bring about the reduction of armaments.

Indeed, a Treaty of Mutual Assistance, owing to its general character and the large number of eventualities for which the Contracting States would have to be prepared, would oblige them to keep considerable military resources at their immediate disposal, and the final result would be an increase rather than a reduction in military expenditure.
IV. The Greek Government also fears that a general treaty would be ineffective. The Treaty could only be put into operation with the consent of all the signatory States; this would necessarily be a somewhat slow process; and even after this consent had been obtained it would be necessary to discuss the military measures to be taken, the composition of the contingents, the organisation of the higher command and the plan of campaign. Discussion of all these points would take too much time for the security of the countries attacked not to be jeopardised, and we fear that in many cases the Council would find itself faced with accomplished facts before a decision had been reached.

V. In these circumstances the Greek Government considers that the measure which has most to recommend it from the practical point of view is the conclusion of complementary agreements (Article 6 of the draft). Such agreements would obviate the delays and imperfections of a general pact, and as every country would know exactly what eventualities it might be called upon to face and would share the risks and responsibilities with certain other States, it would know exactly how far it could reduce its armaments.

VI. However, we consider two conditions to be absolutely essential if these separate treaties are to retain their defensive character and are not to become pacts of aggression:

1. The text of the complementary treaties must immediately be registered with the League of Nations.
2. The exclusive purpose of the contracting parties must be to ensure the observance of signed treaties.

The Greek Government is prepared to give its consideration to agreements of this nature which in its opinion would be particularly effective.

(Signed) Roussos, Minister of Foreign Affairs.

Letter from the Greek Government.

[Translation.]

Athens, August 12th, 1924.

In communicating to the Secretariat of the League of Nations its reply regarding the draft Treaty of Mutual Assistance, the Greek Government desires to point out that, quite apart from the general considerations set forth in this reply, Greece finds herself in a very special position. Her territorial status and nearly all the vital questions affecting her national life are governed by the Treaties of Neuilly and Lausanne.

(a) As regards the Treaty of Neuilly, however, Bulgaria has consistently violated its military clauses for the last three years and;

(b) The Treaty of Lausanne imposes on Turkey no restrictions in regard to her military and naval forces.

In order to provide for her security, Greece is therefore obliged to take military measures which she would have been glad to be able to reduce if she had been placed in more favourable circumstances.

(Signed) Roussos, Minister of Foreign Affairs.

REPLY FROM THE BULGARIAN DELEGATION.

[Translation.]

Geneva, September 5th, 1924.

It is with considerable surprise that I have noted the letter of the Greek Government dated August 12th, 1924, and published by the Secretariat of the League of Nations in document A. 35, 1924. IX. of September 1st, 1924. Contrary to the statement contained in that letter, I have the honour to declare that Bulgaria has loyally and fully carried out all the military clauses of the Treaty of Neuilly, which has indeed been duly recorded on several occasions by the Inter-Allied Commissions established for this purpose.

I should be very glad if you would kindly give this letter the same publicity that the Secretariat has given to the letter of the Greek Government.

(Signed) Ch. Kalfoff, Minister for Foreign Affairs, First Delegate of Bulgaria.

REPLY FROM THE SIAMESE GOVERNMENT

Geneva, September 22nd, 1924.

On the instructions of His Excellency the Minister for Foreign Affairs, I have the honour to acknowledge the receipt of your communications to him of October 23rd, 1922; March 9th, May 9th, October 25th, 1923, and April 11th, 1924, with reference to the proposed Treaty of Mutual Assistance and to express the views of His Majesty's Government on this subject as follows:

His Majesty's Government would heartily welcome any practical scheme making possible a general and universal limitation of armaments. It is also of opinion that, before armaments
can practically be limited, some effective guarantee of protection is necessary. But the ques-
tion is: How can this guarantee of protection be made effectual? His Majesty’s Government is
not yet satisfied with the present draft of the Treaty of Mutual Assistance, which is largely
framed for conditions in Europe and fails to satisfy the situation in Asia, the difficulty of which
lies in the fact that Asia is largely composed of: (1) a group of unhomogeneous States, where
unsettled conditions make the problem difficult; and (2) of territories held by European Powers.

Supposing that a European colony were the aggressor, it would not be improbable that the
attack would be made with European land and naval forces drawn from the mother-country.
To guarantee sufficient protection, therefore, to make possible a reduction of armaments, the
proposed Treaty must provide for rendering by one mother-country of European assistance in
the case of aggression with European forces by the colony of another mother-country. This
the Treaty as drafted apparently fails to do, as Article 18 provides for its coming into force
separately in different continents.

Apart from the shortcomings of the proposed draft Treaty, the present draft, from the
Asiatic view-point, is open to other serious objections. It leaves open too large room for
argument in the determination of whether or not a given war is aggressive; protection to be
adequate must be based upon promises which are precise and leave no loopholes for argument
and evasions. His Majesty’s Government is impressed with the observations and remarks
concerning Articles 1 and 2 by the Committee of Jurists, yet their solution does not altogether
give satisfaction. Under their proposal, protection would be afforded in disputes referred
to the Council of the League only in the case when the Council makes a unanimous report.
If unanimity is not reached, apparently even an aggressive war, so long as Article 10 is not
violated, is not forbidden by the Covenant.

If a treaty or regional agreement can be drafted which will give Siam practical and effective
protection, His Majesty’s Government would be glad to sign it. But the peculiarity of Siam’s
geographical situation and the absence of no through international railway communications
between non-contiguous Asiatic countries make the question of limitation of armaments pro-
blematical. Until adequate security is given, Siam cannot sign away her right to maintain an
army sufficient for her protection. His Majesty’s Government strongly favours compulsory
arbitration, whether this is accompanied by disarmament or not. It also strongly favours
dismarmament provided that this is accompanied by adequate security.

His Majesty’s Government is eager to find a solution of the difficulty involved and to find
some form of treaty of mutual assistance or of compulsory arbitration which will adequately
give security and will do all in its power to co-operate in finding some solution. His Majesty’s
Government would heartily welcome an arbitration treaty signed by all nations. If this proves
impossible His Majesty’s Government would suggest, as a possible solution of the Asiatic
situation, a joint treaty of compulsory arbitration signed by Asiatic States together with those
European States having colonies in Asia.

I will be grateful if you will be good enough to bring the above views of His Majesty’s
Government to the notice of the Third Committee of the Fifth Assembly.

(Signed) Charoon,
Siamese Representative to the League of Nations.

REPLY FROM THE JAPANESE GOVERNMENT.

[Translation.]

Geneva, September, 3rd, 1924.

The Japanese Government fully appreciates the spirit which animates the draft Treaty of
Mutual Assistance. It accepts the fundamental principle that security and disarmament are
interdependent. Accordingly, it has examined in the most sympathetic spirit the draft Treaty
in the light of the present situation in Japan and in the world as a whole. It ventures, however,
to submit a few remarks on the measures proposed.

It considers that the provisions of Article 4 form the basis for putting in motion the machi-
nery of mutual assistance and that they are the fundamental conditions on which the possibility
of attaining our common end, the reduction of armaments, depends. It is of opinion, however,
that it will be difficult in practice for the Council to give a precise definition of aggression and
to decide within so short a period which is the aggressor State.

It also considers that the arguments against supplementary agreements are not entirely
devoid of foundation since such agreements might easily lead to the formation of opposing
groups even among the Members of the League of Nations and might thus produce a result
entirely different from that which we are endeavouring to secure.

(Signed) Y. Sugimura,
Assistant Director of the Japanese
League of Nations Bureau.
Annex 4.

DRAFT TREATY OF DISARMAMENT AND SECURITY PREPARED BY AN AMERICAN GROUP

DECLARATION OUTLAWING AGGRESSIVE WAR.

Chapter I. — Outlawry of Aggressive War.

Article 1. — The High Contracting Parties solemnly declare that aggressive war is an international crime. They severally undertake not to be guilty of its commission.

Article 2. — A State engaging in war for other than purposes of defence commits the international crime described in Article 1.

Article 3. — The Permanent Court of International Justice shall have jurisdiction, on the complaint of any Signatory, to make a judgment to the effect that the international crime described in Article 1 has or has not in any given case been committed.

Chapter II. — Acts of Aggression.

Article 4. The High Contracting Parties solemnly declare that acts of aggression, even when not amounting to a state of war, and preparations for such acts of aggression, are hereafter to be deemed forbidden by international law.

Article 5. In the absence of a state of war, measures of force by land, by sea or in the air taken by one State against another and not taken for the purpose of defence against aggression or for the protection of human life shall be deemed to be acts of aggression.

General or partial mobilisation may be deemed to be preparation for an act of aggression.

Any Signatory which claims that another Signatory has violated any of the terms of this Declaration shall submit its case to the Permanent Court of International Justice.

A Signatory refusing to accept the jurisdiction of the Court in any such case shall be deemed an aggressor within the terms of this Declaration.

Failure to accept the jurisdiction of the Court within four days after notification of submission of a claim of violation of this Declaration shall be deemed a refusal to accept the jurisdiction.

Article 6. The Court shall also have jurisdiction on the complaint of any Signatory to make a judgment to the effect that there has or has not in any given case been committed a violation of international law within the terms of Article 4.

Article 7. The Court shall, in any case, have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties.

Chapter III. — Sanctions.

Article 8. In the event of any High Contracting Party having been adjudged an aggressor pursuant to this Declaration, all commercial, trade, financial and property interests of the aggressor shall cease to be entitled, either in the territory of the other signatories or on the high seas, to any privileges, protection, rights or immunities accorded by either international law, national law or treaty.

Any High Contracting Party may in such case take such steps toward the severance of trade, financial, commercial and personal intercourse with the aggressor and its nationals as it may deem proper, and the High Contracting Parties may also consult together in this regard.

The period during which any such economic sanction may be continued shall be fixed at any time by the Court at the request of any Signatory.

In the matter of measures of force to be taken, each Signatory shall consult its own interests and obligations.

Article 9. If any High Contracting Parties shall be adjudged an aggressor by the Permanent Court of International Justice, such Power shall be liable for all damage to all other High Contracting Parties resulting from its aggression.
Chapter IV. — Decrees of the Permanent Court.

Article 10. The High Contracting Parties agree to accept the judgment of the Permanent Court of International Justice as to the fulfilment or violation of the contracts of this Declaration. Any question arising under this Declaration is *ipso facto* within the jurisdiction of the Court.

Article 11. If a dispute arising under this Declaration shall be submitted to the Permanent Court of International Justice, it is for the Court to decide as to its jurisdiction and also whether or not its degree has been complied with.

Article 12. The High Contracting Parties, recognising that excessive armaments constitute a menace of war, agree to participate in the Permanent Advisory Conference on Disarmament decided upon by the Fifth Assembly of the League of Nations.

Article 13. The present Declaration shall be ratified. The ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations.

Resolutions concerning the Declaration Outlawing Aggressive War.

1. The Assembly unanimously declares its approval of the Declaration Outlawing Aggressive War which was prepared by the Third Committee of the Assembly and submitted to the Assembly for its approval.

2. The said Declaration shall be submitted within the shortest possible time to the Members of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this Declaration. It shall be the duty of the Council to submit the Declaration to the Members.

3. As soon as this protocol has been ratified by the majority of the Members of the League of Nations, the said Declaration shall go into force.

Disarmament Resolution "A"

1. The Assembly, having considered the Report of the Temporary Mixed Commission and having also considered the replies of the various Governments commenting on the proposed Treaty of Mutual Assistance, reaffirms the principles set forth in Resolution XIV of the Third Assembly.

2. Furthermore, the Assembly is of the opinion that all the Nations of the world, whether or not Members of the League of Nations, should agree:

(a) to limit or reduce their armaments to the basis necessary for the maintenance of peace and national security;

(b) to study the ways and means for future reduction of armaments either as between all Nations or as between any two of them.

3. The Assembly is further of the opinion that reciprocal agreements between two or more neighbouring countries for the establishment of demilitarised zones would facilitate the security necessary to progressive disarmament.

4. In order to facilitate the reduction and limitation of armaments, the Assembly requests the Council to call a Permanent Advisory Conference upon disarmament which shall meet periodically at intervals of not less than once every three years.

Invitations to participate in this Permanent Conference shall be sent to all Nations whether Members of the League or not.

The said Conference should from time to time consider the further codifying of the principles of international law, particularly in relation to acts of aggression and preparations for such acts.

In this regard the Conference should take into account matters upon the security of the Powers represented and the steps taken toward disarmament.

The recommendations of the Conference shall be submitted to the Powers for their adoption and shall also be transmitted to the Permanent Court of International Justice.

The said Conference should publish periodical reports concerning the actual conditions of the armaments of the Powers.

The said Conference should advise the Powers concerning measures to be taken to ensure the carrying-out of the principles of the present Resolution, and it may prepare draft treaties for
the establishment of demilitarised zones and for the further promotion of disarmament and peace.

5. The said Conference should appoint a Permanent Technical Committee.

6. The said Conference or its Permanent Technical Committee should give advice on technical questions to the Permanent Court of International Justice at the request of said Court.

7. The expenses of the said Conference and of its agencies should be borne by the Powers in the proportions of their respective budgets for defence.

DISARMAMENT RESOLUTION "B"

1. Considering that, by the terms of Article 8 of the Covenant of the League of Nations:

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

the Assembly, in order to facilitate the carrying out of the said engagement, requests the Council to set up a Commission charged with the duty of making the necessary official examinations and reports.

2. The said Commission shall proceed under such regulations as the Council and the Assembly shall from time to time approve.

3. Subject to such regulations, the members of the Commission shall be entitled, when they deem it desirable, to proceed to any point within the territory of any Member of the League or to send sub-commissions or to authorise one or more of their members so to proceed on behalf of the Commission.

4. The Members of the League will give all necessary facilities to the said Commission in the performance of its duties.

5. All reports made by the said Commission shall be communicated to the Members of the League.

DISARMAMENT RESOLUTION "C"

The Assembly, taking account of the provisions of the Declaration Outlawing Aggressive War, is of opinion that:

1. Powers which have ratified the said Declaration may, subject to the following provisions, conclude, either as between two of them or as between a larger number, agreements complementary to the said Declaration, exclusively for the purpose of their mutual defence and intended solely to facilitate the carrying-out of the measures prescribed in said Declaration, determining in advance the assistance which they would give to each other in the event of any act of aggression.

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

2. Complementary agreements as defined in the preceding paragraph shall, before being registered, be examined by the Council with a view to deciding whether they are in accordance with the principles of said Declaration and of the Covenant.

In particular, the Council shall consider if the cases of aggression contemplated in those agreements are of a nature to give rise to an obligation to give assistance on the part of the other High Contracting Parties.

The Council may, if necessary, suggest changes in the texts of the agreements submitted to it.

When recognised, the agreements shall be registered in conformity with Article 18 of the Covenant. They shall be regarded as complementary to the said Declaration and shall in no way limit the general obligations of the High Contracting Parties nor the sanctions contemplated against an aggressor under the terms of the said Declaration.

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

3. In all cases of aggression, for which provision is made in the agreement constituting a defensive group, the High Contracting Parties which are members of such group may undertake to put into operation automatically the plan of assistance agreed upon between them; and in all other cases of aggression or menace or danger of aggression directly aimed at them, they will consult each other before taking action, and will inform the Council of the measures which they are contemplating.

4. The Council, taking into account the reports and opinions of the Commission set up under Resolution B of this Assembly, shall, at any time when requested, consider summarily whether: (a) the armaments of any State are in excess of those fixed under the provisions of any agreement relating to reduction or limitation of armaments; or (b) the military or other preparations of any State are of such a nature as to cause apprehension of aggression or an eventual outbreak of hostilities.

If the Council shall, upon such request, be of the opinion that there is reasonable ground for thinking that a menace of aggression has arisen, the parties to the defensive agreements hereinbefore mentioned may put into immediate execution the plan of assistance which they have agreed upon.

6. If the Council shall, upon such request, not be of the opinion that a menace of aggression has arisen, a public report to the effect shall be made, and in such case no State shall be under
any obligation to put into execution any plan of assistance to which it is a party; but any Member of the League, believing itself to be threatened with a menace of aggression, notwithstanding the fact that the Council has not been of such opinion, may forthwith notify the Council to that effect, and such Member shall thereupon have full liberty of action in military or other preparations for defence, subject, however, to the limitations as to armament which are imposed by any treaty now in force.

Annex 5.

GENERAL SCHEME


I. THE DRAFT AND THE COVENANT.


Attention must be drawn at the outset to the close connection between the Draft Treaty and the Covenant.

In a certain sense it may be said that the entire scheme is implicitly contained in paragraphs 2 to 4 of Article 8 of the Covenant.

From this point of view the Draft Treaty might be considered as the practical method which the Temporary Mixed Commission would recommend to the Council for the purpose of carrying out the task entrusted to it in the paragraphs of Article 8 of the Covenant cited above.

The logical connection between this Article of the Covenant and the Treaty is clearly seen in Resolution XIV.

The Commission called upon to draw up a plan for the reduction of armaments begins by stating the fact that a certain number of States cannot contemplate such a reduction unless they receive in exchange a guarantee of security.

Hence the necessity of strengthening the feeling of international confidence by developing those stipulations in the Covenant which may be considered as an effort towards a mutual guarantee of security.

Hence also the general rule upon which the draft Treaty is based: that the guarantee and disarmament are interdependent.

It should, however, be emphasised that this rule is only the outcome of practical experience and is in no way the expression of a principle in law.

Accordingly, the Treaty of Guarantee would appear as the measure recommended by the Commission for the purpose of adapting to the present situation the obligations contained in Article 7 of the Covenant.

Finally, with regard to adherence, the Draft Treaty might not include certain States signatories to the Covenant, while on the other hand it allows of the adherence, under certain conditions, of States which are not at present Members of the League of Nations. The draft scheme includes, moreover, an article contemplating partial adherence or adherence conditional upon reciprocity.

2. Objections made by Governments.

One of the criticisms most frequently levelled against the Draft Treaty is that the guarantees provided do not imply with sufficient clearness a reduction of armaments.

The Draft Treaty has been drawn up in order to give effect to Article 8 of the Covenant, which requires the Council to draw up plans for the reduction of armaments.

In the view of certain countries, the additional idea of guarantee upon which this reduction is made to depend is not contained in Article 8 of the Covenant.

Other Governments have maintained that the undertaking in Article 8, entered upon when signing the Covenant of the League of Nations, implied an unconditional reduction of armaments as being in itself an adequate means of ensuring the peace of the world. The idea of mutual assistance in exchange for the reduction of armaments is not, in their opinion, contained in the Covenant.

In addition, a certain number of special criticisms have been formulated. One country, for instance, maintained that it did not come within the scope of Article 8 of the Covenant, being a new country in process of development, and not having as yet acquired the minimum of armaments compatible with its national security.

It has also been observed that the proposed system could not be brought into full operation until the League of Nations had become a universal organisation, and that the Covenant itself could secure this condition more easily than could the Treaty of Mutual Assistance.
Finally, attention should be drawn to the attitude adopted by certain members of the Commission, who held that if the Draft provided exclusively for the extension of the Covenant in the matter of material guarantees, this would represent a one-sided development of the League of Nations. In the opinion of these delegations, concurrently with this development of material guarantees, there should be a development of the legal and moral elements in the Covenant. They specially insisted on the importance of asking those States which would in practice enjoy the guarantee offered them by the draft treaty for guarantees of a “wise” policy (respect for the stipulations of the Covenant providing for the registration and publication of international treaties and adherence to the optional clause in the Statute of the Court of International Justice).


The treaties of assistance should provide for assistance from one continent to another, not only in the economic and financial sphere but also, wherever possible, in the naval, air and even military sphere.

The undertakings to be entered upon by the different States might be adapted to their particular circumstances. The Council should acquaint itself with the nature of the coercive forces which these States could place at its disposal, the limit of possible reductions in their armaments, and the extent and nature of the assistance which they expect. The Council would then be in a position to determine the rights and obligations of each State.

A scheme for the reduction of armaments should be incorporated in the Treaty of Mutual Assistance.

Any Treaty of Mutual Assistance should provide for the settlement of disputes and should confer upon the Council powers to negotiate peace as decisive and extensive as its powers for regulating assistance.

II. AGGRESSIVE WAR.


The Third Committee of the Fourth Assembly adopted the view of the Temporary Mixed Commission as to the advantage to be gained by causing the draft Treaty of Mutual Assistance, with a view to the reduction of armaments, to open with a solemn declaration condemning all aggressive war. This is the idea of Article I of the Draft Treaty.

It would no doubt have been preferable for this article to retain the clear and concise form given it by the Temporary Mixed Commission. The Third Committee felt itself obliged, however, to add to the text a precise definition of a case of legitimate war, that is to say, that of a State a party to a dispute having accepted the unanimous recommendation of the Council, the verdict of the Permanent Court of International Justice, or an arbitral award declaring war against another Contracting Party which had not accepted the decision of one of the international institutions.

Thus, even with this exception clearly and honestly recognised and admitted, Article I still remains a solemn pact of non-aggression, the spirit of which should rule the application of the draft Treaty of Mutual Assistance.

2. Objections made by Governments.

The criticism most frequently formulated on this point has emphasised the difficulty of defining an act of aggression. This difficulty has re-appeared in the replies of several Governments. It has further been pointed out that, even if the States Members of the League of Nations recognised an act prohibited by the Covenant as an act of aggression, States non-members of the League were under no obligation to take the same view.


A large number of countries propose that arbitration should be made compulsory and that its field of application should be enlarged.

One country proposes the creation, side by side with the International Court, of a special organisation for the settlement of political disputes.

It is also proposed that a regular procedure should be established for frontier rectifications.

4. Analysis of the American Group Draft (Articles I, 2, 3, 10 and II).

Article I has been taken over from the draft Treaty of the Temporary Mixed Commission. It acquires, however, a new character; it is no longer a mere declaration and statement of intention, but a contract with a sanction attached.

Article 2 is a further step of definition. It is kept in very general terms. The systematic and detailed definition of aggression will be established later by the organisation created by the Powers (Permanent Court of International Justice and Permanent Advisory Conference).

Articles 10 and II form the conclusion to the part of the treaty concerning the outlawry of aggressive war, and contain the stipulations which establish the distinction being made between
police measures and measures of aggression. These two articles constitute a further safeguard against the possible bad faith of an aggressor.

III. The Guarantee — Disarmament.


The close practical connection which exists between guarantees and disarmament for States adhering to the Treaty finds expression in Articles 2, 3, 4 and 5 of the Draft. This question has already received due consideration in our study of the connection between the Draft and the Covenant. It will here be sufficient to note that the pledge of guarantees in exchange for the reduction of armaments is clearly expressed in Article 2, Articles 3, 4 and 5 being no more than provisions for the application of Article 2.

The operation of the guarantee and of the reduction of armaments, according to these articles of the draft, would be as follows:

1. The general guarantee is established in principle and defined by the Treaty — first stage.
2. In the case of certain States the guarantee is supplemented by special treaties.
3. Each State estimates what reduction in armaments it can effect in consequence of this single or double operation of guarantees — second stage.
4. The Council, upon examination of these estimates, works out the scheme of reduction in accordance with Article 8 of the Covenant — third stage.
5. The States, having given their adherence to the plan, undertake to apply it as regards themselves within a period of time fixed by the Treaty — fourth stage.
6. Once this undertaking has been given, the guarantee is put into effect — the provisions of Article 8 of the Covenant regarding disarmament are on the way to practical realisation.

2. Objections made by Governments.

The chief criticism has been that by the terms of the Treaty each State estimates for itself what reduction in armaments it can effect in consequence of the operation of the guarantees, and that there is therefore no certainty that the Treaty will lead to any appreciable reduction of armaments.

Some States indeed have maintained that the Treaty might compel them to increase their military preparations.

It has also been observed that the synchronism in the entering into force of the guarantees provided and the execution of the scheme for reducing armaments is not sufficiently emphasised, and would meet with many difficulties in application.


It is proposed that the measures which the Council may recommend in application of Article 16 of the Covenant should be taken by a two-thirds majority. It is also proposed that the decision to put into execution the measures of mutual assistance might be likewise given by a two-thirds majority of the Council.

One country proposes that the organisation of mutual assistance should start with economic and financial help to the country attacked, this being the counterpart of the economic and financial sanctions against the aggressor provided for in Article 16.

One country observes that it would be expedient to prepare in advance the plans for financial co-operation.

Another proposal is that, should the aggressor be financially incapable of paying reparations, the outstanding sums might be shared between the High Contracting Parties in a certain proportion.

As regards military sanctions, one proposal aims at providing the Council with a permanent military organisation.

With regard to the reduction of armaments, it is proposed that this reduction should be investigated in all countries by a commission of members belonging to all the Signatory States. Refusal to submit to investigation would be prima facie evidence of guilt.

One reply is to the effect that the reduction of armaments should be examined as a single question, no distinction being drawn between the different forms of armament.
4. **Analysis of the American Group Draft.** (Articles 8 and 9).

Article 8 is the heart of the whole Treaty. For the first time a method has been found which leaves the High Contracting Parties free to apply the enforcement of the Treaty or not, as they see fit, and which yet secures an enforcement that is real and adequate. This article does not imply any surrender of national sovereignty.

The sanctions are divided into economic and military. In the latter case, the Article expressly stipulates that each Signatory shall be entirely free. Naturally, the other articles of the Treaty prevent it transforming this military action into aggression.

In the economic sanction, the High Contracting Parties do not bind themselves to take any acts contrary to their own interests. But they are free to do all manner of things as against an aggressor with reference to his property rights on the high seas or within their own frontiers. In a word, the aggressor is outlawed and deprived of any security for his property in other lands, automatically he loses his own security throughout the whole world.

Article 9 applies the principle of reparation. This is a normal consequence of the recognition of aggressive war as a crime. (Articles 12 and 13).

Article 12 has been drafted in very general terms. The Treaty calls for a continuous study of the problem and provides the means for it. In principle, however, the Treaty relies more upon the measures described in Part I for securing a lessening of armaments than upon the mutual agreements for disarming.

Article 13 is an incomplete statement of an important measure. More should be done both to develop this article and to secure its application in special instances. (Articles 12, 14, 15, 16 and 17).

The necessity of having a Conference on Disarmament is recognised on all hands. But this Conference must be periodic. If a Conference recurs automatically, the questions in dispute can be brought up without involving the national honour of any of the Parties to it.

The organisation must be permanent in order to deal with the technical questions which are involved in measures of disarmament in their relation to new discoveries in chemistry and mechanics. (Articles 18, 19, 20, 21 and 22).

This part embodies not only a provision of the Covenant of the League of Nations but a device which has been frequently recommended in the interests of the pacification of Europe. The institution of a Commission entrusted with the duty of investigating how the various High Contracting Parties were carrying out the terms of the present Treaty could hardly be objected to by a Power which entered into its obligations in good faith. (Articles 23, 24 and 25).

This part of the Treaty overcomes one of the principal criticisms directed against the Covenant and the Draft Treaty of Mutual Assistance. It limits the prerogatives of the Council so that the latter would be hardly more than an advisory body.

Under the terms of the present Treaty, the Council would tend more and more to become an instrument of conciliation, and its administrative functions would become inoperative.

But the Council's sphere of action would remain a large and important one. Its competence in the political sphere would remain unaffected.

This limitation of the Council's competence, in comparison with the Treaty of Mutual Assistance, must not be regarded as lessening its validity; on the contrary, it would in reality strengthen the Council's position in the sphere in which its influence is necessary and legitimate.

IV. **Definition of Aggression.**

1. **Analysis of the Draft.**

Article 4 defines the conditions of intervention by the Council of the League of Nations, and, if necessary, of all the States Signatories, in case of aggression.

All the Commissions which have collaborated directly or indirectly in the Draft have realised the extreme difficulty of defining a case of aggression.

The Draft Treaty is accompanied by a "Commentary on the Definition of a Case of Aggression" drawn up by a special Committee of the Temporary Mixed Commission, with the co-operation of certain technical experts of the Permanent Advisory Commission, and following upon the study of the question by the latter Commission. The Third Committee recommended that this commentary should be forwarded to the respective Governments for information.

2. **Objections by the Governments.**

The Draft Treaty is — it has been said — an infringement of the sovereign rights of the States, in that it requires the Signatories to abdicate part of their sovereignty in favour of the Council.
and to bind themselves to accept its decision, both in regard to the determination of cases of aggression and in regard to the despatch of military forces.

The rule concerning unanimity would, moreover, paralyse the Council in its decisions. In the opinion of many States, moreover, it appeared difficult for the Council to come to an agreement in regard to the determination of a case of aggression within a period of four days, or indeed, within any time-limit. Certain of those States, therefore, pointed out that the guarantee of assistance given by the Treaty could not, in these circumstances, enable them to reduce their armaments.

Finally, in the opinion of certain States, the procedure provided for, even if applied in despite of the rule of unanimity, would entail delays which the aggressor might utilise for destroying the State which had been attacked. This danger would be especially great in the case of certain States in unfavourable geographical circumstances (remoteness from States which could give assistance, or specially vulnerable frontiers).


Many countries propose that the Council should take the decision regarding the determination of the aggressor by a majority vote.

It is proposed that the decision of the Council should be taken within a time limit of a fortnight.

One country suggests that, with a view to facilitating the task of the Council, a specific list should be drawn up of measures which might be considered to constitute an intention of aggression.

4. Analysis of the American Group Draft (Articles 4, 5, 6 and 7).

This chapter deals with acts leading to competition in armaments and even to war itself. It constitutes an effort to avert the menace of aggression. It is not, however, applicable to provocative acts of a political nature which lie outside the technical sphere of aggression. The intervention of the Court is strictly limited to the interpretation of the terms of the Treaty itself.

Article 5 is one of the principal articles of the Treaty. It contains a definition of aggression: the aggressor is the one who refuses to accept the jurisdiction of the Court.

V. COMPLEMENTARY AGREEMENTS.


The discussions in the Third Committee of the last Assembly which resulted in Resolution XIV brought to light the difficulties of a technical character connected with the establishment of a guarantee.

Certain States which, for various reasons, believed themselves to be especially threatened insisted, without denying the great moral and political value of the general guarantee, on the impossibility of risking a reduction of their armaments in exchange for a general guarantee of assistance, of which the technical preparation, the rapidity and the efficacy would be problematical.

The technical experts not only in these countries but also in the countries represented on the Permanent Advisory Commission, decided unanimously, as may be seen from the reports of the Permanent Advisory Commission, that assistance could not be regarded as immediate and effective unless it were carried out according to a previously arranged plan.

This condition, which practical circumstances made it necessary to accept, at least in certain specific cases, made it, in the opinion of some technical experts, indispensable that there should be added to the General Treaty of Guarantee defensive agreements of a more restricted character, allowing military conventions to be concluded in view of possible threats of aggression.

The introduction of this idea into the general system of the Treaty of Guarantee provoked grave objections. The Temporary Mixed Commission and the Third Committee endeavoured to reconcile the two points of view, the one in favour of the General Treaty and the other in favour of the General Treaty supplemented by special treaties.

The majority of the Commission considered, for the political reasons referred to above and for many other reasons based on the necessities of practical every-day politics, that they should maintain in their draft the system of supplementary defensive agreements. The Third Committee thought that these agreements should be submitted to the Council for consideration. It was on this condition that certain delegations declared themselves prepared to withdraw their opposition to the principle of special treaties.

Consequently, the special treaties do not share the benefits of the general guarantee until they have been recognised by the Council as not being contrary to the spirit of the Covenant and as coming within the general framework of the General Treaty of Mutual Assistance.

They must, in consequence, be registered with and published by the League of Nations (Article 7).

2. Objections put forward by Governments.

The objections raised against the supplementary treaties all originate in the fear that the old systems of alliances which proved so dangerous to the peace of Europe may be re-established under that name.

The adversaries of the supplementary treaties have observed that the very existence of these treaties implies suspicion and mistrust of a State or group of States. The body of States signatory to the General Treaty would consequently be divided, and this division would merely be aggravated
by the conclusion of a defensive agreement involving, as such an agreement would, an increase in the power of the co-signatory countries as a whole, even in the improbable event of an individual reduction of their armaments. In view of this increase of collective power and of the "orientation" of the group concerned against one or several States, it appears to them natural to suppose that a rival defensive agreement would be concluded and that the existence of two rival groups would lead to competition in armaments, or at any rate to a state of political tension which would present serious dangers.

The proposal that the supplementary treaties should be placed under the control of the League does not, in the opinion of certain States, get rid of this difficulty, especially as long as important countries remain outside the League.

The inclusion of the scheme for partial treaties in the Treaty of Mutual Assistance has given rise to the objection that this inclusion would leave the door open to possible conflict between the Council of the League of Nations and individual Governments.


This part of the Treaty has been taken from the Draft Treaty of the Temporary Mixed Commission. In Article 28 an important change has been made, and the present text places a great premium upon publicity of engagement in the case of partial treaties. All publicly announced treaties accepted by the League of Nations as coming within the meaning of this treaty and of the Covenant may be carried out automatically. This privilege of immediate action is of the greatest consequence in making defence effective. There is therefore the greatest possible premium placed upon making these agreements public.

VI. Special Situations.

(a) States bound by the Peace Treaties.

The Commission has had to consider the conditions under which States which reduced their armaments in consequence of the Peace Treaties of 1919 and 1920 could adhere to the Treaty of Mutual Assistance. The question presented a double aspect. First it was necessary to decide whether the reduction of armaments effected in this way could be regarded as analogous to the reduction which States adhering to the General Treaty undertook to effect in exchange for the guarantee. This question was answered in the affirmative, and a clause to that effect was inserted in Article 9 of the Treaty. Secondly, it was necessary to decide to what extent States which had been disarmed by a peace treaty could co-operate in the defence of States which were attacked, in view of the limitation imposed upon the employment of their military forces by the peace treaties. In this respect the Commission accepted the more elastic solution consisting in the extension to these individual cases of the principles of Article 17 of the Draft Treaty which provides for partial adhesion. This article would enable States which had been disarmed under the peace treaties to obtain certain of the advantages of the Treaty, without having to undertake obligations which the peace treaties would not allow them to meet.

2. Objections put forward by Governments.

One of the States which was not a signatory of the Peace Treaties has protested against Article 14 of the Draft Treaty. Again, another State has observed that as the provisions of the Treaty were not to affect in any way the rights and obligations derived from the Covenant of the League of Nations, the Draft gave rise to complications, inasmuch as a State could at the same time be a member of the League, a party to the General Treaty of Mutual Assistance and a signatory of a defensive agreement or of some similar agreement, or, again, could merely adhere to the Treaty itself conditionally or partially, with the result that it would be open to it to evade its obligations by invoking the obligations of the other agreements to which it was a party.

(b) Reductions without Guarantees.


Article 17, which introduces into the Draft of the General Treaty the principle of partial adherence, applies in particular to certain States which may consider that they could effect the reduction without demanding the military guarantee. It was natural to provide in their case for a more elastic system of adhesion which would enable them to have a share in the general comity and to offer the weight of their moral authority and the advantages of their co-operation in all civil spheres, (economic, financial, etc.) without having to accept the military obligations which in general are imposed upon the other adherents.

2. Objections put forward by Governments.

Certain delegations have interpreted this article as authorising the adhesion to the General Treaty of Mutual Assistance of countries which would not undertake either the military obligations
or the civil obligations (economic, financial, etc.), but whose adhesion would be limited to a sort of moral co-operation, accompanied in any event by an effective reduction of their armaments.


It is proposed to hold an international conference for the purpose of regulating disarmament independently of any treaty of mutual assistance.

(c) Ratifications and Denunciations.


The Committee realises the legal and political difficulties raised by the questions relating to the ratification and denunciation of the Treaty. After studying the proposals made by the Committee of Jurists, this Committee, instead of proposing a rigid text to deal with these questions, has decided to add two articles (18 and 19) to its draft dealing respectively with these two questions but merely by way of a suggestion on the subject; the whole matter might subsequently be studied by the Governments to which the draft will have to be submitted for the purpose of arriving at a satisfactory and final text.

2. Objections made by Governments.

It has been maintained that it was indispensable to secure a larger number of adhesions than was contemplated by the provisions of Article 18 of the Draft, such expansion being a sine qua non of the putting into effect of the Treaty.

It was also asked that the provisions of Article 18 should be more clearly defined, and that, in particular, provision should be made against a State becoming the victim of aggression during the period between the ratification of the Treaty and the approval by the Governments concerned of the plan for the reduction of armaments.

Lastly, one special criticism was made on the point of ratification by continents. In the case of America, it was pointed out that no State in North or Central America would be compelled to come to the assistance of a South American State, or vice versa.

In the case of Australia, it was noted that no nation would be compelled to come to its assistance, as this country had a whole continent to itself.


A certain number of Governments propose to modify the text of Articles 17 and 18 with a view to greater clearness.

It is proposed that only States which have furnished the guarantees provided for in Article 1, sub-paragraph 2, of the Covenant should be permitted to adhere to the Treaty.

It is proposed that a State which is the victim of aggression during the period between the ratification of the Treaty and the approval by the Governments of the plan for the reduction of armaments shall be entitled to mutual assistance.

(d) Position of South-American States.


The Committee has listened with the greatest interest to the statement of the representative of Chile on the special position of the South-American States, where the question which in Europe is that of the reduction of armaments assumes a different aspect, since, according to information given by certain South-American representatives, these countries have practically disarmed.

For these countries the question becomes one of limitation, as the representative of Brazil has pointed out.

The Committee thought it necessary to adapt the Draft to this special South-American aspect of the problem of disarmament; this can be done by adding the word "limitation" to the word "reduction" wherever the reduction of armaments appears in the text. The Committee thinks that the position of the South-American States and other similarly situated countries should be taken into consideration when the plan for the reduction of armaments is prepared.

VII. DELIMITARISED ZONES.


With a view to facilitating the application of the Treaty, the High Contracting Parties will be able to negotiate through the Council for the establishment of demilitarised zones with one or more contiguous States. The Council must first ascertain that the establishment of a demilitarised zone does not call for unilateral sacrifices, from the military point of view, on the part of the High Contracting Parties concerned.

2. Objections made by Governments.

The clause relating to demilitarised zones has called forth the criticism that the text is too vague; it has been argued that the Council could not usefully enter into negotiations with a view
to establishing demilitarised zones unless a certain number of general principles applicable to these zones were accepted beforehand.

One Government has made a slightly different suggestion, namely, the suggestion of "controlled frontier zones", for which each Contracting Party would be authorised to negotiate with neighbouring States.

Finally, it has been observed that the question of demilitarised zones wears quite another aspect for small States than for States whose territories are large and which consequently cannot neigheasily and suddenly fall a prey to the enemy.


One Government proposes to create demilitarised frontier zones to be controlled by mixed commissions.

Annex 6.

DRAFT TREATY PREPARED BY Mr. H. E. HYDE.

Presented to the Third Committee by Sir James Allen.

The League cannot be held to be fully successful until such time as it can negotiate a genuine reduction of armaments amongst its Members. Before the nations, however, can contemplate the desired reduction they must be certain that their action will not endanger their national security.

A nation can claim that she has security when she has the expert knowledge that aggression or hostilities directed against her are obviously an unprofitable venture, foredoomed to failure. Before reduction of armaments on the desired scale can be effected, national security must first be ensured. It remains for the League of Nations to evolve a scheme which will be recognised by its Members as a sufficient "guarantee of security" for the nations to embark on the much-desired and very vital "reduction of armaments" policy. Proposals which are not admitted by the League's Members as sufficient to safeguard their security cannot be said to meet the requirements of the situation. It is apparent that the military and economic sanctions behind the League must be considerably stronger than the Covenant at present suggests.

The League should spare no effort to bring about the inclusion of all States willing to agree to its Covenant.

Plan Suggested.

Under the heading of "sanctions" the League shall have the power to:

I. Limit the extent of its full constituent Members' forces (military, naval, air force and scientific, so far as scientific forces could be utilised for war).

Such limitation to be arranged at a general conference, to which all nations will be invited, and to be so far as possible by mutual agreement.

Each State to have the right to proclaim its requirements. Failing complete agreement, the League to have the recognised right to fix finally the extent of each Member's forces.

II. The League also to have the power to limit and specify the quantities of munitions of war to be manufactured in each Member State. Members must get permission from the League before they can manufacture or purchase munitions of war, and the League shall lay down from time to time what munitions of war are to be manufactured in the territories of Member States.

III. Full powers of inspection shall be granted to the League through its accredited agents, and Members will agree to grant every facility and assistance to such agents.

IV. The League shall establish a general staff, composed of leading generals, admirals, airmen and scientists. The duty of this staff will be to prepare plans covering possible eventualities and to take over the chief command of all forces used by the League.
In the event of military force being required, the General Staff will be in chief command and it will work in closest co-operation with the leaders of the League Members' forces, who will operate under the General Staff. The League shall at all times control and direct the General Staff, and may instantly dismiss or recall any member of it.

V. Full Members of the League agree that the League shall have the right to call upon their forces to such extent as it deems necessary. Actually the forces (military, naval, air force and scientific) of full constituent Members will be the recognised forces of the League and will not be used as fighting units (excepting as specially stipulated hereunder) other than by command of the League acting through its General Staff.

It is to be clearly and plainly laid down that on the occasion of the League demanding the use of its full Member's forces, such forces as are required will be instantly and honourably supplied. It is to be the worst possible breach of treaty to fail to supply the forces demanded and in the manner required.

It is to be agreed that for purposes of defence the world shall be divided into areas, so that in actual practice an outbreak of hostilities shall be dealt with by the Members of the League adjacent to the seat of trouble. The General Staff will have its plans prepared in accordance with this localisation; it to be laid down, however, that this is purely a policy of expediency and that, should the necessity arise, the League has the power to call on all its Members. It thus becomes the duty and the policy of all States to try to keep their neighbours in friendly accord.

VI. The forces of Full Members to be trained and administered and generally controlled by national Governments as at present. The only direct connection between the League and such Members' forces shall be through the instrumentality of the General Staff. The General Staff will have nothing to do with the detail or personnel of Members' national forces, which will be controlled as at present.

VII. The Governments of Members of the League to have the right to use their national forces for the purpose of maintaining domestic law and order as at present.

VIII. The League to have the power to make its decisions with equal rapidity to that of any outside State. It is most important that the League shall have the power to make its decisions with rapidity, secure in the knowledge that its Members' obligations are such as to be definitely depended on. Only by the grossest breach of treaty could a Member fail to supply the requisite support.

IX. The various Members' obligations to the League to be clearly and definitely laid down so that there can be no possibility of evasion without a distinct breach of treaty.

X. No treaties of assistance or alliance to be permitted within the League. When a Member of the League has a quarrel which the other State refuses to submit to arbitration, that quarrel becomes the business of the whole League not of a group of States within the League, as such "group treaties" would suggest. The deterrent effect of the whole League obviously would be greater than that of part of it. Moreover, such an arrangement of "group treaties" would surely lead to the old and pernicious balance of power system. Such a grouping of Members must obviously be aimed directly at certain Powers, and would inevitably give grounds for the gravest fears and almost certainly precipitate a counter group of alliances.

The policy of group alliances is diametrically opposed to the fundamental principle of the League of Nations, and would possibly be sufficient to cause its disruption. Moreover, this system would involve a renewal of the race of competitive armaments and would lead away from, rather than towards, the general reduction of armaments required.

It may be said that an outbreak of war against the League or one of its Members could more effectively be dealt with by the Members of the League adjacent to the locality. This may perhaps be so, but hostilities should certainly not be confined merely to adjacent Members — there must be the full strength of the League behind its Members. No matter how far away from the seat of trouble a Member was, its help would still be most useful, not only from a military but from a moral point of view. During the late war the colonies came from "the ends of the earth", and who is there to say that their support was not useful, and, perhaps, when coupled with that of the United States (coming over four thousand miles), possibly decisive? It is surely contrary to the principles of the League of Nations to isolate its Members and leave them to fight it out.

XI. The total costs of any wars entered into by the League to be divided up amongst its Members on a pre-arranged scale — that is, after heavy indemnities have been extracted from the aggressive State or States. The principle must be established that wars entered into by the League concern all its Members.

For motives of expediency, however, the League shall decide which States shall actually participate and to what extent.

XII. The League to have the power to decide what constitutes "aggression" and what action it shall take in such case. States outside the League have little difficulty in defining "aggression" and quickly realise what constitutes a casus belli. Similar powers should be vested in the League. Too clearly to define "aggression" would leave it safe for disputing States to keep just within the letter of the definition and not within the spirit. In this respect the League should have flexibility, as in others.
Economic Sanctions.

The League to have the right to use economic forces at the disposal of its Members against any recalcitrant Member or any nations outside the League and in opposition to it. The League to have the right of deciding what measures, economic or military, or both, are necessary against recalcitrant States. The General Staff, which will include expert economists, will make its plans accordingly.

Conditional Membership.

To meet the varying conditions of different States, the Members of the League to be divided into three classes.

A. Full Members: Those who are prepared to agree to all its clauses, including the military and economic sanctions.

B. Conditional Members: Those who will agree to all but the supplying of military sanctions.

C. Friendly Members: Those who for special reasons find it impossible for the time being to join the League either as full Members or as conditional Members, yet who are desirous of working in friendly co-operation with the League. These States are free agents as formerly, except that they pledge themselves to refer their disputes to the League's court for arbitration.

In brief, the “full Members” will place all their forces, military and economic, at the disposal of the League if so required, and are entitled in return to the full military and economic support of the League.

Conditioned Members are pledged to support the League with all the strength at their disposal, with the exception of the use of their military forces, and are entitled to the support of the League to a similar degree.

Friendly Members have no definite obligations other than to refer disputes to the League and, generally speaking, preserve a friendly attitude.

If a friendly Member so desired it could render both economic and military aid to the League and vice versa, but there is nothing obligatory in the Treaty to that effect.

Post-War Problems.

Despite the satisfactory adjustment of the Ruhr problem, there still remain a number of post-war problems which so far have defied settlement. If the powers of the League were strengthened, as herein suggested, it would rapidly be found that, in the light of the security guaranteed, most of the hitherto insuperable obstacles to the settlement of these problems would melt away.

"After the adoption of these strengthening clauses, the nations concerned shall have a definite time-limit fixed for them to adjust their differences, failing which they are to be handed over to the League for settlement."

Conclusion.

In conclusion, it is claimed for the plan herein suggested that, given the powers of limiting the forces of Member States, controlling and specifying their manufacture of munitions of war, the rights of inspection suggested, the definitely recognised right to employ the forces of its full Members under the General Staff, and the clear definition of Members' obligations, the League would be in a position to offer a sufficiently reasonable “guarantee of security” as would enable the nations gradually to embark on that vital necessity of the times: “mutual disarmament”. On the other hand, the degree of “sacrifice of national sovereignty” involved is comparatively slight. The Members would still administer and control in detail their forces as formerly. They would be the sole arbiters of their domestic affairs, and no outside interference would be tolerated.

The League, recognising that its very existence depends on mutual consent, relies for its power wholly on its Members’ treaty obligations, backed by the great body of moral force behind it. It is inconceivable that an organisation whose strength lies mainly in its moral force should seek to arrogate to itself powers which are not legitimately vested in it. If the League attempted tactics of this sort, it would certainly signal its own downfall. Members would find the League the best guarantee of security possible. If a threat of aggression were directed against a Member, it would be rapidly demonstrated that the League's forces supporting it were such as to make aggression obviously an unprofitable venture.

Surely the comparatively slight degree of sacrifice of national sovereignty herein involved would be more than repaid by the enormous saving in the cost of armaments, by the certainty of security, by the relief from the nightmare dread of a repetition of the 1914 tragedy, and by the prospect of reconstruction and trade stabilisation that would thus be envisaged. The nations can get their desired security and consequently “reduction of armaments” by the only sound method yet discovered, and that is by “paying for them”.

The price is the sacrifice of this minimum degree of national sovereignty.
Too much has already been done to try to "shape the League to fit the varying demands of the nations". This has been effected at the cost of necessary powers of the League. It is now high time for the nations to consider "how best they can shape themselves to fit the requirements of the League".

Annex 7.

DRAFT PROPOSAL
FOR AN INTERNATIONAL AGREEMENT RELATING TO THE REDUCTION OF ARMAMENTS.

Communicated to the Third Committee, as a Contribution towards the further Study of the Problem, by Dr. Chr. L. Lange (Norway).

I. Basis and Procedure.

1. The Signatory States undertake not to exceed, during the first budgetary year beginning after December 31st, 1925, their average total expenditure on military, naval and aerial objects during the three fiscal years preceding the above-mentioned period.

2. The total sum spent within the limits by Article 1 during the first budgetary year beginning after December 31st, 1925, shall form the basis for the reduction of armaments which is the object of this agreement.

3. The Signatory States undertake to decrease the total sum mentioned in Article 2 in the proportion of 10 (ten) per cent, from the first budgetary year beginning after December 31st, 1927. The said decrease of 10 per cent will be repeated from the first budgetary year beginning after December 31st, 1929, and so on every two years, the total sum mentioned in Article 2 being taken as basis, until, after a period of ten years, the military, naval and aerial budgets show a total of not more than 50 per cent of the budgetary basis stated in Article 2.

4. In order to facilitate the execution of the present agreement the States undertake to enter all sums intended for military, naval or aerial purposes in a special section of the budget based on a model drawn up by the Financial Committee of the League of Nations.

The said section shall also include all the credits allotted by the State for the following objects:

(a) The development of the industry of the country with a view to its mobilisation in case of war;

(b) Subsidies to the shipping industry conditional on the transformation, in case of need, of merchant ships into warships;

(c) Subsidies to civil aviation with a view to the utilisation of the aircraft in case of war.

5. The Signatory States further undertake not to increase, during the period of ten years mentioned in Article 3, the following elements in their military organisation, as fixed for the budgetary year mentioned in Article 2:

(a) Their peace forces in all military, naval and aerial services;

(b) The number of their guns (land and naval artillery) whose calibre exceeds ... mm.;

(c) The number of their naval units exceeding .... tons;

(d) The number of their submarines;

(e) The number of their aerial units.

II. Exceptions and Reservations.

6. Those States whose armaments were reduced by the Peace Treaties of 1919 and 1920 shall not be bound by the undertakings stated in Articles 1 to 5.

7. Expenses incurred in connection with military, naval or aerial action undertaken on the recommendation of the Council of the League of Nations, in conformity with Article 16 of the Covenant, shall not be considered as forming part of the total sum referred to in Articles 2 and 3.
8. The Signatory States recognise that exceptional circumstances — for instance, a considerable increase in prices on the home market or participation in a war — may in individual cases prevent a State from strict adherence to the stipulations of Articles 2 and 3. They undertake if necessary to call the attention of the Council of the League of Nations to the fact that such exceptional circumstances may prevent them from fulfilling their obligations under the present agreement. They pledge themselves to accept the decision of the Council as to the validity of the exceptional cases brought to its notice in conformity with the present article.

III. Control and Sanctions.

9. The Secretariat of the League of Nations is instructed to publish annually all the information dealing with the application and execution of the present agreement in a convenient and clear form. In order to facilitate the work, the Signatory States undertake to furnish the Secretariat with the necessary documents and information. In particular, they undertake to communicate to the said Secretariat:

(a) All draft budgets, definite budgets and annual accounts relating to armaments, simultaneously with the transmission of those documents to the parliament or to the other controlling or inspecting bodies (accountants, etc.) of the State;
(b) Detailed information concerning the elements of their military, naval and aerial organisation referred to in Article 5.

The latter information shall be transmitted at least three months before the end of the budgetary year mentioned in Article 2.

10. The Signatory States recognise the right of any of the High Contracting Parties to draw the attention of the Council of the League of Nations to any action which, in the opinion of that Contracting Party, constitutes an infringement of the undertakings of the present agreement.

11. The Signatory States recognise the right of the Financial Committee of the League of Nations to call the attention of the Council of the League of Nations to the fact that in a given State the purchasing power of the national currency has increased in such a way as to make an appreciable difference to that State’s power of extending its military, naval or aerial organisation.

12. The Council shall immediately come to a decision with regard to the validity of the appeals made to it under Articles 10 and 11. It shall be empowered to submit contested cases to the International Court of Justice.

IV. Duration and Renewal of the Agreement.

13. The present agreement shall be valid until the end of the period of ten years referred to in Article 3c. At least three years before the end of that period, the Council of the League of Nations shall invite the High Contracting Parties to draft a new agreement for a further reduction of their armaments.

Annex 8.

DRAFT OF A GENERAL PLAN FOR THE REDUCTION OF ARMAMENTS.

Presented by M. Munch (Denmark).

The Treaties concluded at Versailles, Saint-Germain, Trianon and Neuilly fixed a limit for the armaments of Germany, Austria, Hungary and Bulgaria, “in order to render possible the initiation of a general limitation of the armaments of all nations”.

It is therefore natural to take the stipulations of the above treaties as a basis for the plans for a reduction of armaments which have to be elaborated in accordance with Article 8 of the Covenant of the League of Nations.

The stipulations relating to the German army being of a special character, the limits fixed for the German army may be taken as a basis.

By the terms of the Treaty of Saint-Germain, the total military force of the Austrian army may not exceed 30,000 men. This number is fixed for a State of six million inhabitants; taking this figure as a basis, a limit of 5,000 men for every million inhabitants should therefore be fixed. The above limit is fixed for an army whose soldiers are engaged for twelve years. The Treaty

1 Majority vote?
2 Technical assessors? (cf. Statute of the Court of Justice, Articles 26 and 27.)
moreover contains stipulations relating to the number of officers, the fighting units, the maximum of armaments and stock of munitions, etc. All these stipulations could be used as a basis for plans for a general reduction of armaments.

Nevertheless, provision must be made for another system of recruiting and training than the system of mercenaries now in force in the countries whose military organisation has been fixed by the Peace Treaties. There is no doubt that certain States would prefer a system by which military service would be of much shorter duration — say six months. An army organised by this method would, of course, be inferior to any army composed of the same number of mercenaries. States preferring this latter system should therefore be allowed to train a yearly number of soldiers such as would enable them, if necessary to mobilise a larger army than the mercenary army of a State with an equal number of inhabitants. They might, for instance, be allowed to train 1,000 soldiers for every million inhabitants each year, which would enable them to mobilise 10,000 men per million inhabitants.

In fixing a general basis of armaments for the different countries, the geographical situation and the special conditions of each State must be taken into consideration, in conformity with Article 8 of the Covenant.

In fixing a basis for the number of soldiers, not only the number of inhabitants of the mother-country but also, to a certain extent, the population and the size of the possessions belonging to each State on other continents must be taken into consideration. It is impossible to lay down a general rule in this connection; the particular circumstances in each case must be examined.

It must also be remembered that certain countries are in a particularly dangerous position geographically, and that the Peace Treaties have entrusted some States with special duties of a military character.

With regard to naval forces, the limits fixed for Germany by the Versailles Treaty might be taken as a basis. The said Treaty allows Germany to maintain a navy of 2,000 tons for every million inhabitants. As the limits fixed for Germany by the Peace Treaties with regard to armaments are relatively stricter than for the other States whose armaments have been limited by the treaties, a strength of 4,000 tons to every million inhabitants might perhaps be taken as the basis for a limitation of naval power. In fixing the limits of their naval armaments for each State it would also be necessary to take into account the particular situation of each country and the extent of its possessions on other continents.

Annex 9.

DRAFT PROTOCOL.

Articles adopted by the Mixed Committee of the Fourth Sub-Committee of the Third Committee and the Fifth Sub-Committee of the First Committee in collaboration.¹

Preamble.

With a view to ensuring a lasting peace in the world and to guaranteeing the security of peoples whose existence, liberty or territory might be specially threatened.

Being desirous of facilitating the complete application of the system provided in the Covenant for the peaceful settlement of disputes which might arise between members of the international community, and for the repression of international crimes,

Being accordingly determined to carry out the reduction and limitation of armaments contemplated in Article 8 of the League of Nations:

The States represented by the undersigned, duly authorised, do hereby accept the following provisions.

Article 1.¹

The undersigned agree to support the amendment of Article 12 of the Covenant by the suppression of the last sentence of paragraph 1 of that article and by the insertion at the beginning of the article of the following provision:

“The Members of the League agree that they will in no case resort to war against any Member of the League except in resistance to acts of aggression or with the consent of the Council or Assembly of the League.”

¹ Those articles of the draft printed in this Annex which were within the competence of the First Committee, namely, Articles 1, 2, 3, 4, 5, 8, 9 and 10, were not submitted to the First Committee in the form in which they were communicated to the Third Committee and are printed here.

They were reconsidered, redrafted and rearranged by the competent drafting Committee and Sub-Committee of the First Committee, and the provisions contained in them were actually brought before the latter body in the form shown in Annexes 6 and 8 of the First Committee’s proceedings. (See the First Part of this volume.)
The undersigned agree to accept the jurisdiction of the Permanent Court of International Justice as compulsory *ipso facto* and without special agreement in the conditions contemplated in paragraphs 2 and 3 of Article 36 of the Statute of the Court.

Article 31.
The undersigned will support the introduction of amendments to Article 15 of the Covenant for the purpose of amplifying paragraphs 4, 5, 6 and 7 of that article on the following lines:

1. If the dispute submitted to the Council cannot be settled by it as provided in paragraph 3 of the said Article 15, the Council shall endeavour to persuade the parties to submit the dispute to judicial settlement or to arbitration.

2. If the Parties cannot agree to do so, the Council shall, at the request of at least one of them, proceed to the establishment of a Committee of Arbitrators. The Committee shall, so far as possible, be established by agreement between the Parties.

(a) If within a time limit to be fixed by the Council the Parties have not reached complete or partial agreement in regard to the number, names and powers of the arbitrators, as well as in regard to procedure, the Council shall settle the outstanding points.

(b) If it shall choose, with all speed and after consultation with the Parties, the arbitrators and their Chairman from among persons who, by reason of their nationality, their character and their experience appear to it to afford the best guarantee of competence and impartiality.

(c) At the request of either Party and once only during the proceedings, the Committee of Arbitrators shall, through the medium of the Council, request an advisory opinion from the Permanent Court of International Justice on the points of law indicated by the Party. For this purpose the Court shall hold an emergency session.

3. If neither of the Parties requests arbitration, the Council shall resume consideration of the dispute.

If the Council succeeds in arriving at a report which is adopted unanimously by its members, other than the representatives of the Parties to the dispute, the Members of the League agree to accept the settlement recommended by it.

4. If the Council cannot arrive at a report which is concurred in by all its members, other than the representatives of the Parties to the dispute, it shall submit the dispute to arbitration. The Council shall itself determine the composition, powers and procedure of the Committee of Arbitrators.

5. Questions which have already been the subject of a unanimous recommendation by the Council may in no case be reopened before the arbitrators.

6. The Members of the League undertake to carry out in good faith the arbitral awards and to comply, as stated above, with the settlements recommended by the Council.

7. In the event of a State failing to fulfil this undertaking, the Council shall exert all its influence to secure such fulfilment. If it cannot succeed therein, it shall suggest the measures to be taken to this end, in accordance with the concluding paragraph of Article 13 of the Covenant. The sanctions mentioned in Article 16, interpreted as provided in this protocol, shall be applied immediately to the State which, having failed to fulfil the said undertaking, resorts to war.

Article 41.
The provisions of Articles 2 and 3 do not apply to the settlement of disputes arising as the result of measures of war taken by one or more of the Signatory States in accordance with decisions of the Council or the Assembly.

It is further agreed that the provisions of Articles 2 and 3 do not apply to disputes concerning the revision of a treaty or convention, seeing that the Assembly is, under Article 19 of the Covenant, alone competent to deal with such matters.

Article 51.
If, in the course of an arbitration proceeding in accordance with Article 3 above, one of the Parties claims that the dispute or part of it relates to a matter which by international law is solely within the domestic jurisdiction of that Party, the arbitrators are bound, through the medium of the Council, to consult on this question the Permanent Court of International Justice. If the Court replies that the matter is of such a nature, the decision of the arbitrators must be limited to a declaration to that effect.

Article 6.
The Signatory States undertake to abstain from any act which might constitute a threat of aggression against another State.

In the event of one of the signatory States ascertaining that preparations for war are being made in another State, the former has the right so to inform the Council.

The Council, after verification of the facts, shall proceed as indicated in paragraphs 2, 4 and 5 of Article 7.

Article 7.
In the event of a dispute arising between two or more of the Signatory States, the said States undertake that, both before the dispute is referred to arbitration or conciliation and during the time involved by the procedure of arbitration or conciliation, they will not proceed to any increase of armaments or of effectives which might modify the position fixed by the Conference for the Reduction of Armaments. They undertake equally that during the above-mentioned period they

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1 See footnote on page 276.
will not proceed to any measures of military, naval, air, industrial or economic mobilisation nor generally to any action of a nature likely to render the dispute more acute or more extensive.

In accordance with the provisions of Article 11 of the Covenant, it shall be the duty of the Council to examine any complaints as to the infraction of the above provision which may be laid before it by one or more of the States parties to the dispute. Should the Council consider the complaint well founded, it shall, if it considers such a course expedient, authorise enquiries and investigations in one or several of the countries concerned. These enquiries and investigations shall be carried out in the shortest possible time by the organisation set up by the Conference for the Reduction of Armaments to ensure respect for the decisions of that Conference. The Signatory States undertake to give the organisation in question every facility for carrying out its duties.

The steps thus taken by the Council are intended solely to facilitate the peaceful settlement of disputes and shall in no way prejudice the settlement itself.

The above-mentioned organisation shall report the result of its enquiries to the Council, and, if any infraction of the provisions of the first paragraph of this article be established, it shall be the duty of the Council to call upon the State or States guilty of the infraction to remedy the offence. Should the State or States in question refuse to do so, the Council shall declare the State or States in question to be guilty of a violation of the Covenant and the Protocol and shall decide upon the measures to be taken with a view to terminate as soon as possible a situation of a nature to threaten the peace of the world.

For purposes of this article the Council shall take its decisions by a two-thirds majority of the Members of the Council entitled to vote, excluding the votes of States parties to the dispute.

DEFINITION OF THE AGGRESSOR.

Article 81. Every Member of the League signing the present Protocol is an aggressor, and it is the duty of the Council so to declare:

(1) if it resorts to war in violation of the undertakings in Article 1, for instance if it refuses to submit a dispute to the procedure for pacific settlement laid down in Articles 13 and 15 of the Covenant as amplified by the present protocol or to conform either to a judicial or arbitral decision or to a unanimous recommendation of the Council as laid down in those articles and the present Protocol;
(2) if it commits an act of war in violation of decisions of the Council for arresting the movement of its land, sea or air forces;
(3) if it commits an act of war in violation of provisional measures enjoined by the Council during the course of the proceedings as laid down in Article 7 of the present Protocol.

Any violation of the act establishing a demilitarised zone is to be considered as an act of war. When the Council has made the above declaration it must forthwith call upon the Members of the League to apply without delay the sanctions referred to in Article 12 of the present Protocol.

Article 91. The signatories agree that a State or States not belonging to the League and to which accordingly Article 17 of the Covenant applies shall if the case arises be invited in the circumstances contemplated by the said article to submit to the provisions accepted by the signatories of the present Protocol for the purpose of pacific settlement of any dispute with one or more States signatories of the present Protocol.

In such case the provisions of Article 17 of the Covenant as modified by the present Protocol shall be applicable.

Article 101. The undersigned agree that the measures indicated in the above draft amendments to the Covenant will become obligatory within their respective limits on the date fixed below for the entry into force of the present Protocol and that so far as the undersigned are concerned the Council will thereafter be entitled to exercise all the rights and fulfil all the duties conferred on it by the provisions of the said draft amendments.

Article 11. The existence of demilitarised zones being of a nature to prevent aggression or to facilitate the official and authoritative declaration mentioned in Article 8, their establishment between States equally consenting thereto is recommended as a means of avoiding a violation of the present Protocol.

The demilitarised zones already existing under the terms of certain treaties or conventions or which may be established in future between States equally consenting thereto may be subject to temporary or permanent supervision organised by the Council of the League of Nations, at the request and at the expense of one or all of the conterminous States.

Article 12. As soon as the declaration of aggression has been made and the outlawry of the aggressor has been effected by this declaration, the obligations of the contracting Powers in regard to the
sanctions of all kinds mentioned in paragraphs 1 and 2 of Article 16 of the Covenant will immediately become operative in order that such sanctions may forthwith be employed against the aggressor.

These obligations shall be interpreted as obliging each of the Members of the League to cooperate loyally and effectively in support of the Covenant of the League and in resistance to any act of aggression.

In accordance with Article 16 of the Covenant the signatories give a joint and several undertaking to come to the assistance of the State attacked or threatened, and to give each other mutual support by means of facilities and reciprocal exchanges as regards supplies of raw materials and foodstuffs of every kind, openings of credits, transports and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State.

If both parties to the dispute have been declared aggressors according to the above provisions, the economic sanctions will be applied to both of them.

Article 13.

In view of the complexity of the conditions in which the Council may be called upon to exercise the functions mentioned in Article 12 of the present Protocol concerning economic and financial sanctions, and in order to define the guarantees offered by the present Protocol to the acceding States, the Council shall forthwith invite the economic and financial organisations of the League of Nations to consider and report as to the nature of the measures to be taken to give effect to the financial and economic sanctions and measures of co-operation contemplated in Article 16 of the Covenant and in Article 12 of this Protocol.

When in possession of this information, the Council shall draw up, through its competent organisations:

(1) plans of action with a view to the operation of the economic and financial sanctions against an aggressor State;
(2) plans of economic and financial co-operation between a State attacked and the different States assisting it,

and shall communicate them to the Members of the League and to the other signatories.

Article 14.

In view of the contingent military, air and naval sanctions provided for in Article 16 of the Covenant and in Article 12 of the present Protocol, the Council shall be entitled to receive undertakings on the part of States, determining in advance the military, air and naval forces which they would be able to bring into action immediately, in order to ensure the fulfilment of the obligations arising in this connection out of the Covenant and the present Protocol.

Further, after an act of aggression has been established, the States signatories may, in accordance with agreements previously concluded, bring to the assistance of a given State which is the victim of aggression the whole or such part of their military, naval and air forces as they may consider necessary.

The agreements mentioned above shall be registered and published through the instrumentality of the Council of the League of Nations. They shall be open to all States Members of the League which may desire to accede thereto.

Article 15.

The Signatory States consider, in accordance with the spirit of the present Protocol, that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the present Protocol, as well as the reparation of all material damage caused by the operations and of all losses suffered by civilians or members of the military forces, should be borne by the aggressor State up to the extreme limits of its financial capacity.

Nevertheless, in view of Article 10 of the Covenant, the application of the sanctions mentioned in the present Protocol shall not affect the territorial integrity or political independence of the aggressor State.

Article 16.

The undersigned Members of the League of Nations undertake to participate in an international conference for the reduction of armaments which shall be convened by the Council of the League and which shall meet at Geneva on Monday, June 15th, 1925. All States non-Members of the League of Nations shall be invited to take part in this conference.

Ratifications of the present Protocol must be deposited at the Secretariat of the League not later than May 1st, 1925. Unless the majority of the Members of the League permanently represented on the Council and ten other Members of the League have deposited their ratifications by May 1st, 1925, the Secretary-General of the League shall cancel the invitations to the Conference.

The entry into force of the present Protocol shall be suspended until a scheme for the reduction of armaments has been adopted by the conference.

In view of the convening of the conference, the Council, taking into account the undertakings mentioned in Articles 12 and 14 of the present Protocol, shall draw up a general programme for the reduction of armaments which shall be laid before the conference and communicated to the Governments two months before the conference meets, or earlier if possible.
If within a time-limit which shall be fixed by the Conference, the scheme for the reduction of armaments has not been carried out, it shall be the duty of the Council so to declare. In consequence of such declaration the present Protocol will lapse.

The conditions in which the Council may declare that the scheme drawn up by the international conference for the reduction of armaments has not been carried out, and that in consequence the present Protocol has lapsed, shall be defined by the conference itself.

Any Member of the League of Nations which has not, within the time-limit fixed by the conference, conformed to the scheme adopted by the conference shall not be admitted to benefit by the provisions of the present Protocol.

Article 17.

All differences relating to the interpretation of the present Protocol shall be submitted to the Permanent Court of International Justice.

Article 18.

The present Protocol shall not affect in any manner the obligations arising out of the Covenant.

Annex 10.

ARTICLES 12, 13 AND 14 OF THE DRAFT PROTOCOL.

Amendments by the Belgian Delegation.


As soon as an aggression is manifest within the meaning of paragraphs 1 and 2 of Article 61 or has been determined by the Council, the obligations of the signatory States in regard to the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article 16 of the Covenant will immediately become operative.

These obligations shall be interpreted as individually obliging each of the Members of the League loyally and effectively to make every effort that can reasonably be expected of them in defending the Covenant of the League and resisting every act of aggression.

If both Parties to the dispute have been declared aggressors according to the above provisions, the sanctions will be applied to both of them.


In the hypothesis provided for in Article 12, the signatory States will be bound, in accordance with Article 16, paragraph 2, of the Covenant, to come to the assistance of the State attacked or threatened and to give each other mutual support by means of facilities and reciprocal exchanges as regards supplies of materials and foodstuffs of every kind, openings of credits, transports and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State.

In order to permit of the prompt application of economic and financial sanctions, the Council shall forthwith invite the economic and financial organisations of the League of Nations to consider and report as to the nature of the measures to be taken to give effect to the financial and economic sanctions and measures of co-operation contemplated in Article 16 of the Covenant and in Article 12 of this Protocol.

When in possession of this information, the Council shall draw up, through its competent organisations:

1. plans of action with a view to the operation of the economic and financial sanctions against an aggressor State;
2. plans of economic and financial co-operation between a State attacked and the different States assisting it,

and shall communicate them to the Members of the League and to the other signatories.


Further, in the hypothesis mentioned in Article 12, States signatories may, in accordance with agreements previously concluded, bring to the assistance of a given State which is the victim of aggression the whole or such part of their military, naval and air forces as they may consider necessary.

1 Now Article 10 of the Protocol.