GENEVA, December 15th, 1926.

LEAGUE OF NATIONS

RULES

adopted by the Council for the

EXERCISE OF THE RIGHT OF INVESTIGATION

provided for by the

TREATIES OF VERSAILLES, SAINT-GERMAIN,
TRIANON AND NEUILLY
So long as the present Treaty remains in force, *Germany [Austria, Hungary, Bulgaria]* undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.
Part I.

ORGANISATION OF THE RIGHT OF INVESTIGATION *.

CHAPTER I. — NATURE AND EXTENT OF INVESTIGATION.

The investigations provided for in:

Article 213 of the Treaty of Versailles,
Article 159 of the Treaty of Saint-Germain,
Article 143 of the Treaty of Trianon,
Article 104 of the Treaty of Neuilly,

shall, when the Council so decides, cover such demilitarisation of territory as may be laid down in the said Treaties, and any or all the military, naval and air clauses of the said Treaties, and particularly:

(a) Legislation, such as military laws, budgets;
(b) Strengths;
(c) Material existing or under construction (including aeronautical material, plant for manufacture of munitions, implements of war);
(d) Training for war;
(e) New warship construction.

CHAPTER II. — INITIATIVE.

(a) Whithout prejudice to the right of an individual member of the Council to bring any matter to the direct notice of the Council, every Government Member of the League of Nations may communicate to the Secretary-General, for consideration by the Council, any reports or information which, in the opinion of that Government, call for exercise by the Council of the right of investigation. Copies of such reports or information shall be forwarded as soon as received to the Permanent Advisory Commission.

(b) On each occasion when the Council has decided to exercise the right of investigation as authorised by the Treaties, it will notify the Governments concerned without informing them of the details of such investigation.

CHAPTER III. — COMPOSITION AND FUNCTIONS OF THE PERMANENT ADVISORY COMMISSION.

Any State, not being a Member of the Council, neighbour of a State which has given to the former State undertakings by the terms of one of the Treaties of Peace to submit to investigations, shall be represented on the Permanent Advisory Commission, for all questions contemplated in the present rules, as regards investigations concerning the latter State.

The Permanent Advisory Commission is responsible to the Council for preparing the organisation for any investigations upon which the Council may decide.

To facilitate the decision of the Council:

(a) The Permanent Advisory Commission shall submit to the Council for approval each year for the ensuing year, if necessary, a programme of the investigations which it recommends. This programme will be based on the reports or information which the Permanent Advisory Commission has received officially and shall be accompanied by draft instructions for the President of each Commission of Investigation, constituted as laid down in Chapter IV;

(b) At each session of the Council the Permanent Advisory Commission may propose such additions as may be necessary to the programme of investigation mentioned in paragraph (a) above;

(c) Should any reports received necessitate an urgent meeting of the Permanent Advisory Commission, the latter shall advise the Council thereon, who may direct the Permanent Advisory Commission to make the necessary arrangements for an investigation.

CHAPTER IV. — CONSTITUTION AND OPERATION OF THE COMMISSIONS OF INVESTIGATION.

Commissions of Investigation shall be constituted as follows:

(a) The members shall be chosen from a list of experts qualified in the various matters likely to form the subject of investigations.

* Note by the Secretariat. — This organisation is the result of successive decisions taken by the Council on September 27th, 1924, October 38th, 1924, December 9th, 1924, December 10th, 1924, and December 11th, 1924. The present text embodies certain amendments and the text as originally drawn up is therefore not reproduced.

See also Explanations Nos. 1 and 5 in Part III, page 8.
The list shall consist of experts appointed by the Governments of States which are represented on the Council and by the Government of any State selected by the Council under paragraph (c) of this Chapter. These experts must be available at all times in their respective countries. Their number is determined in the following table:

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<tr>
<th>Category</th>
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<tr>
<td><strong>Military and General Questions</strong></td>
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<td><strong>Naval Questions</strong></td>
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<tr>
<td>(a) Organisation, legislation, mobilisation, effective</td>
<td>4</td>
<td>(a) Gunnery</td>
<td>1</td>
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<td>(b) Existing arms, munitions and other war material</td>
<td>4</td>
<td>(b) Torpedoes and mines</td>
<td>1</td>
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<td>(c) Manufacture</td>
<td>2</td>
<td>(c) Submarines</td>
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<td>(d) Chemical warfare</td>
<td>3</td>
<td>(d) Engineering</td>
<td>1</td>
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<td>(f) Communications</td>
<td>2</td>
<td>(e) Naval construction</td>
<td>1</td>
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<tr>
<td><strong>Air Questions</strong></td>
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<td><strong>Military and General Questions</strong></td>
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<tr>
<td>(a) Motors</td>
<td>2</td>
<td>(a) Organisation, legislation, mobilisation, effective</td>
<td>4</td>
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<tr>
<td>(b) Machines</td>
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<td>(b) Existing arms, munitions and other war material</td>
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<td>(c) Dirigibles</td>
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<td>(c) Manufacture</td>
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<td>(d) Training</td>
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<td>(d) Chemical warfare</td>
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<td>(f) Communications</td>
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As it is possible that all the Governments called upon to furnish experts for the list in question would not be able to supply the maximum numbers laid down above (either because they lacked certain categories of experts or because the remoteness of their country only allowed them to employ experts living near to the countries subject to investigation), the various Governments concerned shall communicate to the Council the number of experts of each category which could at all times be held available.

Each State may, in drawing up its list of experts to serve on the Commission of Investigation, indicate the particular country or countries for which certain of these experts were appointed.

At any time when a change takes place in the normal permanent or elected constitution of the Council, this list shall be revised so as to be brought into line with the composition of the Council.

(b) When a Commission of Investigation has to be appointed for the case of a particular State, the Permanent Advisory Commission will propose to the Council the exact composition of that Commission according to the nature and importance of the investigation. The Commission will consist of experts specially qualified to undertake the investigation in question and selected from the list referred to in paragraph (a). It will include, in principle, an equal number of experts from each State (and at least one from each State) taking part in the investigation as defined in paragraph (c).

The decision of the Council as to the composition of Commissions of Investigation can be taken by a majority vote.

(c) Subject to the terms of paragraph (f) below, the States represented on the Council at the time when an investigation is decided upon will be represented on every Commission of Investigation. Should the Council not contain any representative of a State which is a signatory of the Treaties of Peace and at the same time bordering on the State under investigation, or any representative of a non-signatory State of the Treaties of Peace, the Council shall select a State from each of these categories and the experts of these selected States shall be added to those of the States represented on the Council.

(d) Every local investigation shall be carried out by at least three experts of different nationalities.

(e) The members of the Permanent Advisory Committee shall not take part in investigations.

(f) The nationals of States subjected to the right of investigation shall not form part of any of the Commissions of Investigations *.

(g) The members of the Commissions of Investigation shall enjoy full diplomatic privileges and immunities.

(h) Should the Council decide to hold an investigation comprising various objectives in the same State, it will be undertaken by one Commission constituted as laid down in paragraphs (b) and (c) of this chapter with one President, who will be responsible to the Council for the whole of the investigation.

(i) Presidents of Commissions of Investigation will be nominated in advance, by the Council in all cases, for the period of one year renewable. They will not reside in the State subject to an investigation, except during such periods of investigation.

(j) Within the limits of their instructions received from the Council, Presidents will themselves arrange the order of their work and ask the Secretary-General to notify the Government concerned of the date on which they have decided to commence investigation.

They shall have full latitude in the convening of their Commissions and in the internal organisation of them, subject to the reservation laid down in paragraph (d) above.

(k) In order to retain an element of surprise, the President of a Commission of Investigation need not disclose his exact objectives until the last moment. Within the limits of his instructions, he is also authorised to accord such freedom of movement to the groups of his Commission as will enable their work to be brought to a definite conclusion.

(l) Commissions of Investigation may, during a period fixed by the Council, either carry out the operations without interruption or intermittently.

(m) It is the duty of the Commission of Investigation to confine itself to the establishment of facts.

* See Explanation No. 4 in Part III, page 8.
When difficulties arise during the course of an investigation, the Presidents of Commissions will inform the Council, and, in the case of technical difficulties, the Permanent Advisory Commission also. The latter will, if the matter comes within its competence, provide the President of a Commission of Investigation with such additional technical advice or assistance as may be necessary. The Permanent Advisory Commission will not issue any orders or in any way vary the original instructions approved by the Council.

**CHAPTER V. — DEMILITARISED ZONES*.**

Within the period fixed by the Council and with its approval, the President of a Commission of Investigation may detach groups to remain at points in the demilitarised zones where continuity of investigation is required.

**CHAPTER VI. — INFORMATION.**

1. The Permanent Advisory Commission will furnish the Council with all the information it requires as to the observance of the disarmament clauses of the various Treaties of Peace. This will entail upon the Secretariat of the Permanent Advisory Commission additional duties as follows:

   (a) To receive and collate the final reports of the Inter-Allied Commissions of Control, reports of Commissions of Investigation, together with copies of all military laws, budgets and legislation;

   (b) To receive from Governments of Members of the League all military, naval and air information relative to the clauses of the four Treaties referring to the right of investigation;

   (c) To collate the information so received and circulate it to the members of the Permanent Advisory Commission;

   (d) To receive and collate all information furnished by Governments concerning the application of any rules which may be in force for discriminating between military and civil aviation.

The work required by the Permanent Advisory Commission will constitute the first charge on the present members of the Secretariat of the Commission, who will be relieved of all such duties as may prevent them from carrying out that work.

2. Any information required for the purpose of investigation shall be supplied to the Presidents of the investigating Commissions by the Permanent Advisory Commission.

**CHAPTER VII. — REPORTS.**

The Presidents of Commissions of Investigation will forward their reports, together with any minority reports, to the Council and the Permanent Advisory Commission. The latter will forward their reasoned opinion of the report to the Council.

**CHAPTER VIII. — FINANCIAL PROVISIONS.**

1. The allowances for the members of the Commissions of Investigation shall not be less than those payable to members of other Commissions of the League.

2. Unless the Council otherwise determines, the expenses of any investigation will be borne on the general funds of the League.

3. The necessary advance of funds shall, within the limits of the budget and subject to the Regulations for the Financial Administration of the League, be made to the members of the Commissions of Investigation by the Secretariat of the League.

**CHAPTER IX. — ENTRY INTO FORCE.**

The organisation proposed above shall be ready to function for each of the States subject to investigation before the withdrawal of the Inter-Allied Commissions of Control.

**SECRETARIAT OF COMMISSIONS OF INVESTIGATION.**

1. The President of each Commission of Investigation shall choose his own secretary in addition to the members of the Commission and subject to the reservation laid down in Chapter IV (f). This secretary shall be entitled to the allowances provided for the secretaries of Presidents of Commissions of the League of Nations during the periods when the Commission of Investigation is regularly constituted and on active service.

2. The remainder of the secretariat staff of the Commission of Investigation shall be organised by the Secretary-General of the League of Nations. Should this organisation call for the services of members of the Secretariat, the Secretary-General will be authorised, if necessary, to replace temporarily the members of the Secretariat thus placed at the disposal of the Commissions of Investigation and to charge the expenses thereby incurred to the budget item concerning the exercise of the right of investigation.

* See Explanation No. 4, page 8.
Part II.

WAYS AND MEANS OF ASSURING TO COMMISSIONS OF INVESTIGATION FREE AND COMPLETE EXECUTION OF THE DUTIES ENTRUSTED TO THEM *

CHAPTER I. — POWERS OF COMMISSIONS OF INVESTIGATION.

(1) Commissions of Investigation, within the scope of the programme decided upon in each case by the Council of the League of Nations, shall have authority and it will be their duty to extend their investigations to all matters comprised in those programmes with a view to the establishment of the relevant facts, and in particular they shall be entitled to take all such steps as they may deem necessary or expedient to satisfy themselves:

(a) That the recruitment, organisation, numerical strength and armament of the Army, Navy and Police Forces and other similar organisations are in conformity with the existing provisions of the relevant Treaty of Peace;
(b) That no preparations for mobilising military or naval personnel are being made and that no such mobilisation has been carried out;
(c) That no institution, association or society of any kind engages in military training or is connected either with the Ministry of War or with any other military authority;
(d) That the legislation of the country where the investigation is in progress is maintained in conformity with the military, naval and air clauses of the relevant Treaty of Peace and that such legislation is duly observed.

(2) The Commission of Investigation or any Sub-Commission or group thereof may proceed to any place in the country where the investigation is in progress and may remain there for the time indispensable for such inspections and operations as it may consider necessary or desirable for the execution of its duties.

(3) The Commission or any Sub-Commission or group thereof may in the course of any such inspection enter or search any building or locality (whether belonging to the State or to any local or other authority, civilian or military, or to a private individual) or any war- or other vessel, or any fortifications or defences of any kind, or transport material of any nature. For the purposes of any such entry or search, only such notification will be given in advance of the identity of the actual place to be inspected (Government building, private factory or other private building) as will enable the necessary preparations to be made for the inspection.

(4) The Commission or any Sub-Commission or group thereof shall also in the course of any such inspection be entitled to examine any books or documents relating to the transport of goods by whatever method. In particular, such examination may be made on or in connection with frontier stations on railways and navigable waterways or on or in connection with seaports and aerodromes.

(5) Every local investigation shall be carried out by at least a group of three members of the Commission of different nationalities.

(6) Members of a Commission of Investigation shall enjoy full diplomatic privileges and immunities and shall be in possession, in addition to diplomatic passports, of identity certificates issued by the Secretary-General on behalf of the Council stating their official capacity. Such members shall furthermore have the right to complete freedom of movement in the discharge of their duties.

(7) The Commission shall have the right to require of the Government of the country where the investigation is in progress the provision for its members of first-class hotel accommodation, first-class transport by rail and all such other facilities for transport by other means of locomotion as may reasonably be demanded. The expenses thereby incurred shall be met by the members of the Commission as provided for in Chapter VIII of the Plan of Organisation of the Right of Investigation approved by the Council on September 27th, 1924. The prices for any expenses incurred by the Commission or its members shall be in accordance with those current locally.

CHAPTER II. — FACILITIES TO BE GIVEN BY THE GOVERNMENT OF THE COUNTRY SUBJECT TO INVESTIGATION.

(1) It will be the duty of the Government concerned, on receipt of a notification from the Council of the League of Nations that it has decided to exercise the right of investigation under the relevant Treaty provisions, to take all measures to ensure that the Commission appointed by the Council for that purpose may accomplish its mission to the fullest extent in complete freedom and without encountering resistance, whether active or passive, on the

* This rule was adopted by the Council on March 14th, 1925. See also Explanations Nos. 2 and 5 on page 8.
part of any authority or of the local population, and that it shall be assisted in the exercise of the powers provided for in Chapter I above, in order that in all cases it may possess legal means for the execution of its mission.

In particular, and without prejudice to the generality of the foregoing obligations, the Government of the country where the investigation is in progress will afford to Commissions of Investigation the following facilities:

(a) The Government shall designate a Minister or a Ministerial Department (hereinafter referred to as “the Appointed Ministry”) where all communications on the subject of investigations prescribed by the Council of the League can be addressed. It is understood that the Commission of Investigation will, through its President, make all necessary arrangements direct with the Appointed Ministry.

(b) The Appointed Ministry will supply to the Commission all information or documents which the Commission may request with a view to ascertaining that the demilitarisation clauses as well as the military, naval or air clauses of the relevant Treaty are being observed, and all other Ministries, when so requested by the Commission of Investigation through the Appointed Ministry, shall place at the disposal of the Commission all archives and correspondence within their possession or power bearing on the subject-matter of the investigation, and in particular the detailed lists showing the exact location and quantities of arms, munitions and war material, as well as the returns relative to the effective strength of units.

(c) A duly qualified military or naval officer and a representative of the Appointed Ministry shall be attached to the Commission of Investigation for the duration of its mission and shall be continuously at its disposal as liaison officer.

The Commission shall also be entitled to require that one or more liaison officers shall be detailed for any Sub-Commission or group constituted by the Commission.

(d) All liaison officers shall be in receipt of formal written orders from the Appointed Ministry to comply with any request duly made in the course of its mission by the Commission of Investigation or any member thereof, and shall also be furnished with a written authority, signed by the Minister or other authority of the Appointed Ministry, giving them full powers in relation to any military, naval or civil authority or any individual to enforce the rights of the Commission of Investigation.

(e) The Government shall issue instructions to all provincial Governments, military and naval commanders, railway, aerodrome and dock authorities, municipal authorities, owners, managers and heads of factories and local police authorities, enjoining them to comply at once with any request of the Commission for the purpose of conducting its investigation under the relevant Treaty and further requiring the police authorities to supply whatever assistance or protection may be required. In particular, these instructions shall notify the authorities of the obligations contained in the next following paragraph:

(f) In the event of the liaison officer failing to present himself at any appointed rendezvous, the President of the Commission or the Sub-Commission or group concerned shall be entitled:

(i) To call upon the local authority in whose district the investigation is to be made to accompany him officially when making the immediate enquiries which he may consider necessary, upon the same conditions as the absent liaison officer.

(ii) Should the local authority refuse its assistance, to proceed himself to the said enquiries so far as the resources at his disposal permit.

(g) A copy of all orders, formal authorities and instructions provided for in sub-clauses (d) and (e) hereof shall be furnished by the Government concerned to the Council of the League of Nations and shall be accompanied by a certificate of that Government to the effect that they are fully effective in its national law.

Copies of the same orders and formal authorities provided for in sub-clause (d) shall also be forwarded by the Government concerned to all the authorities and persons mentioned in sub-clause (e) above.
Part III.

EXPLANATIONS WITH REGARD TO THE RULES CONTAINED IN PARTS I AND II.

1. The Council of the League of Nations, acting by a majority vote, shall decide, in conformity with Article 213 of the Treaty of Versailles, whether it is necessary, in any particular case, to hold an investigation, and it shall then specify the object and the limits of such investigation. The Commissions of Investigation shall act under the authority and on the instructions of the Council. The Council's decisions shall be taken by a majority vote.

2. To render an effective investigation possible, the Commission shall apply to the representative appointed by the German Government or to his delegates, who will procure without delay the assistance of the administrative, judicial or military authority competent under German law. Such investigation shall then be carried out and findings reached as the Commission, acting within the limits of its instructions, may consider advisable, the interested party being given a hearing (contradictoirement).

3. The prohibition laid down that the nationals of a State subjected to the right of investigation shall not form part of commissions of investigation shall be understood in the sense that the nationals of the State in the territory of which an investigation is undertaken shall never form part of a Commission holding such investigation.

4. It is understood that the provisions of Article 213 of the Peace Treaty with Germany relating to investigations shall be applicable to the demilitarised Rhine zone as to other parts of Germany. These provisions do not provide in this zone, any more than elsewhere, for any special control by local standing and permanent groups. In the demilitarised Rhine zone such special groups, not provided for in Article 213, shall not be set up except by convention between the Governments concerned.

5. The explanations given in Articles 1, 2 and 3 above naturally apply to cases under Articles 159 of the Treaty of Saint-Germain, Article 143 of the Treaty of Trianon, and Article 104 of the Treaty of Neuilly.

* These explanations are contained in the report of M. Benes, adopted by the Council on December 11th, 1926.