LEAGUE OF NATIONS

REDUCTION OF ARMAMENTS

TREATY OF MUTUAL ASSISTANCE

Replies from Governments

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"The Assembly,

"Having taken cognisance of the draft Treaty of Mutual Assistance drawn up by the Temporary Mixed Commission and amended by the Third Committee as a result of an exchange of views between its members, some of whom spoke in their personal capacity;

"Considering that this discussion has revealed some divergences of view and, further, that a large number of Governments have not yet expressed their opinions on Resolution XIV of the third Assembly:

"Decides to request the Council to submit the draft Treaty of Mutual Assistance to the Governments for their consideration, asking them to communicate their views in regard to the aforesaid draft Treaty."

In conformity with this resolution, the Council in September 1923 decided to empower the Secretary-General to circulate to all the Governments of Members of the League the report of the Third Committee of the Assembly on the draft Treaty of Mutual Assistance, together with the report of the Temporary Mixed Commission to the Assembly on the same subject, and the Minutes of the Third Committee.

In accordance with the decision of the Assembly, the letter from the Secretary-General drew the attention of the Governments of the Members of the League to the fact that, in order that the work of co-ordinating the opinions of the Governments with regard to the draft Treaty might be taken in hand in sufficient time for the consideration of the next Assembly, it would be of the greatest utility that these opinions should reach the Secretariat of the League as early as possible in the year. The Council in December decided to extend this communication to States non-Members of the League, and a letter to that effect was sent by the Secretary-General on January 9th, 1924.

During its March session, the Council noted that only three Governments had by then replied to the first letter of the Secretary-General, dated October 25th, 1923. It adopted the following resolution:

"The Council, in view of Resolution No. I of the Assembly, in accordance with which the draft Treaty of Mutual Assistance was submitted to the Governments for their consideration, with the request that they should communicate their views in regard to the said draft;

"Considering that it is important that the next Assembly should be in a position to examine the draft again in the light of the views of the Governments:

"Instructs its President to approach all States Members of the League of Nations which have not yet communicated their views on this subject, requesting them to be good enough to do so, in order that their views on the Treaty of Mutual Assistance may reach the Secretariat in time to be submitted to the next Assembly."

All the replies so far received by the Secretariat are included in the present Document.
The Finnish Government considers that it is one of the primary duties of the League of Nations to secure the definite establishment and effective application of the guarantee provided for in Article 10 of the Covenant, and to develop the principles laid down therein. The Finnish Government, therefore, wishes to express its appreciation of the efforts made to create a system of mutual guarantee on the lines laid down in Resolution XIV of the third Assembly, and especially of the endeavour, first, to place on a solid and practical basis the logical relation which ought to exist between the right to security and the duty of reducing or limiting armaments — a relation the establishment of which is undoubtedly required by the spirit of the Covenant — and, secondly, to enlarge the community of nations for the purpose of the application — in the interests of the world’s peace — of Articles 8, 10 and 16 of the Covenant. If, notwithstanding, my Government ventures to submit certain remarks on the scheme of mutual assistance drawn up by the Third Committee of the fourth Assembly, it is due to the fact that the problem is of wide general interest, and that its discussion from every point of view is indispensable.

I. — In accordance with the principle laid down in Article 14 of the draft, and with the definition of the aims of the Treaty given in the preamble, the Finnish Government considers that the Treaty of Mutual Assistance should be directed, above all, to the progressive consolidation of the League of Nations.

The draft Treaty of Assistance establishes the principle that a State which is not a Member of the League of Nations may participate in the organisation of mutual assistance. The Powers signatory to the Treaty of Assistance, which seeks to facilitate and direct the application of the two fundamental principles contained in Articles 10 and 16 of the Covenant, would therefore include States outside the League of Nations and not bound by the League’s judicial system. Difficult as it may be to incorporate a Power which remains outside the League of Nations in an organisation depending for its motive power on the Council of the League, the Finnish Government cannot but express its satisfaction at the enlargement, whether immediate or not, of the League’s sphere of action.

A serious difficulty results from another unavoidable anomaly in the system provided for in the draft Treaty, i.e., the fact that a Member of the League of Nations might not be a party to the Treaty of Assistance. As the compulsory character of the Covenant and of the obligations based upon it will not and cannot suffer any limitation in consequence of the new Treaty, it will be necessary to fix a definite line of demarcation between the obligations resulting from the Covenant and those based upon the Treaty of Assistance. This appears essential, in view of the fact that States Members of the Council may have to deal with matters concerning the application of the Treaty of Assistance without themselves being parties to the Treaty, and, further, that the Council may have the same dispute submitted to it in its two distinct capacities; in the absence of unanimity, it could take no action as the organ of the organisation of assistance, but it could perhaps, composed in a slightly different manner, take action as an organ acting in virtue of the Covenant. It should be emphasised that the application of Articles 10 and 16 of the Covenant ought, in all fairness, to affect in equal measure all the Members of the League. In the opinion of the Finnish Government, only vital political and practical considerations could justify an arrangement whereby Members of the League of Nations would remain outside the new organisation of assistance.

Anxious to assist the common cause by exploring every avenue which may lead to the general acceptance of the Treaty, the Finnish Government feels bound to observe that, in view of the provisions of paragraph 4, Article 16 of the Covenant, the relation between the right to security and the duty of reducing or limiting armaments could, in its opinion, be established in another form than that adopted in the draft Treaty.

II. — The Government is fully aware of the difficulties raised by the requirement that all decisions of the Council should be unanimous — a principle which can only be justified on the ground that it is an unavoidable consequence of the virtual identity of the Council sitting as an executive organ of the League of Nations and, as such, ruled by this principle, with the Council acting as the motive power of the organisation of assistance. As long as the principle of unanimity remains a fundamental rule of the Covenant, it seems difficult to propose the acceptance of a contrary principle for the Treaty of Assistance. Nevertheless, the Finnish Government feels justified in suggesting two necessary modifications on this point:

1. The declaration provided for in Article 4, paragraph 1, for the purpose of deciding which States are the objects of aggression, is only a statement of fact. On purely logical grounds it would, therefore, seem natural that such a declaration should be made by a majority vote. Even if a decision as to the measures to be taken requires unanimity, the Council could hardly declare itself incompetent to settle this question of fact; the consequences of applying the unanimity rule to this case might be equivalent to a denial of justice.

2. Could not this hard-and-fast rule be modified, as regards the measures provided for in Article 5, by applying the principle established in the Convention on the neutralisation of the Aaland Islands, to the effect that, if unanimity cannot be obtained, each of the High
Contracting Parties will be authorised to take the measures which the Council may recommend by a two-thirds majority? The Finnish Government ventures to recommend that, with a view to rendering easier the working of the Treaty, an application of this principle should be considered.

Mention should also be made of the grave drawback resulting from the connection between the general guarantee and the complementary agreements provided for in Article 6, tautologically defined in Article 7 as agreements "complementary to the present Treaty". It is clear from the provisions of the Treaty that a State which is party to a complementary agreement may refuse to carry out the obligation incumbent on it in virtue of this agreement as long as the Council has not succeeded in obtaining the unanimity required to decide, first, that there is a threat of aggression; secondly, which is the aggressor; and lastly, what measures should be taken in virtue of Article 5.

III. Article 3 lays down with justice that any State "party or not to the present Treaty" and therefore conceivably not a Member of the League of Nations, may be denounced on account of its aggressive policy or hostile intentions. If there is reasonable ground for thinking that a menace of aggression has arisen, the Council may take, among other measures, those indicated in sub-paragraphs (a), (b), (c), (d) and (e) of the second paragraph of Article 5. The application of these measures necessarily presupposes a decision as to which Power is threatening aggression (or which is the presumed aggressor), and which is the victim of the aggression. The Council may therefore be called upon to deal with a question concerning a State which is not a Member of the League of Nations. The Finnish Government views this contingency with satisfaction, especially because this point of view entirely corresponds with the opinion it maintained before the Permanent Court of International Justice and the Assembly and Council of the League of Nations.

Article 3, paragraph 1, lays down that any State, party or not to the Treaty, may be denounced on account of its aggressive policy. But, in paragraph 3, the only States considered as liable to denunciation are the High Contracting Parties; it is these States which must be invited to send representatives to the Council. Why is the invitation of a State which, though not party to the Treaty of Assistance, may be denounced by a Contracting Party not expressly authorised on the analogy of Article 17 of the Covenant? The draft requires to be completed on this point.

For the same reasons, Article 4, paragraph 3, should be modified in order to make it quite clear that it is not with the High Contracting Parties alone, when engaged in hostilities, that the assistance organisation is concerned, and consequently that the measures laid down in the second paragraph of Article 5 may be applied in respect of a State which is not party to the Treaty, both in the circumstances indicated in Article 4 and in those described in Article 3.

IV. The draft Treaty is also insufficiently clear owing to the fact that it does not indicate how the Council is to accomplish the important duties imposed upon it by Article 5 of the Treaty. How will it employ the forces which each State furnishing assistance will have to place at its disposal? How will it prepare a plan for co-operation when it has no permanent military organisation ready for action at the required moment? Does Article 5 take for granted that an organisation of this kind would be established in advance? The silence of the draft Treaty on this point is the more incomprehensible as Resolution XIV assumes that an organisation of this kind will be created. This resolution says: "The Council of the League ....... should further formulate and submit to the Governments for their consideration and sovereign decision the plan of the machinery, both political and military, necessary to bring them (i.e., the systems of achieving a general reduction of armaments) clearly into effect." In these circumstances, it might be expected that the draft Treaty would expressly stipulate that such a machinery should be set up.

It is equally necessary, in the opinion of the Finnish Government, that the plans for financial co-operation provided for in sub-paragraph (e) of the second paragraph of Article 5 should be prepared in advance, in order to allow States victims of an aggression, the resources of which are insufficient for their national defence, to obtain the contemplated assistance at the outset of hostilities.

V. According to Article 17, any State may notify its conditional or partial adherence to the proposed Treaty. It goes without saying that a State will not by such conditions or reservations be able to evade its obligations under the Covenant. Hence, the nature and extent of these conditions should be clearly defined, and also — what is even more important — the rights which may be claimed by these States, the position of which should be determined on a basis of perfect reciprocity.

The somewhat vague terms of Article 17 lend themselves to the interpretation that a State could adhere to the Treaty of Assistance even with the reservation that it should not be required to take any part in carrying out the economic measures provided for in the Treaty. But such a reservation would be quite inadmissible, as it is in contradiction with the fundamental rules of the Covenant. If conditional or partial adherence were to be equivalent to an attempt to evade certain obligations imposed by the Covenant, the Finnish Government would regard it as a "shirking of responsibilities" entirely contradictory to the principles of solidarity and co-operation laid down in the Covenant.

The article in question should also be considered from another point of view. Resolution XV of the third Assembly lays down as a principle that certain countries which are in a special geographical position may conclude regional agreements of such a character as to make it possible to take measures for the reduction of armaments even exceeding those decided upon in respect of general reduction. Further, the Assembly recognised that special measures would have to be taken for the defence of countries which, for historical, geographical or other reasons, were in special danger of attack. But it is clear that the Council's task will be made even more difficult if, on account of the accentuated reduction of armaments in neighbouring countries, it is obliged to look to more distant countries for the special guarantees indicated above. The Finnish
Government therefore considers that the provisions of Article 17 should be modified so as to render partial or conditional adherence to the Treaty impossible in cases when the States in question intend to conclude regional agreements for the purpose of reducing their armaments to a greater extent than is provided for in the general scheme.

VI. — The procedure regarding the preparation of the general plan for the reduction of armaments as laid down in Article XI of the Treaty seems destined in practice to give rise to serious difficulties. The first paragraph of this article obliges the High Contracting Parties to inform the Council of the reduction or limitation of armaments which they consider proportionate to the security furnished by the general Treaty or by the complementary defensive agreements, in order to enable the Council to prepare a general plan for the reduction of armaments on the basis of this information. But at the moment when the High Contracting Parties have to fulfil this obligation, they will probably not be possessed of any exact information in regard to the actual assistance on which they can count, in the event of danger, by virtue of the decisions taken by the Council under the terms of Article 5. There is reason to fear, therefore, that they will be unable to take such assistance into account when supplying information to the Council of the League, and that they will be unable to furnish the latter with a sound basis for its calculations or to fulfil the obligation expressly imposed by the first paragraph of Article XI of the Treaty and accepted by them.

VII. — While it will be difficult to bring the Treaty of Assistance into effect, it will be easy to denounce it. The terms of Article 10 do not make it clear that the Treaty cannot be denounced in the course of the first fifteen years. If it can be denounced during the first period of fifteen years, and especially if denunciation on the part of a permanent Member of the Council, i.e., of a Great Power, is sufficient not only to break up the contractual community formed by the States situated in the same continent, but to invalidate the whole Treaty, it must be admitted that the security furnished by the Treaty will be very slender.

VIII. — In comparison with the foregoing considerations, the note of the Committee of Jurists with regard to the term "aggressive war" is only of secondary importance; this term, although not strictly in accordance with the Covenant, is preferable to the amendments proposed by the Committee. The Committee also states that the Covenant "authorises, by implication, war in the case of States which comply with a unanimous recommendation by the Council and, in general, in the case of all parties to a dispute in which the Council fails to reach a unanimous recommendation." It should, however, be pointed out that whether a war is legitimate and whether it is in conformity with the Covenant are matters which do not depend solely on the formal and incidental question as to whether the Council has come to a unanimous decision or not, but rather on the actual facts of the case in point. For instance, a war may be contrary to Article 10 of the Covenant without being unanimously disapproved of by the Council. When the Committee describes as an international crime a war which violates the provisions of the Covenant, this is tautology as far as the Members of the League are concerned, while the States non-Members of the League would probably not recognise an act forbidden by the Covenant as an international crime unless it appeared as such in the light of the general principles of international law.

IX. — In the opinion of the Finnish Government, it would be preferable to make the co-operation of the Council in the conclusion of agreements concerning demilitarised zones optional and not obligatory as proposed in Article 9. But such agreements should, for the same reasons as in the case of the agreements referred to in Article 6, be regarded as complementary to the Treaty, and as such be subject to examination by the Council and to registration in conformity with Article 18 of the Covenant.

X. — Article 3 only deals with cases in which the State which tears the aggressive policy or preparations of another State appeals to the Council. But under Article XI of the Covenant, any war or threat of war, whether immediately affecting any of the Members of the League or not, involves the immediate summoning of the Council and justifies any Member of the League in requesting the Council to meet.

Again, Article 15 (paragraphs 9 and 10) of the Covenant lays down that a question with which the Council has already dealt, in virtue of these provisions, may be laid before the Assembly. According to the Treaty of Assistance, the Assembly would play no part in the disputes with which the Treaty deals. It goes without saying, however, that the Treaty of Assistance does not take precedence over the Covenant, and that the option of laying a question before the Assembly still exists if the question at issue also calls for investigation under the terms of the Covenant. In consequence, this option should be expressly specified in the Treaty.

In its keen desire to further the efforts of the League of Nations in favour of an effective reduction of armaments based upon increased national security, the Finnish Government has considered it necessary to formulate certain objections to which the draft Treaty submitted to it gives rise. It expresses the sincere hope that the organs of the League of Nations will be able to solve satisfactorily this fundamental problem and to carry out successfully this task of completing the League's organisation and of safeguarding the interests of peace throughout the world.

(Signed) Wennola.
REPLY FROM THE ESTHONIAN GOVERNMENT.

[Translation.]
January 22nd, 1924.

In reply to your Note C.L.105, dated October 25th, 1923, concerning the draft Treaty of Mutual Assistance, I have the honour, on behalf of the Government of the Esthonian Republic, to inform you as follows.

The Esthonian Government has watched with interest and keen sympathy the work in which the League of Nations has been engaged for over a year in order to find a practical scheme which will enable the different Governments to reduce their armaments. The Esthonian Government congratulates the League of Nations on the first important fruits of this work — the draft Treaty of Mutual Assistance adopted by the fourth Assembly — and expresses its lively satisfaction at the attainment of so notable a result.

The Esthonian Government recognises the exceptional competence of the Temporary Mixed Commission and of the Third Committee of the Assembly, and is well aware that these Committees have spared no efforts to ensure that this scheme, while remaining true to the high general ideals upon which it is based, should at the same time be realisable in practice in the existing situation of world politics; the Esthonian Government does not, therefore, deem it necessary to offer any detailed comments on the draft adopted by the fourth Assembly, although it has given the proposals its most careful consideration. Its object, in the present communication, is rather to declare that it approves of the draft Treaty and is prepared to adhere to it, whenever it shall have been given its final form.

The Esthonian Government would, however, have preferred that the first article of the Treaty should have retained the concise and exact form in which it was originally drafted. Similarly, it believes that the Treaty would prove more effective if all the Contracting States undertook the same obligations and received in return the same guarantees; and, finally, it considers that a simple general Treaty would have been preferable to a Treaty supplemented by special agreements. However, it is well aware that concessions had to be made on these points in order that the draft should prove acceptable to as many States as possible, and also because these concessions rendered its practical application easier.

In regard to Article 18 of the draft, the Government of the Republic desires, in particular, to state that it approves the conditions for the coming into force of the Treaty in Europe as laid down in that article — which requires ratification by five States, three of which must be States permanently represented on the Council. It is, however, essential, in the view of the Esthonian Government, that the expiration of the Treaty should be made subject to the same conditions: in other words, that the Treaty must not cease to be in force in Europe until, out of the five ratifying States, less than three of the States which are permanent Members of the Council continue to be parties to the Treaty.

Finally, Esthonia, as a State which has accepted the optional clause for the compulsory jurisdiction of the Permanent Court of International Justice, and which is vitally interested in the complete elimination of war as an expedient for the settlement of international disputes, expresses its confident hope that the League of Nations will succeed, in a not distant future, in making the Treaty of Mutual Assistance an accomplished fact, and that the largest possible number of States will adhere to it.

(Signed) F. Arel,
Minister.

REPLY FROM THE BELGIAN GOVERNMENT.

[Translation.]
February 8th, 1924.

I have the honour to communicate to you the views of the Belgian Government on the draft Treaty of Mutual Assistance, prepared by the Temporary Mixed Commission and amended by the Third Committee of the Assembly, which you were good enough to forward to me with your letter dated October 25th last.

The draft is based on two leading principles, to which the Government has already signified its assent, namely, the necessity of making the disarmament of each State proportionate to the guarantees of security furnished to it, and the combination of partial defensive agreements with the Treaty of General Guarantee.

The Belgian Government readily gives its adherence to the general lines of the draft, but it feels bound to submit the following observations, which have been suggested to it by a detailed examination of the articles.

(Signed) F. Arel,
Minister.
The draft Treaty is closely connected with the Covenant of the League of Nations, of which it forms, to a certain extent, a supplement. Consequently, the existence, in the draft Treaty and the Covenant, of two different terminologies in regard to the definition of the kind of war which the Contracting Parties undertake not to wage against each other presents serious practical disadvantages which have been pointed out in the Note from the Committee of Jurists appointed to consider the text of the draft Treaty.

The Government therefore adopts the view of this Committee and proposes to draft Articles 1 and 2 as follows, specifying in article 2 the articles of the Covenant to which it refers:

**Article 1.** "The High Contracting Parties solemnly declare that a war waged in violation of the provisions of the Covenant is an international crime and severally undertake that no one of them will be guilty of this crime.

**Article 2.** "The High Contracting Parties jointly and severally undertake to furnish assistance, in accordance with the provisions of the present Treaty, to any of their number which, after having reduced its armaments in conformity with the provisions of the present Treaty, is the object of a war prohibited by the Covenant of the League of Nations either on account of its origin (Article 10 of the Covenant) or of its aims (Articles 12-15 of the Covenant)."

The textual amendments to these two articles do not in any way impair the value of the draft Treaty from the point of view of the military guarantees which it will add to the Covenant. The amendments do not affect the main advantage which the draft has to offer, namely, that the Contracting Parties substitute for limited engagements to furnish military assistance on certain occasions (Articles 10 to 15 of the Covenant) engagements which are both more precise and more extensive.

**Article 5 of the draft** lays down that in the cases referred to in Article 2 of the Treaty the High Contracting Parties shall furnish one another mutually with assistance in the form determined by the Council of the League of Nations, which has the right to "require", if necessary, the High Contracting Parties to furnish military assistance to one of their number.

**Article 9** provides for the establishment of demilitarised zones. It would be desirable to define what is meant by this term, in order that the Council of the League of Nations may be enabled to take steps to establish zones of this kind.

**Article 10** places upon the aggressor State the cost of the operations and of the damage caused, up to the extreme limits of its financial capacity.

Provision should be made for the case in which this financial capacity may prove inadequate. It might be stipulated that, in the event of the total or partial insolvency of the aggressor State, the cost of that part of the damage for which no reparation has been made would be borne by the High Contracting Parties in the proportion fixed by the Council of the League of Nations, which could take into account for this purpose the amount of their respective contributions to the expenses of the League of Nations.

Under the terms of Article 11, it will not be possible to alter the plan for the reduction of armaments, when once approved by the various Governments, until a period of five years has elapsed. But the situation might be considerably changed if a new State were admitted or if a State were excluded, and certain countries might thereby lose part of the security upon which they had relied.

Should such a situation arise, it should be laid down that the reduction of armaments by the signatory States might be modified accordingly, after the Council has considered the request put forward by the countries concerned or by any one of their number.

In **Article 12** no method of investigation is laid down to determine whether each State has actually reduced its armaments in accordance with the Treaty, or, on the other hand, whether it is still in a position to furnish the forces which are required of it.

Anxiety to avoid infringing State sovereignty was apparently the consideration which militated against the introduction of supervision of this kind. In order to provide a safeguard on this point, a system of supervision might be instituted, acceptable to the parties concerned, which could be carried out on identical lines in every country by a Commission composed of representatives of all the Powers signatory to the Treaty.

**Article 12** of the draft Treaty contains no mention of sanctions. This omission might be repaired by stipulating that a refusal to communicate the necessary information could be pleaded by one of the High Contracting Parties as *prima-facie* evidence that the armaments of the High Contracting Party which fails to supply the information exceed the limits allowed it under the present Treaty. In such a case, Article 3 of the Treaty might be applied.

The Belgian Government is in favour of the following text proposed by the Committee of Jurists for Article 14:

**Article 14.** "Nothing in the present Treaty shall affect the rights and obligations resulting from the provisions of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1922 at Versailles, Neuilly, St. Germain and Trianon and in 1923 at Lausanne, or from the provisions of treaties or agreements registered with the League of Nations at the date of the conclusion of the present Treaty."
The Belgian Government considers that more complete guarantees should be required in the event of the adherence to the Treaty of States non-Members of the League of Nations, as provided in the second paragraph of Article 16.

It proposes that such adherences should be subject to the consent of two-thirds of the High Contracting Parties in respect of which the Treaty has come into force, and subject also to the unanimous consent of those of the High Contracting Parties which are permanently represented on the Council of the League of Nations and in respect of which the Treaty has come into force.

*Article 17* would gain in precision if it were drafted as follows:

"Any State may, with the consent of the Council of the League of Nations and subject to the provisions of the second paragraph of Article 16, notify its conditional or partial adherence to the provisions of this Treaty, provided always that such State has reduced or is prepared to reduce its armaments in conformity with the provisions of this Treaty."

*Article 18* of the draft does not appear sufficiently explicit. It refers to the date at which the Treaty of Guarantee will enter into force in respect of the various countries. The following wording is proposed:

"The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible at the Secretariat of the League of Nations. It shall come into force:

"In Europe when it shall have been ratified by five European States, of which three shall be permanently represented on the Council of the League of Nations;

"In Asia when it shall have been ratified by two Asiatic States, one of which shall be permanently represented on the Council of the League of Nations;

"In North America when it shall have been ratified by the United States of America;

"In Central America and the West Indies when it shall have been ratified by two States in Central America and one of the West Indies;

"In Africa and Oceania when ratified by two States in those continents."

The rest of the article would remain as in Article 18 of the draft Treaty.

As a matter of less moment I may add that, although the Government gives its general approval to the commentary on the definition of a case of aggression prepared by the special committee of the Temporary Mixed Commission, it must nevertheless make the following reservations:

Paragraph 6 includes, among the signs of an intention of aggression, the organisation on paper of industrial mobilisation. It would, however, appear hardly possible to prohibit a country from examining the theoretical question of industrial mobilisation and still less possible to consider such an investigation as an act of aggression.

Moreover, according to Paragraph 8 (e), the refusal of either of the parties to withdraw its armed forces behind a line or lines indicated by the Council may also be considered as an act of aggression.

The Government's view is that when military operations have once been begun they cannot be subjected to any restrictions of this kind. If imposed upon countries with territory of small depth, such as Belgium, the withdrawal of the troops might have serious consequences which would menace the strategical position of the army.

*(Signed)* JASPAR.
The Federal Government of the Union of Socialist Soviet Republics has examined with the utmost care the draft Treaty of Mutual Assistance which was drawn up by the Temporary Mixed Commission of the League of Nations, amended by the Third Committee of the fourth Assembly of the League and forwarded to the Commissariat for Foreign Affairs by the Secretariat in its letter of January 9th.

The Federal Government of the Union maintains the negative attitude which it has frequently expressed with regard to the "League of Nations" in its present form and as at present constituted. It nevertheless feels under an obligation to do everything in its power to assist in lightening the military armaments which oppress all nations in averting the risk of war.

In contradistinction to the provisions of the draft Treaty, the Federal Government of the Union considers it desirable to separate the question of the limitation of armaments from that of establishing an international organisation for the prevention of war. It regards the adoption of measures by all Governments for the limitation of armaments as so grave and urgent a task that it is imperative that the question should be raised immediately, independently of other problems which are more difficult to solve. On more than one occasion, e.g. at the Genoa Conference and at the Disarmament Conference held at Moscow, the Soviet Government has endeavoured to draw the attention of other Governments to this question and to obtain an agreement for a general and proportionate limitation of armaments. Although these efforts have not been crowned with success, it would still insist on the urgent need for an international examination of this problem. In the opinion of the Soviet Government, it is perfectly possible at the present moment to fix the maximum strengths of the standing armies and of the naval and aerial forces of each State, taking as a basis the area of its territory, the figures of its population and the amount of its public revenue and also taking count of the special local considerations of certain States. The Soviet Government considers that this limitation of armaments should be accompanied by the fixing of war budgets. It regards as indispensable the simultaneous disbandment by all the Contracting Parties of their irregular military forces. Subject to slight modifications, it approves the proposal contained in Article 9 of the draft Treaty that each Contracting Party should be authorised to negotiate with the neighbouring States the establishment of controlled frontier zones. It recommends the institution of frontier zones of equal width on both sides, within which only a strictly limited number of regular troops could be stationed under the control of mixed commissions. This system has already been put into force as between the Union and Finland. The Soviet Government has proposed to its other neighbours in the West the adoption of the same system, but so far without success. The Soviet Government would recommend the general adoption of this measure.

The general limitation of armaments could, in the opinion of the Soviet Government, be carried out, without the participation of the League of Nations, by a general congress convened for the purpose, which would appoint its own executive organ for the purpose of putting into effect such decisions as might be taken.

The Committees and the Assembly of the League of Nations have approached the problem from the opposite angle. They have made the limitation of armaments depend upon the solution of the extremely complicated question of an international organisation for the prevention of wars, and in this way they have delayed it for an indefinite period. The third Assembly of the League of Nations decided that the limitation of armaments should be preceded by a general treaty of guarantee against aggression, which should itself be preceded by the obtaining of general consent to the limitation of armaments. In the report of the Third Committee of the fourth Assembly, this point is expressed as follows: the treaty of guarantee and disarmament are interdependent; there arises, in addition to the dependence of disarmament upon the guarantee, a further dependence of the guarantee on the necessary disarmament. Consequently, the Third Committee of the fourth Assembly proposed the following procedure: first, a general contractual guarantee is established in principle; next, each State determines the limitation which it considers it can effect in its armaments; subsequently, the Council of the League of Nations draws up the general plan for the limitation of armaments; then the adhering States agree to put this plan into operation within a fixed period; and it is only then that the treaty of guarantee comes into force. The Soviet Government is of opinion that the whole system of interdependence between disarmament and the treaty of guarantee merely delays the realisation of the immediate practical object — namely, the general limitation of armaments. This object, which is perfectly feasible and practicable in itself, is made conditional upon the execution of a plan the putting into force of which is hardly possible at the present time.

The Soviet Government feels that in an epoch such as ours, when the policy of all States is wholly dominated by their separate interests, any attempt to establish a system of international equity and of protection for the weak nations against the strong by means of an
international organisation is sure to fail. In the whole of its policy, the Soviet Government is endeavouring to help in dissipating world antagonism, in preventing war and in defending the weak nations against the strong. It is fully prepared to discuss any plan, whatever it may be, which is designed to achieve the same objects. But it categorically refuses to cooperate in carrying out plans the execution of which might furnish a weapon to certain States or groups of States for the satisfaction of their separate interests or aggressive designs and thus merely envenom the present international situation.

The Soviet Government therefore rejects any plan for an international organisation which implies the possibility of measures of constraint being exercised by any international authority whatsoever against a particular State. In the present state of international relations, a system of that kind would inevitably become, in the hands of a dominant group of Powers, an instrument of aggressive policy against other Powers. The Soviet Government considers that the establishment of an international organisation is at present both right and desirable, but only for the purpose of effecting the amicable settlement of all disputes, without application of penalties or measures of constraint. This world organisation might, in its opinion, take the form of general congresses of all Governments, which would arrive at agreements voluntarily with regard to the questions in which they were interested without any measure of constraint being employed against certain of them.

The draft Treaty of Mutual Assistance is based upon two original plans—that of Viscount Cecil and that of Colonel Réquin. These two plans are themselves based upon opposite principles. In accordance with the views expressed above, the Soviet Government rejects them both. The former places extremely wide powers in the hands of the Council of the League of Nations in all domains of international life. Most of these powers have been retained in the final draft: for instance, the Council of the League of Nations is to decide within a period of four days, in the event of hostilities, which of the belligerents is the aggressor, and all the Contracting Powers are then obliged to submit to its decision and take part in the struggle against the State in question. The Soviet Government objects, in the most emphatic and definite manner, to the attribution to a group of States of such wide powers, which are equivalent to an international dictatorship.

Moreover, the Soviet Government denies the possibility of determining in the case of every international conflict which State is the aggressor and which is the victim. There are, of course, cases in which a State attacks another without provocation, and the Soviet Government is prepared, in its conventions with other Governments, to undertake, in particular cases, to oppose any acts of this kind undertaken without due cause. But in the present international situation, it is impossible in most cases to say which party is the aggressor. Neither the entry into foreign territory nor the scale of war preparations can be regarded as satisfactory criteria. Hostilities generally break out after a series of mutual aggressive acts of the most varied character. For example, when the Japanese torpedo-boats attacked the Russian fleet at Port Arthur in 1904, it was clearly an act of aggression from a technical point of view, but, politically speaking, it was an act caused by the aggressive policy of the Czarist Government towards Japan, who, in order to forestall the danger, struck the first blow at her adversary. Nevertheless, Japan cannot be regarded as the victim, as the collision between the two States was not merely the result of the aggressive acts of the Czarist Government but also of the imperialist policy of the Japanese Government towards the peoples of China and Korea. The Soviet Government considers, therefore, that it is absolutely impossible to adopt the system of deciding which State is the aggressor in the case of each conflict and making definite consequences depend upon such decision.

Colonel Réquin’s plan is based not on the attribution of extraordinary powers to the Council of the League of Nations but on the recognition of individual agreements between groups of States for the prevention of aggression, together with the communication of these agreements to the Council of the League of Nations. In the final draft, this plan is incorporated in the form of supplementary regional agreements between States for the prevention of aggression, subject to the preliminary examination of such agreements by the Council of the League of Nations.

The Soviet Government fully realises that the conclusion of local agreements between certain States is inevitable in the present state of international relations. It considers, however, that it is quite inadmissible that they should receive recognition from an international organisation or that they should be regarded as beneficial in the prevention of wars. It regards as even more inadmissible the obligation imposed on the other Contracting States to give assistance, in the event of hostilities, to these coalitions of Powers.

The Soviet Government absolutely refuses to accept the reservation contained in the draft Treaty confirming the Treaties of Versailles, Neuilly, Saint Germain and Trianon. The Soviet Government took no part in the conclusion of these treaties and maintains an entirely negative attitude with regard to the provisions contained in them.

While willingly responding to the invitation addressed to it to communicate its opinion regarding the draft Treaty of Mutual Assistance, the Soviet Government emphatically protests against that article of the draft whereby the adhesion of States not Members of the League of Nations is only possible with the consent of two-thirds of the signatories. The Soviet Government has no intention of addressing such a request to the Powers signatory to the Treaty or of appearing to ask for their indulgence. The Soviet Government always negotiates with other Governments on a footing of equality.
In any case, the essential object of the drafts communicated to the Soviet Government — *viz.* disarmament and the averting of the risk of war — cannot be achieved, even partially or, indeed, to any degree whatsoever, without the participation of the Soviet Republics.

(Signed) George Tchitcherin,

*People's Commissary for Foreign Affairs of the Union of Socialist Soviet Republics.*

C. 168. M. 44. 1924. IX.

C. T. A. 397.

REPLY FROM THE LATVIAN GOVERNMENT.

[Translation]

Riga, March 22nd, 1924.

With reference to your letter No. C. L. 105, dated October 25th, 1923, I have the honour to inform you that, in accordance with the resolution adopted by the fourth Assembly of the League of Nations, the Latvian Government has considered the draft Treaty of Mutual Assistance and has instructed me to communicate to you its opinion thereon.

The Latvian people are eminently peace-loving, and the Government has invariably been anxious to contribute to the development of good relations between all countries. The Government accordingly desires, in the first instance, to pay a tribute to the work of the League of Nations for the consolidation of the peace of the world.

The Government cannot do other than approve the draft taken as a whole. If, however, it makes a few observations on certain clauses in the draft, its only object is to increase the efficacy of the measures provided for in the draft.

In accordance with its frequently reiterated conviction that the best method of preventing disturbances of the peace consists in unanimous co-operation between all nations on the basis of mutual equality, and taking into consideration the present political situation, the Government approves the principle of partial agreements as a practical measure for guaranteeing the safety of States. The Government will, however, give its support to any endeavour in the field of mutual assistance the object of which is to render the general treaty more effective.

Among other obligations imposed on the Council by the draft Treaty and also by the Covenant is a military obligation:

(a) The Council shall decide, within four days of notification being addressed to the Secretary-General, which of the High Contracting Parties are the objects of aggression and whether they are entitled to claim the assistance provided under the Treaty (Article 4).

(b) The Council determines the form of assistance (Article 5).

(c) The Council may act as intermediary between two or more neighbouring countries for the establishment of demilitarised zones (Article 9).

(d) Under the Covenant and draft Treaty (Article 11) it is the duty of the Council to prepare a general plan for the reduction of armaments and to supervise the execution of such plan by the High Contracting Parties, and also to undertake the revision of armaments provided for in Article 13 of the Treaty.

(e) The Council receives and considers information on the armaments of the High Contracting Parties furnished by the latter to the military or other delegates of the League (Article 12).

(f) Finally, in accordance with the intentions of the Treaty and in order to enhance its efficacy, the Council obviously must prepare in advance some plan of military action, based on the terms of the Treaty, to meet cases in which political circumstances make a resort to arms a possible eventuality; the Council would also be called upon to direct the execution of such a plan.

Under present conditions the Council cannot carry out these obligations without consulting military experts — a somewhat protracted process, which, moreover, would not provide all the desired guarantees. The Government accordingly thinks that these disadvantages might be obviated with the help of a permanent military organisation which would possess qualifications greatly exceeding those possessed by experts selected _ad hoc_. The Government merely puts forward this idea, which it is ready to support when this subject comes up for discussion; it will not at the present moment go into details of the organisation, which would be within the competence of the Temporary Mixed Commission.

Article 17 admits of conditional or partial adherence to the provisions of the Treaty, the object obviously being to give States which, but for this clause, would abstain, an opportunity of adhering to the Treaty. States which, however, adhered to the Treaty in a conditional or partial form would only assume certain vaguely defined obligations and would, in certain cases and to the same extent as those States which adhered unconditionally, derive all the advantages resulting from the fact that the latter States had assumed _in toto_ the obligations under the Treaty. The Latvian Government fears that a situation of this kind would seriously impair the efficacy of the general treaty and would tend to increase the number of States adhering under special privileged conditions.

Article 19 should be amended in such a way that the Treaty could only be denounced at the end of the fourteenth year. As the Treaty involves a genuine reduction of armaments, it should only be possible to denounce it upon the expiration of the period in question.

(Signed) L. Seja,

*Minister for Foreign Affairs.*
REPLY FROM THE BULGARIAN GOVERNMENT.

Sofia, June 10th, 1924.

The Bulgarian Government congratulates the League of Nations on its untiring efforts to evolve a general plan for the reduction of armaments, and on having produced, as a first result of these efforts, the draft of a Treaty of Mutual Assistance. Desirous of doing all that lies in its power to assist the League of Nations in its work in the cause of peace, the Bulgarian Government has subjected the draft to the most careful examination and declares that it approves it. If feels, however, that it should make certain observations which it considers important.

The Treaty of Mutual Assistance should be regarded as the continuation and development of the system of the Covenant of the League of Nations, for the preamble and Articles 8 and 9 of the Covenant provide for the general reduction of armaments.

The Bulgarian Government is firmly convinced that a general reduction of armaments is one of the most effective means of diminishing the danger of war, and earnestly hopes that the efforts of the League of Nations to this end will result in guaranteeing peace to a world, which has been so sorely tried.

But, although nearly six years have elapsed since the signing of the Covenant, the promises contained in Articles 8 and 9 have not been fulfilled. Side by side with countries which have voluntarily reduced their armaments, or which have been obliged to disarm under treaties, are to-day other countries which have maintained formidable armaments.

The inequality thus established is not favourable to the cause of general peace, since experience has, unfortunately, proved that armed countries cannot always resist the temptation of employing their forces, particularly when they are not in the right. The need for a general reduction of armaments was therefore never more urgent. Finally, it seems highly desirable that the undertaking to reduce armaments should be given a more positive form and that the general plan for this reduction should be laid down in the Treaty itself. The period of two years provided for in Article 11 of the draft might well be reduced to one year.

The Treaty of Mutual Assistance must be universal and general and must include all civilised countries : this principle was laid down in paragraph 1 of the Resolution XIV of the third Assembly. It is widely recognised that the partial grouping of countries possesses the great defect of giving rise to the formation of rival groups, which paves the way for a return to the former military alliances, and these constitute a danger to peace. For these reasons, partial agreements should only be permitted if they are concluded under the auspices of the League of Nations, and if their purely defensive character is established beyond all doubt.

It would also be desirable, in order that war should be eliminated as a means for settling international disputes, to enlarge the field of the application of compulsory arbitration, and to recommend that all the Contracting Parties should adhere to the optional clause concerning the obligatory jurisdiction of the Permanent Court of International Justice.

(Signed) Ch. KALFOFF,
Bulgarian Minister for Foreign Affairs.

C. 340. M. 113. 1924. IX.
C. T. A. 414.

REPLY FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

Washington, June 16th, 1924.

The Secretary of State of the United States of America has the honour to acknowledge the receipt of a communication of the Secretary-General of the League of Nations submitting, by direction of the Council of the League of Nations, the draft Treaty of Mutual Assistance, proposed by the Third Committee to the fourth Assembly, and requesting the expression of the views of the Government of the United States.

In reply it may be said that the Government of the United States is most desirous that appropriate agreements should be reached to limit armament and thus to reduce the heavy burdens of expenditure caused by unnecessary and competitive outlays in providing facilities and munitions of war. The desire and purpose of this Government were fully manifested when the great military and naval Powers were invited by the President of the United States to send representatives to meet in conference at Washington in 1921 for the purpose of considering the limitation of armaments. While that Conference resulted in the conclusion of an important Naval Treaty between the United States of America, the British Empire, France, Italy and Japan for the limitation of capital fighting ships, it was found to be impossible to obtain an agreement for the limitation of the tonnage of auxiliary naval craft or to make any progress in the direction of limitation of land forces. The Government of the United States, having reduced its own armaments, continues to cherish the hope that the desired result in the case of other Powers may be achieved, and it notes with keen and sympathetic
It appears from the preamble of the Treaty that it has been formulated with the desire of establishing the general lines of a scheme of mutual assistance with a view to facilitate the application of Articles 10 and 16 of the Covenant of the League of Nations, and of a reduction or limitation of national armaments in accordance with Article 8 of the Covenant to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The following provisions of the draft Treaty may be especially noted:

"Article 2. — The High Contracting Parties, jointly and severally, undertake to furnish assistance, in accordance with the provisions of the present Treaty, to any one of their number should the latter be the object of a war of aggression, provided that it has conformed to the provisions of the present Treaty regarding the reduction or limitation of armaments.

"Article 3. — In the event of one of the High Contracting Parties being of opinion that the armaments of any other High Contracting Party are in excess of the limits fixed for the latter High Contracting Party under the provisions of the present Treaty, or in the event of it having cause to apprehend an outbreak of hostilities, either on account of the aggressive policy or preparations of any State party or not to the present Treaty, it may inform the Secretary-General of the League of Nations that it is threatened with aggression, and the Secretary-General shall forthwith summon the Council.

"The Council, if it is of opinion that there is a reasonable ground for thinking that a menace of aggression has arisen, may take all necessary measures to remove such menace and, in particular, if the Council thinks right, those indicated in sub-paragraphs (a), (b), (c), (d) and (e) of the second paragraph of Article 5 of the present Treaty.

"The High Contracting Parties which have been denounced and those which have stated themselves to be the object of a threat of aggression shall be considered as especially interested and shall therefore be invited to send representatives to the Council in conformity with Articles 4, 15 and 17 of the Covenant. The vote of their representatives shall, however, not be reckoned when calculating unanimity.

"Article 4. — In the event of one or more of the High Contracting Parties becoming engaged in hostilities, the Council of the League of Nations shall decide, within four days of notification being addressed to the Secretary-General, which of the High Contracting Parties are the objects of aggression and whether they are entitled to claim the assistance provided under the Treaty.

"The High Contracting Parties undertake that they will accept such a decision by the Council of the League of Nations.

"The High Contracting Parties engaged in hostilities shall be regarded as especially interested, and shall therefore be invited to send representatives to the Council (within the terms of Articles 4, 15 and 17 of the Covenant), the vote of their representative not being reckoned when calculating unanimity; the same shall apply to States signatory to any partial agreements involved on behalf of either of the two belligerents, unless the remaining Members of the Council shall decide otherwise.

"Article 5. — The High Contracting Parties undertake to furnish one another mutually with assistance in the case referred to in Article 2 of the Treaty in the form determined by the Council of the League of Nations as the most effective, and to take all appropriate measures without delay in the order of urgency demanded by the circumstances.

"In particular, the Council may:

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

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

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

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

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

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

"The representatives of States recognised as aggressors under the provisions of Article 4 of the Treaty shall not take part in the deliberations of the Council specified in this article. The High Contracting Parties which are required by the Council to furnish assistance in accordance with sub-paragraph (b) shall, on the other hand, be considered as especially interested and, as such, shall be invited to send representatives, unless they are already represented, to the deliberations specified in sub-paragraphs (c), (d), (e) and (f)."

Without attempting an analysis of these provisions, or of other provisions of the draft Treaty, it is quite apparent that its fundamental principle is to provide guarantees of mutual
assistance and to establish the competency of the Council of the League of Nations with respect to the decisions contemplated, and, in view of the constitutional organisation of this Government and of the fact that the United States is not a Member of the League of Nations, this Government would find it impossible to give its adherence.

The Government of the United States has not failed to note that, under Article 17 of the draft Treaty, "any State may, with the consent of the Council of the League, notify its conditional or partial adherence to the provisions of this Treaty, provided always that such State has reduced or is prepared to reduce its armaments in conformity with the provisions of this Treaty", but it would not serve a useful purpose to consider the question of a conditional or partial adherence on the part of the Government of the United States when the conditions imposed would of necessity be of such a character as to deprive adherence of any substantial effect.


REPLY FROM THE AUSTRALIAN GOVERNMENT.

Melbourne, July 4th, 1924. X.

The Commonwealth Government has given most careful consideration to the draft Treaty of Mutual Assistance and other relevant documents forwarded with your letter C.L. 105. 1923. IX of October 25th, 1923.

The Commonwealth Government earnestly desires to assist in every way to secure the maintenance of world peace, and realises that a general reduction of armaments is essential as a preliminary step in the pursuit of this objective.

As regards the application of this principle to Australia, it may be stated definitely that, being a young country, Australia, in the adoption of measures for her own defence, has not yet attained the lowest point consistent with national safety; and therefore the obligation relating to reduction or limitation of armaments is without that special significance for us which it has for other and older States.

The particular national and geographical situation of Australia needs emphasis. We are a small population, forming part of the British Empire and occupying a continent; and in this respect our position is entirely different from that of any European State. It follows that any treaty of mutual assistance specially designed to meet European conditions could be made applicable to Australia only after considerable reservation. This latter observation is specially warranted, in view of the provisions of Article 5 (b) of the draft Treaty, from which it must be inferred that the Continent of Europe was chiefly in mind when the Treaty was being drafted.

Resolution XIV of the Third Assembly affirms the undeniable proposition that, in the present state of the world, serious reduction of armaments can only be accepted in exchange for a satisfactory guarantee of safety; and it is in the light of this proposition that the Government of the Commonwealth of Australia has approached this important question.

The obligations of the draft Treaty, concisely stated, are:

(a) To reduce armaments in return for a guarantee of security;
(b) To keep a striking force available for duty at the call of the League, and the provisions of Article 5 (b) of the Treaty have a special significance for Australia in this connection, in as much as they take no account of the fact that she is the sole occupant of a continent.

Article 5 (b) provides:

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

The result of this article, in its application to Australia, is that no nation signatory to this Treaty would be under any obligation to come to the assistance of Australia if she were attacked, and Australia herself would not be obliged to render assistance to anybody. In other words, there is neither obligation to assist nor guarantee of receiving assistance so far as Australia is concerned.

Additionally, the following views are expressed in connection with certain other provisions of the Treaty.

Article 5 of the draft Treaty, which authorises the Council to take measures and give directions, goes far beyond the provisions of Article 16 of the Covenant, under which the Council may only recommend action.

The proposal in Article 6 for complementary defensive agreements between individual Members of the League is an indication that the general treaty by itself would not be fully effective. Apart from other objections to this system of partial treaties, it is very difficult to see what part Australia could have in the linking-up of these treaties.

The question whether it would be possible for the Council to determine, within four days of the notification of hostilities, which nation is the aggressor is a most important one. The uncertainty of agreement on this matter within the prescribed time, or at all, seriously jeopardises the effective use of forces at the disposal of the League.
The foregoing are the main reasons why this draft Treaty is not acceptable to the Commonwealth Government. The Government thinks, however, that useful avenues of enquiry have been opened up by the report. That this particular scheme of international guarantees does not prove acceptable need not discourage the friends of the League. The League has done, and can still do, much to concentrate the moral force of the world on the urgent necessity for the solution of this great problem, and to devise means to that end.

(Signed) S. M. Bruce,
Prime Minister.

C. 347. M. 118. 1924. IX.
[C. T. A. 439.]

REPLY FROM THE BRITISH GOVERNMENT.

London, July 5th, 1924.

His Majesty's Government have examined with the utmost care the report of the Third Committee of the fourth Assembly, the resolution of the fourth Assembly of the League of Nations and the report for 1923 of the Temporary Mixed Commission on the reduction of armaments, together with the other documents enclosed in your letter of October 25th, 1923. They desire to place on record their appreciation of the prolonged and exhaustive investigations which have been made into the important subject of treaties of mutual assistance as a step towards the reduction or limitation of armaments.

2. There is no question to which His Majesty's Government attach greater importance than the reduction or limitation of armaments, for they recognise that, as stated in Article 8 of the Covenant, the maintenance of peace, which is the principal object of the League of Nations, requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations. For this very reason, they hold that any measures designed to bring about the reduction or limitation of armaments must be subjected to the most careful scrutiny before adoption. No greater calamity to the cause which they have at heart can be imagined than that any scheme adopted by the League should, when submitted to the test of reality, fail owing to defects which ought to have been foreseen in advance. It is vital, therefore, that, before the League of Nations takes the responsibility of making any recommendations to its Members, it should satisfy itself that the scheme recommended is in all respects reliable and effective.

3. Out of the twenty-six nations whose replies are published with the report of the Temporary Mixed Commission, only a very small number are able to express unqualified acceptance of Resolution XIV adopted at the third session of the Assembly, which forms the basis of the reports now under consideration. The objections to the various proposals for treaties of mutual guarantee or assistance which have been considered by the League are to be found in the report of the Third Committee itself, as well as in the reports of experts and the opinions of Governments included in the documents circulated to Members of the League. From these detailed criticisms there emerge certain objections of principle which up to the present time do not appear to have been adequately met.

4. The main criticisms of the proposed treaty fall under two heads, which may be expressed in an interrogative form: Are the guarantees contained therein sufficient to justify a State in reducing its armaments? Are the obligations to be undertaken towards other States of such a nature that the nations of the world can conscientiously engage to carry them out?

5. In regard to the first group of criticisms, it is generally conceded that if a treaty of mutual assistance is to prove effective in bringing about a reduction of armaments, its stipulations must be such that the parties thereto can assume with absolute confidence not only that in the contingencies for which it provides it will be brought into operation with certainty, but also that it will effectually accomplish its purpose.

6. The effectiveness of the scheme will be seen to depend to a considerable extent on the ability of the Council of the League to determine, by unanimous vote of all Members not concerned in the dispute, which nation is the aggressor. This difficult question has to be settled within a period of four days from the notification of hostilities to the Secretary-General. It is unnecessary here to deal at length with the difficulties which might confront the Council in reaching agreement on such a point within the stipulated time, or the likelihood that unanimity might never be reached at all on a really controversial issue, since these considerations are fully discussed in the documents circulated to the various Governments. In this connection, the "commentary on the definition of a ' case of aggression '", drawn up by a Special Committee of the Temporary Mixed Commission, in collaboration with certain technical members of the Permanent Advisory Commission, is of great interest. The commentary does not provide a solution of the difficulty. It is stated therein more than once that no satisfactory definition of what constitutes an "act of aggression" could be drawn up.
Consequently, the report does not provide that element of certainty and reliability which is essential if the League of Nations is to recommend the adoption of the treaty by its Members as a basis for reduction in armaments.

7. Another important objection of principle is the long delay which is liable to occur before the forces at the disposal of the League of Nations can be brought into effective operation against an aggressor State. It is not until after the determination by the Council of the question which State is the aggressor, which is likely to occupy the whole of the four days permitted by the draft Treaty, that the Council can begin to take the necessary steps for bringing pressure, whether military or economic, to bear on the aggressor. Economic pressure is admittedly slow in operation. As regards military pressure, all the technical experts who have advised the organs of the League on the subject are agreed that no military assistance can be considered immediate and effective unless it be given in accordance with a pre-arranged plan. It is obvious, however, and was recognised by the Third Committee of the fourth Assembly, that in the case of a general treaty of assistance plans can rarely be pre-arranged. They would therefore have to be drawn up, after the question which was the aggressor State had been determined, by the naval, military or air officers designated by the Council of the League to command the international forces. The experience of the recent world-war does not justify the assumption that where the forces of several nations are involved the immediate acceptance, much less the rapid execution, of plans of operations can with certainty be counted on. The possibility will always exist that the States most favourably situated for providing the necessary force may at a given moment not be in a position to do so, owing either to circumstances elsewhere, to the state of public opinion, or the political condition of the country at the time. The appointment of the higher command will itself involve delay. The Council will have great difficulty in reaching a unanimous decision, for no nation places its troops under a foreign command without very careful considerations. A system which involves prolonged delays before the first step in bringing military pressure to bear on an aggressor nation can be taken does not reach that standard of effectiveness which is essential.

8. The necessary measures to carry the general guarantees into effect are, moreover, made dependent upon the explicit consent of each individual State which may be called upon to render assistance as a permanent or ad hoc Member of the Council. This consideration can but strengthen His Majesty's Government in the view that the guarantee afforded by the draft Treaty is so precarious that no responsible Government will feel justified in consenting to any material reduction of its armaments in return. If, as His Majesty's Government feel convinced, this is the case, the only whole object of the Treaty is lost and its conclusion is object-less. His Majesty's Government, indeed, go further. They are convinced, after careful examination of the draft scheme, that, if the obligations created by the Treaty be scrupulously carried out, they will involve an increase rather than a decrease in British armaments. The report of the Temporary Mixed Commission for 1922 stated that, "in the case of armed assistance, certain forces, such as aircraft and warships, are the most readily available and therefore the most likely to be asked for and to be effective in the initial stages of the war". It is the considered opinion of the British Naval Staff that a treaty such as is proposed will, if properly carried out, necessitate an increase in the British naval forces. His Majesty's Government cannot avoid the belief that the position will be the same in other countries.

9. It was owing to the recognition of the defects inherent in any general treaty of mutual assistance that the proposal was made to super-impose on a general treaty a system of partial treaties between groups of countries. It has been urged against such partial treaties that their conclusion by one group of States is likely to bring about the formation of competing groups, and that the result will be a reappearance of the former system of alliances and counter-alliances, which in the past has proved such a serious menace to the peace of the world. The proposal to meet this objection by bringing the partial treaties under the control of the League does not overcome the difficulty, particularly so long as important nations remain outside the League, and His Majesty's Government cannot but recognise the force of the above criticism.

10. A further objection to the scheme for partial treaties to be embodied in the Treaty of Mutual Assistance is the opening that would be afforded for conflict between the Council of the League and individual Governments. Under Article 4 of the draft Treaty it will be the duty of the Council to decide which of two belligerents is the aggressor. Under Article 8, States parties to a partial treaty will be at liberty to decide the point for themselves, before it is decided by the Council. The possibility of disagreement between the Council and States between which a partial treaty is operative is one which cannot be contemplated with equanimity.

11. The obligations involved in the proposed treaty are of such a nature that several of the nations whose opinions are forwarded with the report of the Temporary Mixed Commission have been unable to accept them. In this connection, His Majesty's Government desire to draw particular attention to the following extract from a letter to the Secretary-General of the League from the Government of Canada, dated June 19th, 1923:

"It is intended that the obligation to render assistance shall be limited in principle to those countries situated in the same part of the globe. While Canada is situated in the North-American Continent, she is a nation forming part of the British Empire, and it seems difficult to devise a scheme which would give due effect to these conflicting
considerations. In any case, it seems very unlikely that the Canadian people in the present circumstances would be prepared to consent to any agreement binding Canada to give assistance as proposed to other nations, and the Government therefore does not see its way to a participation in the Treaty of Mutual Guarantee.

12. The draft Treaty further appears to involve an undesirable extension of the functions of the Council of the League. Under Article 16 of the Covenant, the Council can only recommend action, while even under Article 10 it can only advise. By Article 5 of the draft Treaty, the Council is authorised to decide to adopt various measures. Thus the Council would become an executive body with very large powers, instead of an advisory body. In any event, the Council of the League is a most inappropriate body to be entrusted with the control of military forces in operation against any particular State or States.

13. For the reasons which have been enumerated, the draft Treaty, in the eyes of His Majesty's Government, holds out no serious prospect of advantage sufficient to compensate the world for the immense complication of international relations which it would create, the uncertainty of the practical effect of its clauses, and the consequent difficulty of conducting national policy.

14. His Majesty's Government, therefore, have come to the conclusion that the adoption of the text included in the report of the Third Committee of the fourth Assembly cannot be recommended. They are, however, far from admitting that the careful study of these questions has been fruitless. The years of patient investigation which have been devoted to this subject by the various organs of the League are themselves a proof of the desire of nations Members of the League to find a solution to the difficult question of reduction and limitation of armaments. This sentiment finds strong expression in practically all the replies of the various nations published with the report of the Temporary Mixed Commission. If this study has not so far resulted in the submission of a draft treaty of mutual assistance in an acceptable form, the reports which have been under consideration nevertheless contain some encouraging and suggestive passages as to other lines of enquiry which might be followed with useful results.

15. It is the policy of His Majesty's Government that, whenever a favourable opportunity presents itself, the Governments of the world should meet in conference with the object of devising a scheme or schemes for the reduction of armaments. Such a conference should include the Governments of countries which are not yet Members of the League, and which are therefore not represented at the Assembly. At this conference every suggestion for the reduction of armaments, including the suggestion contained in the proposed Treaty of Mutual Assistance, would be open on its merits for full exploration and examination, and His Majesty's Government, in finding themselves unable to support the proposal submitted by the Third Committee of the fourth Assembly, desire to make it clear that there is no intention to prejudice in any way the further consideration of the proposed Treaty by the conference, which it is their policy to bring together, or help to bring together, whenever a favourable opportunity is presented. It is not within the province of His Majesty's Government, nor would it be wise on the present occasion, to attempt to formulate anything in the nature of an exhaustive category of the proposals which may be brought before such a conference. Among constructive proposals which have been already discussed are those defining zones of demilitarisation between States, safeguarding special frontiers under some form of international control, granting further powers to the International Court, and so on. His Majesty's Government believe that they ought to keep themselves free to consider any and every practicable proposal, and commit themselves at present only to a pledge to do everything in their power to bring about agreements that will have as an immediate effect a substantial reduction in armaments. On the practical side, it is noticeable that an advance in the reduction of armaments has already been made in Central and South America, and in the carrying-out of the recommendations of the Washington Conference.

(Signed) J. Ramsay MacDONALD,
Prime Minister.

C. 349. M. 120. 1924. IX.
[C. T. A. 440.]

REPLY FROM THE CANADIAN GOVERNMENT.

Ottawa, July 9th, 1924.

The Canadian Government has very earnestly considered the proposed Treaty of Mutual Assistance submitted to it by you in your communications of October 25th, 1923, and April 11th, 1924, and has also examined the documents accompanying the draft. Realising the vital importance of the subject and the devoted labour the formulation of the draft Treaty has entailed, and notwithstanding its profound sympathy with the objects sought to be attained, the Canadian Government finds itself unable to conclude that these objects would be
promoted by the arrangement suggested. It concurs generally with the conclusions on the subject expressed by the Government of Great Britain and submits only the following brief observations.

The position of Canada in the British Empire is such that, in spite of the fact that the application of the Treaty to the continent of North America is by its terms conditioned upon its ratification by the United States of America, the question of Canada's adherence to it has a more practical aspect than it would otherwise have. Apart from indications that the Government of the United States of America was likely to find the plan acceptable in principle, Canada has already indicated disapproval of the interpretation of the terms of Article 10 of the Covenant as implying an obligation upon her to intervene actively under that article. The proposed Treaty creates an obligation wider in its extent and more precise in its implications than any which Article 10 could be interpreted as imposing, and it proposes, moreover, to transfer the right to decide upon the scope of the action Canada should take from the Canadian Parliament to the Council of the League of Nations. It is true that, for the purpose of deciding upon the assistance to be given by Canada, the Council would include a Canadian representative and that the draft limits the liability of a signatory in another continent to measures not involving naval, military or air operations. But the presence of a Canadian representative on the Council would hardly compensate for the, at least nominal, transfer of authority, and, again, Canada's position in the British Empire affects the protection afforded her by the continental limitation of which in any event the utility is uncertain since it appears doubtful if hostile action can widely or indeed safely be undertaken by any State upon the principle of limited liability.

For these reasons and those expressed in the communication of the Government of Great Britain above referred to, the Canadian Government is of the opinion that the nature of the proposed Treaty is such that so far as it purports to impose a future obligation to take specific action in circumstances incapable of present definition, it would be hopeless to expect the people of Canada to accept it, and it is also of opinion that, even if those provisions of the draft were generally approved and brought into operation, their effect would neither be to minimise the danger of war nor to bring about any useful limitation of armaments. On the other hand, the Canadian Government considers that every extension by general agreement of the facilities for formal, regular, early and informed public discussion of possible causes of war is to be welcomed. It omits to deal more at large with such of the provisions of the draft Treaty as appear to be designed to bring about such an extension only because it conceives that those would not appear in their present form if the draft were confined to provisions of that character.

(Signed) Mackenzie King,
Prime Minister.

C. 364. M. 128. 1924. IX.
C. T. A. 444.

REPLY FROM THE GERMAN GOVERNMENT.

[Translation from the German.]

Berlin, July 24th, 1924.

The German Government has examined with interest the draft of a treaty of mutual assistance which you forwarded to it in your letter of January 9th, 1924. In view of the great importance of the problem dealt with in the draft, the Government considered it advisable to obtain the views on the matter of certain German experts of repute. These experts, viz.:

Professor Hoetzsi, Member of the Reichstag;
Professor Kaas, Prelate and Member of the Reichstag;
Professor Kahl (Geheimer Justizrat), Member of the Reichstag;
Dr. Krige (Wirklicher Geheimer Rat), Ministerial Director;
Professor Meinecke (Geheimer Regierungsrat);
Count Montgelas, Infantry General, retired;
Dr. Schiffer, Former Minister of the Reich and Member of the Reichstag; and
Professor Schücking, Member of the Reichstag;

have embodied the results of their investigation in a memorandum. In forwarding this memorandum to you, I have the honour to observe that the views to which expression is given therein are also the views of the German Government.

(Signed) Stresemann.
disputes, and arrangements are, at the same time, made for opposing with united forces any party who shall evade or ignore their obligations and resort instead to arms. This scheme however, has not proved effective. The contractual disarmament provided for has not materialised. There are serious gaps in the legal protection afforded by the Covenant. In many cases it tolerates war or the use of force; and it fails to provide adequate guarantee that, in the event of illicit war, the culpable party shall be disabled with sufficient rapidity.

This shortcoming the draft under consideration seeks to make good by proceeding from the new starting-point that aggressive warfare must be prohibited. A war of aggression is principally declared to be an international crime and is categorically interdicted. The object of such a war is assured of the speediest assistance against the aggressor. The assurance of this assistance is to involve the obligation to proceed to the reduction or limitation of one's own armaments and to co-operate in the construction of a general scheme of disarmament. Moreover, protection against an aggressor is immediately coupled with the disarmament of this aggressor so that it is only to be accorded if the party menace has fulfilled the stipulations concerning the reduction or limitation of armaments.

The object of this draft treaty is thus clearly defined. Its significance and value are beyond all manner of doubt. But whether the method adopted for the achievement of that object is practicable and appropriate is open to serious question.

For intervention, on the part of the contracting parties, the war must be shown to be a war of aggression. But, save for the purely negative definition contained in Article 1, paragraph 2, the draft gives no interpretation of the notion. Nor is it, indeed, able to give such an interpretation. The question who is the aggressor in a war — just like the question who is responsible for a war — cannot, as a rule, be answered according to the immediate and superficial features of the case; it is a problem which can be solved only after careful recognition and appreciation of all the many intrinsic and extrinsic factors which have contributed to originate it. Its solution involves a task of historic research and the application of international law, and this, in its turn, implies the reference to all sources, the disclosure of all records, the examination of witnesses and experts, as well as the taking of all sorts of other evidence. This demands time — an amount of time, indeed, which only scientific enquiry can assume. But, in the case before us, the verdict would have to be pronounced forthwith; for hereupon would depend the intervention, and upon the speediness of the intervention its very success. Looked at, therefore, from this point of view, it appears absolutely logical that the draft treaty appoints a period of only four days for the decision. But the logic of this stipulation does not, in any way, alter the fact that, in the great majority of cases, it would be impossible to issue a decision of an objectively exhaustive and conclusive character within such a limited period.

This impossibility is not lessened but only enhanced by the character of the organ to be entrusted with making the decision. This organ is to be the Council of the League of Nations. Its members are chosen with a political perspective; they act not according to their own convictions and free judgment but on the instructions of their respective Governments. Their votes are accordingly influenced by the special political interests of their various countries, and any resolution reached bears the nature not of an impartial verdict but of a political decree. True, the immediately interested parties will have no vote (it is to be assumed that this applies also to the States regularly represented on the Council, though the draft treaty only excludes expressly from voting States not represented on the Council and merely admitted to the proceedings in special cases). But with the interlocking of political relations the interests of a Power immediately concerned will very frequently be safeguarded by other Powers not directly involved. This heightens the danger of no decision whatever being reached, inasmuch as it must be unanimously adopted. A single partisan of the aggressor will suffice to prevent the latter from being subjected to an adverse decision and effectively to nullify the entire claim to assistance on the part of the party attacked. On the other hand, the Council of the League of Nations is given the control of economic, military, communicational and financial measures of an incisive character, and is thereby placed in a position to dictate to the individual States participation in a coalition war with the ultimate result that the effects of the war may be more serious for these participants than for the original parties to the dispute.

To entrust a premium of purely political orientation with such enormous powers is a very hazardous proceeding. But the situation becomes still more serious when, instead of action being taken by the Council of the League of Nations itself, the parties to the complementary defensive agreements permitted by the draft treaty adopt the initiative. Where such a complementary agreement has been concluded, the separate allies who, by virtue of their agreement, hold a partisan position from the very outset, are ipso facto legitimised to declare the case for assistance as established and to act accordingly. True, they must in this case inform the Council of the League of Nations of all the steps they have taken, and the Council has in no case a preliminary knowledge of the situation just as it would have done if it had dealt with it from the outset. But even if it should unanimously adopt a resolution containing the decision of the separate allies — which as regards a coalition of any significance and the actual situation created by it would certainly be a very rare occurrence — practically it would scarcely be possible to direct those who had hitherto marched as the confederates of one party into the camp of the other.

Considering the unequal status of armaments now prevailing, especially on the European continent, the military action provided for in the draft will be absolutely unfeasible in the event of an illegal attack being made by a strong military Power, not to speak of a group
of strong military Powers allied by special agreement. The assistance provided for in the draft treaty will not be feasible until the inequalities of the status of armament have been removed by raising the standard of permissible armament in one direction and lowering it in another according to objectively ascertained requirements. But, as a matter of fact, in this direction the draft treaty contents itself with taking no steps; it leaves it entirely to the personal judgment of the various contracting parties to decide the extent to which they will reduce or limit their armaments and give their assent to the general scheme of disarmament.

It is also left to free agreement between contiguous States to establish demilitarised zones. While the draft treaty rightly demands that no " unilateral sacrifice from the military point of view " shall be required on the part of one of the interested Powers, a mechanical special equality will nevertheless not suffice, since consideration must be given to the difference of the circumstances decisive for military operations. Apart from local, natural and artificial conditions, this difference will also noticeably exist in the disproportion of armaments.

Keeping all this in view, it is difficult to recognise in the draft treaty any progress as compared with the Covenant. Frequently, indeed, the contrary appears to be the case in regard to inherent ideas. This is particularly so with the complementary defensive agreements, which, though they have perhaps their formal authorisation in Article 21 of the Covenant, are something materially different from the special agreements permitted by that article and contravene, indeed, the very spirit of the Covenant. Their admission means practically the sanctioning of the existing system of group alliances and military conventions, the system of secret diplomacy and the balance-of-power policy; consequently it would form a serious menace to the peace of the world; for a State against which such a special agreement is directed would feel itself to be continually threatened and in its turn would endeavour to protect itself by military agreements with other States; in other words, military conventions challenge the conclusion of fresh military conventions and render illusory the leading notion of the League of Nations, which is to replace the grouping of Powers by international organisation.

It must further be remembered that the contracting parties of the proposed Treaty of Mutual Assistance and the Members of the League of Nations will not, by any means, necessarily be identical. Consequently, the simultaneous existence of the new treaty and of the Covenant would create a most awkward uncertainty as to the competency of the two. In stressing the fact that its articles do not in any way affect the rights and duties emanating from the Covenant of the League of Nations, the draft treaty reveals the difficult complications which must arise from a State being a Member of the League of Nations, a signatory of the Treaty of Mutual Assistance, a party to a complementary defensive agreement, and also bound by several such agreements — or being able to make use of the right to declare its merely conditional or partial adherence to the draft treaty. Under these circumstances, it is clearly a tempting and easy matter for a State to evade its obligations by playing off the articles of the one treaty against those of the other.

But further, the Treaty is to leave unaffected not only the Covenant of the League of Nations but also the Treaties of Versailles, Neuilly, St. Germain and Trianon. If, therefore, Germany were to adhere to the new treaty, her situation would be intolerably ambiguous and would involve her in well-nigh incalculable danger. Disarmed almost to the point of impotency, she would have to reckon with being drawn resistless and defenceless into all sorts of conflicts, and to look on while her unprotected territory became the battlefield of foreign Powers. The mere fulfilment of the obligation to permit transit and traffic through the country to one party would render her a prey to the other, inasmuch as the latter would be given a convenient pretext for treating her as an enemy State. The fact, moreover, that her adherence would require a two-thirds majority of the votes of the principal contracting parties reveals even more drastically the disproportion between the adverse character of the conditions under which Germany could join and the advantages which might accrue to her from doing so.

If we really wish to promote that realisation of disarmament, of such essential import to the League of Nations, we must not follow the lines laid down in the new draft treaty. They are lines which neither touch nor run parallel with the principles of the Covenant but which diverge further and further from them. Only an organic development of the Covenant can bring success — not a heterogeneous adjunct thereto. What we need is not an accumulation of treaties and agreements side by side with the Covenant but an intensification and refinement of the Covenant itself. This development cannot be achieved by opposing force to force. Illegal force will only be driven from the world by opposing it with justice whereby the force employed to meet injustice will be justified and hallowed. Forbid the forcible settlement of disputes; forbid the forcible attempt to obtain one's supposed rights altogether. Interdict all special agreements which shelve or contravene the general treaty. Remove all hindrances left by former treaties. Side by side with the Court of International Justice for purely legal disputes, create a court of arbitration for political conflicts and endow it with every guarantee for the juridical independence of its members. Decree compulsory adherence thereto as well as to the Permanent Court of International Justice. Endow both courts with the right and the duty to issue provisional injunctions uti possidetis, especially in reference to the ostensibly peaceful occupation of foreign territory. Appoint an organ which shall oppose the peace-breaker with the weight of the League of Nations in order to carry into effect the decrees and all other decisions of the Court of Arbitration and of the Court of International
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 in 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 Schücking.

C. 377. M. 138. 1924. IX.
C. T. A. 448.

REPLY FROM THE NETHERLANDS GOVERNMENT.

[Translation.]

The Hague, July 30th, 1924.

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 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.

C. 392. M. 143. 1924. IX. C. T. A. 449.

REPLY FROM THE PORTUGUESE GOVERNMENT.

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.

C. 420. M. 158. 1924. IX.
C.T.A. 458.

REPLY FROM THE SPANISH GOVERNMENT.

Ministry for Foreign Affairs,

[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 its 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 therein 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.

C. 393. M. 144. 1924. IX.
C. T. A. 450.

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

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, moreover, of opinion that the general reduction of armaments is impossible until some practical solution has been found to 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.

C. 406 (1). M. 151 (1). 1924. IX.
C. T. A. 455 (1).

REPLY FROM THE NORWEGIAN GOVERNMENT

Ministry for Foreign Affairs,
Christiania, August 14th, 1924.

[Translation.]

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 so largely increasing 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.

C. 419. M. 157. 1924. IX.
C.T.A. 457.

REPLY FROM THE POLISH GOVERNMENT

Ministry for Foreign Affairs,
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 unsurmountable 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 sides 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 undertaken in a practical manner.

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 Polish Government, be immediately displayed in a general way by the universal repudiation 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) SKRZYSKII,
Minister for Foreign Affairs.

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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 by 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 Assis-
tance capable of achieving what the League of Nations desired 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.

There is, in the first place, in the opinion of the Czechoslovak Government, a question
of principle which should be further considered: in the case of aggression, the Council of the
League would have to decide by unanimous vote which party is responsible for the aggression
and what measures are to be taken against such party. Without considering the principle
underlying this question, including the necessity of respecting the sovereignty of States in
matters of such importance, the Czechoslovak Government is in favour, in such cases, of
applying the principle of a majority vote pure and simple. It ventures, therefore, to submit
reservations in regard to the article in question.

There are other reservations of less importance which it would desire to submit. The
question of demilitarised zones appears to a small country in quite a different light from that
in which it appears to large States whose territory cannot, therefore, fall easily and at a single
blast into the hands of the enemy.

Finally, we have reservations to make in regard to Articles 13 and 18; the point in question
is that of the revision of armaments which is permitted to individual States if the conditions
of their security should change or deteriorate. Furthermore, it is necessary, from our point
of view, to reconsider the question of the assistance which is to be given by other States to a
State which is the object of aggression solely in cases where the Council has certified that the
State in question has reduced its armaments in accordance with its undertakings. Again,
reserves might arise as to whether the State in question had fulfilled its engagements or not;
the Czechoslovak Government reserves the right on this point, as in the case of the other
articles referred to, to submit during the coming discussion amendments to the text which,
in its opinion, might tend to its general improvement. It intends, moreover, to propose certain
amendments to the articles regarding partial defensive treaties.

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 Arti-
cles 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 interde-
pendence 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 these 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 bar 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.
It, 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 hopelessness 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, and let us double 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 their destiny. I, 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 policy, 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 Beneš.

C. 422. M. 160. 1924. IX.
C. T. A. 459.

REPLY LETTER FROM THE FRENCH GOVERNMENT.

[Translation.]

Ministry of Foreign Affairs,
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 would be problematic, conditional, and gradual; regarded in this aspect, therefore, this form of assistance would not seem adequate to justify any considerable reduction in armaments.

Nevertheless, by improving general conditions of security, it might in course of time encourage such reductions. It would in any event have an incontestable moral value, combined with practical economic and financial efficacy. Indeed, any attempt to provide for the progressive organisation of general mutual assistance ought probably to begin with economic and financial assistance, which must not be confused with the economic measures to be taken against aggressors under Article 16 of the Covenant. This economic and financial assistance would be claimed and received from all States as a kind of insurance premium against the 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) Herriot.

REPLY FROM THE LITHUANIAN GOVERNMENT

Ministry of Foreign Affairs
Kovno, August 22nd, 1924.

[Translation.]

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 by treaty or recognised by the States concerned, and where serious controversies on territorial questions have arisen. 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 victim of an act of aggression, 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) Carneckis.
REPLY LETTER FROM THE ITALIAN GOVERNMENT.

Ministry of Foreign Affairs,
Rome, August 25th, 1924.

[Translation from the Italian.]

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.

Ministry for Foreign Affairs,
Bucarest, August 25th, 1924.

Sir,

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 her 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.

If a treaty of mutual guarantee 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 of countries which consent to follow such a policy.

The 14th Resolution of the Third Assembly bears witness to the truth of this when it says in point 1 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. Duca,
Minister of Foreign Affairs.

REPLY FROM THE SWEDISH GOVERNMENT.

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 mortal to the effective working of the system, we could even less certainly rely on the acceptance of the Treaty 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 Rikstag would be disposed to assume the obligation of furnishing military assistance to an extent beyond that provided for in the above-mentioned article.

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 invariably rely on the assistance of all States without exception, which is a necessary condition for the effective working of the system. We could even less 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 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 WURTEMBERG.

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REPLY FROM THE GOVERNMENT OF URUGUAY.

Ministry for Foreign Affairs,
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 cooperation 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 their, and any other proposals which may made, when the Assembly comes to consider the problem.

(Signed) Alvaro SARALEGUI.

C. 436. M. 166. 1924. IX.
C. T. A. 464.

REPLY FROM THE GREEK GOVERNMENT

Ministry for Foreign Affairs,
Athens, August 12th, 1924.

[Translation.]

Sir,

I. The object of the draft under consideration is to enforce the observance of such treaties 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.

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 restrict its armaments 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

Ministry for Foreign Affairs,
Athens, August 12th, 1924

[Translation.]

Sir,

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.