M. DE BROUCKÈRE (Belgium) agreed with Viscount Cecil in stating that the Committee must assume the political responsibility and that it must likewise avoid asking vague questions. It was certain that it was not M. Paul-Boncour's intention to ask the Secretary-General to represent them. He strongly insisted that the Committee of the Council should not fall into a popular error and ask experts for information on questions whose technical aspect was not exactly defined. He thought that the questions put by M. Paul-Boncour were extremely delicate and complex. The British Government was ready to do everything to find a solution, and, on matters concerning it, was ready to sit on the Committee as long as should be necessary. One might undoubtedly isolate certain questions of fact on which to ask the experts for an answer, but he continued to think that no good would be attained by referring the questions to experts just as they were.

M. COMNÈNE (Roumania) supported the proposal of M. Guerrero. He noted that, particularly in the matter of bringing the members of the Council together by railway, they might make international arrangements in advance and not trust to improvisation at the last minute. The Secretary-General or the Chairman of the Committee might deal with this subject, together with the Chairman of the Committee on Transit.

M. PAUL-BONCOUR (France) thought that they were wandering somewhat from the subject. The Committee was studying Question 1(a), which had, as he had already said, been inspired by the Greco-Bulgarian conflict. He quoted part of the conclusions of this report concerning the betterment of communications and asked the Secretary-General to tell him what means he would have at his disposal, in spite of the derangement which might possibly arise from the course of events, to inform the Acting President of the Council, to convene the members of the Council with the least possible delay, and what would be the meeting-place chosen according to the circumstances, etc. The Committee of the Council would undoubtedly be judge of the suggestions made by the Secretariat.

Viscount CECIL OF CHELWOOD (British Empire) made the following proposal:

"That the Secretary-General should be asked to give answers to the following questions:

- On what occasions has the Council been summoned to deal with international crises?
- What steps were taken in each case?
- What difficulties, if any, arose?
- Have you any suggestions for the improvement of the procedure?
- Are the technical arrangements for communications in such cases satisfactory, and, if not, in what respects are they unsatisfactory?
- What are your general observations on the above questions?

M. PAUL-BONCOUR (France) agreed with the reference of these questions to the Secretary-General. He thought that the latter would only be able to give answers after having consulted the technical organisations, and he thought that such answers would have to be in the shape of a written report. He noted, moreover, that all the questions put only referred to the past, whereas it was necessary to contemplate more serious conflicts. In such cases, the Secretariat and, above all, the Council would be responsible for the measures which were to be taken. He wished therefore to add to the questionnaire Questions 1(a), 1(b) and 3(a) of his proposal.

M. SATO (Japan) thought that a distinction must be made between two large classes of cases, that of a local war, where it was possible to utilise the existing means of communication, and that of a war involving the whole world or a large number of Powers. In the latter case, he was not quite clear as to the utility of demanding technical advice from the Secretary-General.

M. GUERRERO (Salvador) suggested that the Committee should entrust to Viscount Cecil and M. Paul-Boncour the formulation of the questionnaire to be addressed to the Secretary-General. The latter would be able to examine it with the Chairman of the competent Commissions and give an answer in writing as soon as possible.

Viscount CECIL OF CHELWOOD (British Empire) accepted this latter proposal, but he thought that the Committee ought first to settle a fundamental question. It seemed to him impossible to ask an official of the League of Nations to contemplate all possible hypotheses of war. This sort of question ought to be put in precise terms by the Committee of the Council itself. It was composed of politicians who alone had the right to imagine a case of war between two given countries and then to ask the Secretary-General what measures could be taken under such circumstances.

As regards Question 1(b), he was not quite clear as to its import, and he thought consequently that it would hardly be a useful one for the Secretary-General. The Committee should confine itself to asking for information on concrete facts, and to use them for its answer, and, if they were not sufficient, resort to supplementary questions.

M. DE BROUCKÈRE (Belgium) agreed with Viscount Cecil in stating that the Committee must assume the political responsibility and that it must likewise avoid asking vague questions. It was certain that it was not M. Paul-Boncour's intention to ask the Secretary-General...
to provide a catalogue of all possible cases of war and the necessary measures to be taken. He noted further that Viscount Cecil himself had asked the Secretary-General if he had any general observations to present, and one could therefore ask in more definite terms that these observations should deal with Questions 1(a) and 3(a).

Viscount Cecil of Cheilwood (British Empire) declared his agreement with these proposals on condition that Question 1(b) were left aside.

M. Paul-Boncour (France) thought that it was not enough to ask the Secretary-General to furnish general observations but that it would be necessary to ask him for technical details as to the means of attaining a more speedy procedure in every possible case. Such information was indispensable to Governments in order to know exactly what security they derive by the good working of the Council.

Viscount Cecil of Cheilwood (British Empire) understood that M. Paul-Boncour asked the Secretary-General to deal with all possible cases of war with the technical means appropriate to each case. He thought that it would be impossible for the Secretary-General to reply to such a question. He noted, for example, that, in the Greco-Bulgarian conflict, the Council had been convened at Paris because the Acting President was M. Briand, and that in another case it might equally well have been convened in London or Brussels. It was therefore necessary to ask definite questions without at the same time limiting the Secretary-General too much and preventing him from saying what he thought wise to inform the Committee.

M. de Brouckère (Belgium) did not think that M. Paul-Boncour asked for a table embracing all the possible chances of war, and he therefore proposed, in order to satisfy at the same time Viscount Cecil and M. Paul-Boncour, the following formula for constructing the sixth question on Lord Cecil's questionnaire.

What are your general observations and your advice as to the measures to be taken as regards Questions 1(a) and 3(a) of the French proposal.

This proposal was adopted.

3. Question 1(b) of the French Proposal.

The Commission therefore suggests to the Council that methods or regulations should be investigated which would enable the Council to take such decisions as may be necessary to enforce the obligations of the Covenant as expeditiously as possible.

Viscount Cecil of Cheilwood (British Empire) did not quite understand what was meant by the words “enforcing the obligations of the Covenant,” for the Council could not do more than express its opinion upon a possible violation of Article 15. Each Power must decide whether this violation had taken place or not, and Viscount Cecil recalled in this connection a resolution adopted by the Assembly of 1921.

What was meant by taking decisions? Was it a reference to the measures which it was proposed to suggest to the parties involved or to the sending of a Commission of Enquiry?

M. Paul-Boncour (France) said that this addition to the questionnaire had been separated and had become a distinct object of enquiry, while in reality it was wrapped up with the questionnaire in general. One must therefore refer to that part of the questionnaire which established the connection between the reduction and limitation of possible armaments and the guarantees of security capable of resulting from Article 16. Under such circumstances point (b) of Question 1 only wished to ask one question: Within what delay the Council could put into operation the economic and military assistance provided for. It might be possible, in view of the terms of the Covenant, that a very long time might pass between the moment of the outbreak of strife and the time when the recommendations of the Council could be put into force. An answer which might not be entirely satisfactory would be of very great interest in calculating the amount of security. Every Power would thus be able to present definite proposals on the reduction of armaments because it would be in a position to define more exactly what it might count on in case of conflict. Moreover, an answer to this question would permit of insisting upon the necessity of preventive measures restricting the conflict, an extremely delicate question, on which not only the political but also the juridical advice of the League of Nations would be necessary. It was a question of knowing exactly how far measures of this kind could be considered as part of a process and, in consequence, whether the rule of the majority could hold good, or whether, on the other hand, the unanimity of the Council would be necessary. Dependent upon an answer to this question, a considerable guarantee could be had for the rapid restriction of strife, or, on the other hand, the door was left open to delays which might allow it to increase.

Viscount Cecil of Cheilwood (British Empire) thanked M. Paul-Boncour for his explanations. The first point in answer to this question was the recognition of the obligations of the Covenant. By referring to the resolution of the Assembly in 1921, one could see as a result the rôle which the Council would have to play. After this examination of the actual situation, one would be able to study what could be done to remove obscurities or to hasten and make more efficacious the established procedure.

M. Paul-Boncour (France) was extremely satisfied with Viscount Cecil’s explanation as regards the activity of the Council when it should meet. As regards the stipulations of the Covenant, these were defined by the Covenant itself and were perfectly well known by all.
Viscount Cecil of Chelwood (British Empire) referred to the resolution of 1921, in which a form of procedure had been accepted unanimously. This procedure might be reconsidered in conformity with the present ideas of the Assembly.

M. Paul-Boncour (France) accepted the resolution of 1921 as a point of departure, but he was struck by Article 12 of the Covenant, which provided that the Council had six months to establish its report. The resolution of 1921 was a basis upon which to work and it corrected this delay of six months which, according to his calculations, was again prolonged owing to certain conciliation procedure instead of being shortened.

Viscount Cecil of Chelwood (British Empire) replied that, in virtue of Article 15, no one might fight before the Council had expressed its opinion. The sanctions immediately entered into force if one party resorted to war in violation of the Covenant.

M. de Brouckère (Belgium) asked if it would not be wise to determine how far a refusal by one party to comply with the suggestions of the Council would cause a presumption that it was the aggressor.

The President asked if the best method would not be to examine Question 1(b) in the light of the resolution of 1921. M. de Brouckère's suggestion would be able to be examined when the discussion of this resolution came up.

Viscount Cecil of Chelwood (British Empire) proposed to appoint M. de Brouckère as Rapporteur on this subject.

M. Paul-Boncour (France) remarked that, from the legal point of view, one must know the effect of the resolution of 1921. The subject had been discussed and the binding legal effect of the resolution of 1921 had been disputed.

Viscount Cecil of Chelwood (British Empire) recalled that the Assembly had agreed that the States present would instruct the Secretary-General to act in conformity with this resolution, provided that this decision should not have taken the legal form of an amendment to the Covenant.

M. Paul-Boncour (France) stated in consequence that an amendment of the Covenant was the only legal form of procedure.

M. de Brouckère was appointed Rapporteur.

The meeting adjourned at 12.40 p.m.

SECOND MEETING.

Held on Monday, September 27th, 1926, at 1 p.m.

President: M. Beneš (Czechoslovakia).

4. Adjournment of the Session.

The President recalled that paragraph 1(a) of the French proposal, whose discussion had been begun at the last meeting, had been the object of a report of the Secretary-General, which had been distributed to the members of the Committee. M. de Brouckère had been entrusted with the presentation of the report on point 1(b). His report would be distributed.

The President added that he had received proposals from various members to adjourn the discussion.

General de Marinis (Italy) supported the proposal for adjournment, and suggested a meeting in December, before or during the meeting of the Council.

M. Paul-Boncour (France) accepted this proposal. He pointed out that the Transit Committee was due to meet in November and would be able to provide useful information for the next session of the Committee.

Viscount Cecil of Chelwood (British Empire) remarked that the Committee of Experts on Transit, from whom the Council had asked for a report on the questions of communications under consideration, had not fixed the date of its meeting. He suggested that the President of the Committee should do what was necessary in order that this Committee of Experts might meet in November.

The President declared that he was ready to take the necessary steps and proposed December 1st as a date for the next meeting.

This proposal was carried.

The session ended.
# MINUTES OF THE FIFTH SESSION OF THE COMMITTEE OF THE COUNCIL

*Held at Geneva, December 1st to 4th, 1926.*

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**FIRST MEETING.**

*Held on Wednesday, December 1st, 1926, at 4 p.m.*

President: M. Veverka (Czechoslovakia).

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Present:

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<tr>
<td>Belgium</td>
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<td>Chile</td>
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<td>Germany</td>
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1. Discussion of the Memorandum of the Secretary-General and the Report of the Transit Committee (Annexes 1, page 99, and 4, page 165).

The President welcomed the new members of the Committee, M. van Karnebeek and M. Göppert, who were taking part in the work of the Committee of the Council for the first time.

He reminded the Committee that, at its last session, it had, after examining point 1, paragraph (a) and (b) of the French proposal, put to the Secretary-General a series of questions concerning point (a), and had asked M. de Brouckère for a report on point (b).

M. Paul-Boncour proposed that the Committee should enter upon a discussion of the memorandum of the Secretary-General and the report of the Transit Committee, which had been forwarded to the Committee for information.

Viscount Cecil of Chelwood (British Empire) referred to the following passage in the memorandum of the Secretary-General:

*Question VI (b).—* "As regards the States represented on the Council, it is clearly desirable that all measures should be taken to enable them to be represented at any meeting which may be called, however short the notice may be."

"It is perhaps hardly within my competence to make observations on the methods to be adopted by the various States to ensure this end."

He thought it might be possible to ask the Governments to communicate to the Secretary-General the arrangements which they had made to secure that any message of urgency received would be dealt with immediately and to secure that their representatives would be present at a Council meeting with the least possible delay.

It would facilitate the action of the Secretary-General if he knew exactly what these arrangements were.

With regard to the report of the Transit Committee, he understood that it was suggested that the report should be sent to the Governments concerned, and that, after they had given a general approval of it, the Secretary-General should be asked to work out the necessary details in collaboration with the experts.

He thought this a very practical suggestion. He would like, however, the general report to refer not only to the application of Articles 15 and 16 of the Covenant but also of Article 11. He did not very clearly understand exactly what was meant by the central service in possession of the necessary instructions and powers referred to in the second sub-paragraph of paragraph B. He thought it would be well to ask the experts, before sending the report to the Governments, to define their suggestion a little more clearly.

M. Sokal (Poland) observed that the memorandum of the Secretary-General, which was a very interesting document, explained the present position. This memorandum showed that, in the majority of cases, the convening of the Council would take from eleven to seven days, and that, in the serious case of the Greco-Bulgarian dispute, the Secretary-General had succeeded in convening the Council within three days. The memorandum emphasised the importance of rapid action by showing that a delay in telegraphic communications might have had extremely serious results. Although the Secretary-General stated that in the cases mentioned, in which the period had been more than ten days, the meeting might have taken place more rapidly if the circumstances had required, it was, nevertheless, true that the period of three days had been a record, and that it would be necessary to take very definite steps in order to reduce this period, as in serious cases hours and minutes were of importance.

In this connection, he would be happy to know what arrangements the Secretary-General could make as a result of the report of the Committee of Experts, to which reference was made in the reply to Question VI(a).

It was not the intention of the authors of the proposal to limit the initiative of the Secretary-General by a procedure fixed in advance. The problem was to give him adequate means in order to help him to take advantage of this initiative, and the Secretary-General would doubtless be extremely anxious to make use of these means.

As regards the report of the experts, he wished to make certain reservations. First, he did not think that this Committee was composed in such a way as to elicit the most interesting suggestions, as it did not contain a sufficiently large number of nationals of the countries most interested in the question of communications with Geneva, because they were not neighbours of Switzerland, and he understood that, especially for the composition of the Telegraphic Committee, they had chosen neighbouring countries almost without exception. He hoped account would be taken of this observation in the appointment of new committees of this kind.

He had been particularly struck by the fact that the report represented on several occasions, both in respect of communications by railway and by telegraph, by aeroplane, by wireless and by telephone, that it was not possible to establish any plan in advance, or that it was not of any use making supplementary arrangements. This statement appeared to him to be very much open to dispute. If no plans were established in advance, it would be impossible to act in time. The problem at issue was to provide for a kind of mobilisation in view of the maintenance of peace, which would only work quickly if it were prepared in advance.

He also had some doubts concerning the following sentence in the report:

"Time-tables must obviously be established with reference to commercial conditions, and communications with the League cannot have priority over such requirements."
On the other hand, it was important to emphasise the new procedure which had been suggested of a notification by the Secretary-General of the existence of a state of crisis.

He did not think that aerial navigation had reached a stage of development at which it was possible to count with certainty and regularity on such communications. He thought also that it would be necessary to await the result of experiments by which the practical value would be ascertained of the formula under which priority would be given to communications of the League of Nations by telegraph. He regretted that no precise proposal had been made on the subject of telephone communications, which had the advantage of enabling direct communication to be established with the persons concerned, and which, owing to this fact, had considerable importance.

To sum up, he thought that the memorandum of the Secretary-General as well as the report of the Committee of Experts deserved the serious attention of the members of the Committee, but that the Committee could not be entirely satisfied with the somewhat timid suggestions which had been made. It was in particular essential that the experts should abandon the idea that no plan could be established in advance.

M. DE BROUCKÈRE (Belgium) agreed with M. Sokal that it was advisable not to wait for the moment when it was necessary to act in order to prepare plans of action. It was equally necessary, however, not to make too many provisions in advance. The Transit Committee was right in saying that the railway companies would not agree to modify their peace-time tables in order to permit a delegate to save a few hours at a time of crisis.

He thought, in opposition to M. Sokal, that aerial navigation might at once enable very rapid meetings to be called. He did not think himself that the report of the Transit Committee was purely negative. It showed that the experts were ready to take steps if the Governments consented to lend their assistance.

It, therefore, would seem advisable to ask for the assent of the Governments, in order that the Transit Committee might be able to get to work and to prepare detailed plans in collaboration with the Secretary-General.

He would like, in connection with the observation made by Viscount Cecil concerning Article 11, to draw the attention of the Committee to a point of procedure which had, nevertheless, some importance.

The report of the Transit Committee contemplated meetings under Articles 15 and 16 of the Covenant. Viscount Cecil had asked that Article 11 should be added.

In his view, it would be more correct to act in virtue of Article 11, or, if necessary, in virtue of Article 16. A very important point of doctrine was here involved. Article 16 applied only when a State resorted to war illegally. Article 11 applied simply when there was danger of war. If the Council had to meet under Article 16, this fact showed that it had intervened too late. The Council might still endeavour to regulate the war, but it had failed in its essential task, which was to avoid war. Accordingly, in contemplating indiscriminately the application of Article 11 or Article 16, the Council appeared to resign itself to intervening at too late a stage. There was always a lapse of time between the moment when the danger of war first became apparent and the moment when a state of war existed. It was this interval which must be used in order to apply Article 11, and for this purpose it was essential that the time required to convene the Council should always be shorter than this interval. It was accordingly necessary to find a method of reducing still further the minimum time of three days, which was the minimum so far achieved. It seemed possible, in the present state of communications, to convene the members of the Council in less than seventy-two hours. Article 15 covered the special case of a conflict which might involve a rupture. If such a conflict arose, there was a danger of war, and appeal might be made to Article 11.

It accordingly did not seem of advantage to mention Article 15.

He would emphasise that the only object of this proposed amendment was to indicate that the essential aim of the League of Nations was to put Article 11 into operation in order to prevent war.

The President informed the Committee that the report of the Transit Committee had been requested by the Council, and had only been forwarded to the Committee of the Council for its information by the Acting President.

The Committee of the Council accordingly could not ask the Transit Committee to amend this report. It could only submit questions to the Council itself.

The report of the Secretary-General, on the other hand, was addressed to the Committee of the Council and might be made the subject of an exchange of views with the Secretary-General.

M. PAUL-BONCOUR (France) felt it was necessary to give some explanations to the new members of the Committee of the Council who might be surprised by the detailed and technical nature of the questions at present under discussion.

The proposal which he had submitted formed part of the preliminary work of disarmament, and had only been considered apart from the enquiries undertaken by the special Disarmament Committees because they involved a study of the working of the League of Nations and because the Disarmament Committees included States which were not Members of the League, which it would not be proper to invite to undertake such a study.
The object of his proposal was to mobilise the resources of the League against war with the same care for detail with which mobilisations with a view to war were generally prepared. The first act of such a mobilisation was the meeting of the Council. The author had been anxious to draw from the Greco-Bulgarian dispute all possible lessons in order to establish a procedure for similar cases. This dispute had shown that no detail could be neglected when the question at issue was the prevention of war.

He was well satisfied with the report of the Secretary-General as a whole. This report had distinguished very clearly between two cases corresponding with the two hypotheses discussed in the two paragraphs of Article 11.

He would emphasise the importance of the fact that the Secretary-General had stated in his report that he regarded it as his absolute duty urgently to convene the members of the Council as rapidly as possible in the case covered by the first paragraph. Similarly, one might be entirely reassured when the Secretary-General declared that, for the application of the second paragraph, the meetings could take place as rapidly as the situation seemed to require.

He agreed with the Secretary-General that it was not advisable to establish a procedure in advance, though he agreed with M. Sokal on the advantage which, in certain cases, might be obtained from having plans previously established.

He would point out that hitherto the Secretary-General had not met with any special difficulties. While hoping that such would always be the case, it was, nevertheless, necessary to foresee less favourable situations, and in this connection the Committee of the Council might ask the Secretary-General what precise arrangements he could make or in what direction he would conduct his investigations.

The report of the Transit Committee threw light on many facts which exactly corresponded with the considerations which had arisen out of the French proposal. The whole report was worthy of note, and in particular the idea, which was defined in it, of the state of crisis, a fact which would necessitate and legitimate certain special provisions on the part of the Governments. This definition of the state of crisis, which would perhaps have to be further elucidated, fell rather within the scope of the first paragraph of Article 11, and he felt that this idea deserved to be thoroughly examined.

On the other hand, he found a certain contradiction in the report between paragraph C.4, in which it was said that the Committee thought it would be a long, difficult and useless task to contemplate a firm agreement between Governments, or even an arrangement properly established between administrations, and the conclusion which declared that the experts were ready to ensure the working-out in detail of practical improvements if, at the request of the Council, the States Members of the League declared themselves to be ready to approve, as a whole, the general plan submitted in the report, etc.

He supported the proposal of Viscount Cecil that these proposals should be submitted to the Governments, without whose good will no result would be obtained. Perhaps it would be useful, in forwarding the report to the Governments, to indicate very clearly the desire of the Council to obtain their adherence, and, in this connection, it would be desirable for the Council to remind the Governments that their first duty, when there was a danger of war as contemplated in the first paragraph of Article 11, was to give all necessary facilities for the action of the Council of the League of Nations.

M. Van Karnebeek (Netherlands) wondered whether it was sufficient to forward the conclusions of the experts to the Governments, asking them to adhere to these conclusions as a whole. He thought that the Governments should formally undertake, either by means of a convention or by means of a resolution of the Assembly, to facilitate the working of the organs of the League in the measures to be adopted at a time of crisis.

Viscount Cecil of Chelwood (British Empire) said he entirely agreed with M. de Brouckère on the importance of Article 11, but he thought that Article 15 should not be omitted. Article 15 was often useful on occasions when, for various reasons, it was not desirable to say definitely that there was a danger of war.

He thought that M. Sokal very much underrated the definiteness and importance of the report of the Transit Committee. The Transit Committee had rightly pointed out that communications in time of peace depended on purely economic considerations, and the proposal of the Committee was definitely to the effect that a member of the technical organisations should attend the meeting of the Committee on Time-tables. This was a very practical proposal. He recognised, however, that the report might have submitted the suggestions in a more striking form, but he believed that this report contained a great number of very useful proposals.

He shared the view of the experts as to the impossibility of establishing plans in advance, as it was impossible to foresee every possible dispute and as the composition of the Council would change every year. He thought that all that could be done was to establish a general scheme, and on this point the Transit Committee had submitted very practical proposals which would greatly increase rapidity of communications.

The real point of interest was how these proposals should be brought into force. The speaker agreed with M. Paul-Boncour that the most practical method was to obtain the general assent of the Governments to these proposals and subsequently to ask the technical Committee, in collaboration with the Secretariat, to work out the technical details of these suggestions.
M. VAN KARNEBEEK (Netherlands) thought that it would be well all the same to adopt as a basis a formal engagement from the Governments to give all the requisite facilities.

Viscount Cecil of Chelwood (British Empire) thought that, though this proposal was very interesting, it could be made later as a confirmation. It would not be practical to obtain the adoption of this undertaking by means of a convention, because Governments of States not Members of the League were parties to conventions already existing which it would be necessary to revise. The proper solution would be a resolution of the Assembly confirming the special arrangements adopted between themselves by Governments of States Members of the League.

M. VAN KARNEBEEK (Netherlands) had not thought that the resolution which he contemplated should confirm detailed arrangements. He had been of opinion that a resolution of principle, containing an obligation of a general kind for Governments to give facilities for the proper working of the League of Nations, should be adopted. As a result of such a resolution, no State Member of the League could refuse to fulfil this obligation on the pretext that it did not exist in the Covenant. He nevertheless agreed that there was no necessity to await the next session of the Assembly before beginning practical work.

M. TITULESCO (Roumania) agreed with the observations of M. de Brouckère on Article 11, but was under the impression that he had not wished to exclude Article 15. He thought there was no need to find a definition for the state of crisis, for that definition would restrict the initiative of the Secretary-General, and everyone was agreed to make his powers in this respect as complete as possible. A state of crisis existed when the Secretary-General took action in virtue of the obligations of the Covenant, and as long as he took no action there was no state of crisis.

M. PAUL-BONCOUR (France) entirely agreed with M. Titulesco.

M. DE BROUCKÈRE (Belgium), after the explanations given by Viscount Cecil, withdrew his proposal to omit Article 15. The principal object of that proposal had been to establish a difference between Article 11 and Article 16, in order to emphasise that it should never be necessary to convene the Council in virtue of Article 16, since the Council ought already to have met, unless events had moved too fast for it, the precise contingency which the Committee was trying to find means of avoiding. He warmly supported the proposal of M. van Karnebeek and joined with him in thinking that an act clothed with a certain solemnity would be useful in order to mark the common desire of States to facilitate the rapid meeting of the Council. It would be excellent if the Assembly discussed this question. Nevertheless, it was important to ask the Council to obtain the views of Governments and to get their adhesion to this proposal. Technical experts could do no useful work without that general assent, and any other procedure would be very lengthy.

M. SOKAL (Poland) desired the proposals contained in the report of the Transit Committee to be drafted in a more definite form. He agreed with the procedure suggested, while reiterating the reservations which he had made concerning the composition of the Committee of Experts. He also thought the suggestion of M. van Karnebeek to be of the greatest importance. In his opinion, it ought to be submitted in the form of a concrete proposal to the Council, which might adopt it and place it on the agenda of the Assembly.

M. SATO (Japan) pointed out that it would be necessary not only to make the means of communication more rapid but to draw the attention of the Governments of States Members of the Council to the importance of appointing representatives able to attend the meeting of the Council quickly. He did not think this proposal should be included in a definite resolution. It was sufficient for the Secretary-General to draw the attention of the States specially concerned to this point.

M. TITULESCO (Roumania) proposed that the Council should suggest to States Members of the Council that they should appoint as a delegate a diplomatic official, for example, living in Europe, to attend the meeting in times of crisis.

Viscount Cecil of Chelwood (British Empire) made the following concrete proposal:

"The Council is asked to enquire of Governments Members of the League what arrangements they have made or are prepared to make:

(1) For the reception of any emergency message from the Secretary-General;
(2) In the case of Members of the Council, for the rapid attendance of a representative at an emergency meeting of the Council."

He did not think that the proposal of M. Titulesco was indispensable. In the first place, representatives of the Members of the Council might vary according to the place in which the Council met. Secondly, the use of aerial transport made it possible to go very quickly from one place to another, at any rate in Europe.
M. DE BROUCKÈRE (Belgium) proposed that a maximum period of delay before the Council met should be fixed; it would then be for the Governments to take the necessary measures in order to be represented on the Council in time.

M. TITULESCO (Roumania) thought that the views of Viscount Cecil and M. de Brouckère could be combined with his own in a common formula which remained to be considered.

M. SATO (Japan) thanked M. Titulesco and Viscount Cecil for having taken his observations into account. He did not think it necessary to appoint a representative to attend the Council in times of crisis, in view of the fact that European countries, as far as they were concerned, were generally represented in times of peace by their Foreign Ministers.

M. VAN KARNEBEK (Netherlands) pointed out that no quorum rules were in existence applying to meetings of the Council, and that in those circumstances Governments should do all that they could to ensure that their representatives arrived in time.

On the proposal of M. DE BROUCKÈRE, it was decided to postpone the adoption of the final wording of the formula until a future meeting.

On the proposal of M. PAUL-BONCOUR, M. VAN KARNEBEK was appointed Rapporteur for this question.

2. Radio-telegraphic Communications.

M. PAUL-BONCOUR (France) desired, before the Committee rose, to draw its attention to a special point. He was under the impression that the Secretariat did not itself possess a wireless installation. This was a very grave omission, and the Committee should propose that the Council should express the hope that the League of Nations be granted a wireless station sufficiently powerful to maintain communication with the rest of the world in times of crisis.

He suggested that the Rapporteur should ask the experts to consider this question.

Viscount CECIL OF CHELWOOD (British Empire) thought that it would be extremely desirable for the Secretariat to possess a wireless installation. There might perhaps be some difficulties, but the question should certainly be examined.

The Committee rose at 6.30 p.m.

SECOND MEETING.

Held on Thursday, December 2nd, 1926, at 3 p.m.

President: M. VEVERKA (Czechoslovakia).


The President congratulated M. de Brouckère on the report which he had submitted to the Committee, and opened the discussion.

General DE MARINIS (Italy) cordially congratulated M. de Brouckère on the work, which was conscientious, complete and based on the facts. He was happy to pay a tribute to the serious work which M. de Brouckère had been obliged to undertake in drafting this report at a time when he had scarcely completed the heavy task of acting as Chairman of Sub-Commission A, a task in which he had shown a diplomatic ability which was remembered by all its members with admiration.

He considered that the conclusions of the report were extremely important and deserving of recommendation. He thought it necessary, however, that guiding rules should be given to the technical bodies to whom the special questions were referred, as experience had shown that, without very definite guiding rules of a political character, these bodies could not do any useful work. He further thought that some of the bodies should be modified, so that the study of certain questions of quite a special character might be entrusted to legal experts who were specialists in the question to be dealt with.

He thought that the Committee of the Council would probably not have time to draw up these guiding rules completely, but it would perhaps be possible for it to formulate proposals for the Council, which was the responsible body and which would in the last resort give the necessary directions.
Viscount Cecil of Chelwood (British Empire) associated himself with the compliments paid to M. de Brouckère on his report, which had thrown an entirely new light on the questions under discussion. It seemed to him that there were three aspects of the report.

First, there was a very important distinction drawn by M. de Brouckère between Article 11 and Article 16. M. de Brouckère had observed, and this was a fact which had hitherto tended to escape notice, that the greater part of the procedure framed in 1921 in order to modify or complete Article 16 would have been far more applicable to Article 11. Article 16 came into operation when the procedure of mediation and conciliation had definitely broken down, and in that event it might happen that several of the proposals made in 1921 would not be applicable to such a state of things, particularly the proposal for a rapid meeting of the Council. M. de Brouckère had contemplated the coming into play of Article 11 and Article 4 as soon as there existed a state of tension between two or several countries. Under Article 11, however, it was the duty of the Secretary-General immediately to convene the Council and it was for the Council to examine the situation and take preliminary measures to prevent an outbreak of war. If those measures failed, the Council would be in session at the moment when it became necessary to act under Article 16. There was accordingly no question of summoning the Council under that article. He thought that this was a perfectly true analysis of the situation. It had led M. de Brouckère to submit proposals as to what might be the proper course for the Council to take under Article 11.

M. de Brouckère, for example, suggested that the Council might take measures which would make it perfectly easy to define the aggressor in the event of war, such as arbitration or the retirement of forces from the frontier, etc. He would be glad to see these measures formally defined in writing, unless the Committee preferred to state that it was impossible to lay down rules in advance as to what the Council should do in such an eventuality in virtue of Article 11. It might equally be possible, without fixing the procedure of the Council in advance, to indicate a certain number of measures from which the Council might choose such as it considered applicable in the specific case. This part of the report offered a new field of investigation of the problem, and might furnish the solution of certain difficulties. Personally, he would be very glad if some step could be taken to get a more definite statement as to the preparations which might be made in order to facilitate the action of the Council under Article 11.

The second portion of the report consisted of five concrete proposals. He would suggest to the President that the Committee should begin the discussion of these five proposals, in regard to which he thought it should be possible to arrive at an agreement at that meeting.

The third aspect included the discussion of the general principles of Article 16 and the legal force of the resolutions of 1921. He proposed that this part of the discussion should be adjourned, since it called for a very serious examination if it were deemed necessary to arrive at any conclusions.

To sum up, he suggested that the five proposals of M. de Brouckère should be discussed first, and that subsequently there should be a general discussion, or preferably a discussion of definite proposals, concerning the application of Article 11.

M. Göppert (Germany) associated himself with the thanks which had been addressed to M. de Brouckère for his clear and well-informed report, which had the great merit of having thrown into relief Article 11 of the Covenant, which had not always received as much attention as it required. Article 16, which dealt with repression, had excited more interest than Article 11, which contemplated prevention. He supported the proposal of Viscount Cecil in regard to procedure: to study first of all the five concrete proposals, enumerated at the end of the report, and the questions relative to the application of Article 11. It seemed to him much more useful to postpone the discussion on the resolution of 1921, and that the discussion on the interpretation of Article 16 would probably be difficult.

M. de Brouckère (Belgium) thanked his colleagues for their sympathy and accepted the procedure suggested by Viscount Cecil. He would like to point out, in reply to the observations of General de Marinis, that, as a general rule, it was better to avoid setting up special committees in order not to give a too permanent character to the work undertaken. Quite at the beginning of the studies made by the League of Nations, it had been suggested that a permanent committee should be created, but objections of various kinds had been raised. It was said in particular that such a committee, sharing the responsibility of the Council, would weaken the authority of that body, and that it would be difficult to have a permanent organ for a task which would perhaps be intermittent. Moreover, a large number of States, while recognising the definite engagements of the Covenant, and particularly those of Article 16, had some misgiving when it was proposed to define more exactly than they wished the undertakings into which they had entered.

Moreover, it appeared very difficult to ask a Committee, even when sitting in private, to examine concrete cases of possible disputes between States. Such an examination could only be conducted by the Secretariat, which would establish files in which the Council might find, if the occasion arose, useful suggestions. These files would be established by taking account of the most probable hypotheses and thus no susceptibilities would be wounded.

For these reasons, he had thought that a more modest procedure would result in more practical work. This procedure consisted in asking the Secretariat or some technical organisation to draw up a plan of work. The Council afterwards, by a formal decision, would authorise the Secretary-General to make all the necessary arrangements for these precise studies to be undertaken.
M. PAUL-BONCOUR (France) considered that the report of M. de Brouckère covered all
the questions dealt with in the French proposal, and that it therefore involved eliminating
from the discussion those portions of the French proposal which had not been examined at
the first meeting. He associated himself with the procedure proposed by Viscount Cecil,
understanding it in the following sense:

The Committee would immediately undertake the study of the five definite proposals
given at the end of the report. It would then deal with the definite proposals which, in the
report, were so appropriately attached to Article 11. He would like to thank M. de
Brouckère for having so well emphasised the value of this article, which so exactly covered
the questions which the Committee of the Council had under consideration.

The procedure proposed by Viscount Cecil was adopted.

4. Proposal 5 (a) of M. de Brouckère's Report.

Viscount CECIL OF CHELWOOD (British Empire) asked for a formal amendment. He
felt that perhaps it would not be very tactful to state that statistical information was to be
collected for the purpose of an economic blockade. He would prefer to say quite vaguely
that this work would be undertaken in order to obtain accurate information on the economic
and financial relations between States, etc.

M. TITULESCO (Roumania) proposed the following formula

"With a view to the steps to be taken in conformity with the terms of the Covenant."

This formula would give the reason why such information was requested.

Viscount CECIL OF CHELWOOD (British Empire) pointed out that a great part of the work
had already been carried out for the purposes of the Economic Conference. It would be
sufficient to make this information available for this other object. He thought it would
be difficult to obtain information from Governments by specifying that the reason for doing
so was because an economic blockade might eventually be established.

M. DE BROUCKÈRE (Belgium) agreed to the deletion of the words "economic blockade". He
desired, nevertheless, that mention should be made of the reason why this information
was collected. Information destined for the Economic Conference was probably not the same
as that which would be necessary for the enquiry he had in view. It was also not his intention
to ask for information from Governments themselves. It would be for the Secretariat
to collect the statistical information taken from official documents at its disposal. He would
propose the following wording:

"With a view to the future application of Article 16, the Secretariat is instructed
to obtain information of an economic and financial kind."

Viscount CECIL OF CHELWOOD (British Empire) proposed that the appropriate section
of the Secretariat should be asked what wording it considered to be the best.

M. PAUL-BONCOUR (France) thought it indispensable to determine with accuracy the
origin of the information asked for, and then to make a reference to Article 16. He pointed
out that this reference could not offend any susceptibilities, for Article 16, though it made
provision for sanctions, also provided for economic assistance. He made the following
suggestion: Instead of asking the various technical organisations of the League of Nations
to undertake the proposed enquiry, could it not be entrusted to the organisation which
comprised representatives of all of them — that was to say, to the Joint Commission?

M. GÖPPERT (Germany) asked M. de Brouckère whether the organisations instructed
to collect information would approach Governments direct or would content themselves
with examining statistics. He thought that the Joint Commission would not be the organisa-
tion proper to undertake the proposed investigation, for it was rather work which the Secre-
tariat could perform than work for a Committee.

M. SOKAL (Poland) thought that it would be necessary to co-ordinate all the work required
by the five proposals and that, if this work were divided amongst the various sections of the
Secretariat or amongst the technical organisations of the League, cohesion would be lacking.
It was for this reason that the proposal of M. Paul-Boncour appeared to him to be of great
interest. M. Sokal considered that experience had proved that the Joint Commission was
specially designed to fulfil this task.

M. PAUL-BONCOUR (France) agreed with the observation of M. Göppert. It was indeed
necessary for detailed work to be accomplished by a permanent staff, but it was also necessary
for this work to follow a definite plan, and there was no organisation better adapted to draw
up this plan than the Joint Commission, which comprised representatives of all the technical
organisations. He proposed, therefore, that the Joint Commission should be entrusted with
drawing up a plan of work and that the Secretariat should be instructed to obtain information,
analyse and submit it.

General DE MARINIS (Italy) doubted whether it would be useful to change the formula
used in the report. Complete liberty should be left to the Secretary-General, who knew the
technical organisations of the League of Nations and would be able to make the best use of
them according to their capacity.
Viscount Cecil of Chelwood (British Empire) was not fully disposed to agree with the opinion of General de Marinis. He thought that the Committee itself ought to draw up the plan of the information which it needed for its work, and ought itself to give the necessary instructions to the technical organisations of the League. He did not think that the Joint Commission was a body whose composition was especially designed to undertake anything other than the investigation of questions of principle. In his view, the Secretary-General was better placed to draw up the best plan of work. He was ready to accept the first formula of the proposal of M. de Brouckère provided that it was slightly amended in the manner in which M. de Brouckère himself had suggested.

M. de Brouckère (Belgium), replying to the question put by M. Göppert, said that the Committee should avoid sending questionnaires to Governments, for these took a very long time to answer. It would be preferable to proceed in the same manner as in the case of the collection of information on armaments by virtue of Article 8 of the Covenant, and to publish year-books by making use of all the official information at the disposal of the public.

The work which he contemplated would be carried out in two phases:

1. A plan for the collection of information would be established;
2. That information would be collected.

There was a general agreement on the fact that information could be collected only by the technical organisations themselves. The departments of the Secretariat on whom this task would fall could only act if they were given a definite plan which had been submitted by the Secretary-General to the Council for approval.

M. de Brouckère thought, with M. Paul-Boncour, that it would be to the advantage of the Secretary-General, in drawing up this plan, to take the advice of the Joint Commission, which comprised representatives of all the technical organisations. He was of opinion, contrary to Viscount Cecil, that that Commission had proved that not only could it discuss questions of principle but that it could also make very definite suggestions regarding questions of fact. He proposed, therefore, to complete his resolution by indicating that, among the organisations whose views the Secretary-General should request with the object of establishing a plan, the Joint Commission should be included.

M. Guerrero (Salvador) supported the views of General de Marinis. The question would merely be complicated if it were entrusted to the technical organisations of the League by the Joint Commission. Further, it was for the Council to give instructions to the technical organisations.

Viscount Cecil of Chelwood (British Empire) thought that it might be possible to achieve a compromise if the last proposals of M. de Brouckère were followed.

M. Paul-Boncour (France) agreed with Viscount Cecil.

M. Sato (Japan) also agreed. He was of the opinion that the Joint Commission was not the best-qualified organisation to collect the information. It had other duties and was of a temporary character.

M. van Karnebeek (Netherlands) said that, in his view, it was indispensable to indicate frankly the reasons for the contemplated enquiry by a simple reference to Article 16. It would be useless to make any mystery of it, since all the Governments concerned were Members of the League. He shared the views of Viscount Cecil regarding the organisation to which this duty should be entrusted. The Joint Commission had been established to deal with work of disarmament properly so called, and not to carry out economic enquiries outside the scope of this mission. This was the task of the Secretariat.

M. Paul-Boncour (France) explained that he had no desire to set aside by his proposal the other technical organisations of the League. He thought that confusion existed in the mind of M. van Karnebeek with regard to the Joint Commission. That organisation had been established precisely with the object of providing a more rapid procedure than that which had consisted in sending economic questions to all the technical organisations which these questions might concern. It was for that reason that the Joint Commission comprised representatives of these various organisations. It was therefore quite natural to give the Secretary-General the opportunity of consulting the Joint Commission.

Viscount Cecil of Chelwood (British Empire) said that M. Paul-Boncour had expressed almost exactly his own views. The Joint Commission had indeed been established by the Council at the same time as the Preparatory Commission and comprised members representing the various technical organisations of the League and of the International Labour Office. The only objection was that it was uncertain whether the Committee of the Council could require the co-operation of the Joint Commission.

General de Marinis (Italy) said that, while full of admiration for the work of the Joint Commission, he thought that this organisation had been established for a very definite object and that, if he thought good, the Secretary-General could constitute a committee consisting of representatives of the various technical organisations of the League of Nations, whose
opinion he might usefully ask. There was not a single Joint Commission but such a commis-
sion could be established as often as it was necessary to create one for dealing with different
objects. Members of the Joint Commission would, in addition, all have an opportunity
to give their views in the various technical organisations to which they belonged. He would
raise no objection to the addition of the following sentence to the resolution:

"The Secretary-General shall be authorised to establish committees composed of
delegates of the various technical organisations."

M. DE BROUÇKÈRE (Belgium) noted that the members of the Committee unanimously
considered that the technical organisations should be consulted in the drafting of the plan and that
they should be consulted as a whole rather than separately. Nevertheless, General de Marinis
had just raised certain objections of a constitutional kind and had asked that an ad hoc com-
mittee should be appointed for this consultation. There were certain objections to the policy
of always establishing new organisations when the organisations for the work of disarmament
were already somewhat complicated.

M. de Brouckère thought that the Committee of the Council could legitimately use
the services of the Joint Commission. The Committee of the Council had been instructed
to draw up a questionnaire, which had been submitted to the Preparatory Commission by the
Council. At the same time, the Council had placed two technical organisations, the Perma-
nent Advisory Commission and the Joint Commission, at the disposal of the Preparatory
Commission. There were, however, certain questions with which the Preparatory Commis-
sion has not been able to deal, and it had referred these to the Committee of the Council.
In these circumstances, that Committee could legitimately utilise the organisations at the
disposal of the Preparatory Commission in order to reply to these questions.

The PRESIDENT proposed the following formula:

"The technical organisations of the League might be instructed to collect system-
atic precise information regarding the economic and financial relations of the various
States, with a view to the possible application of Article 16 of the Covenant. This
work would be carried out in accordance with a plan to be submitted by the Secretary-
General to the Council after consulting these technical organisations, including, if
necessary, the Joint Commission."

M. Sokal (Poland) asked M. de Brouckère if he meant the various Sections of the Secre-
tariat when he referred to the technical organisations.

M. DE BROUÇKÈRE (Belgium) replied that, in point of fact, the information was collected
by the Sections of the Secretariat, but the responsibility would be borne by the technical
organisations which would direct this work.

General DE MARINIS (Italy) doubted whether the formula proposed by the President
would make it possible for the Secretary-General to call a meeting of the various members
of the technical organisations in order to consult them. He proposed, therefore, in order
not to limit their freedom of action, to add after the words "the Joint Commission", "or
any other commissions he may think useful".

M. Titulesco (Roumania) saw no difficulty in accepting the last formula proposed.
On the other hand, when referring to the Secretary-General, it was quite obvious that it
was the intention to refer both to that official and to the Sections under his orders.

M. GUERRERO (Salvador) thought it would be useful to define more precisely what were
the technical organisations referred to in the formula. A confusion appeared to exist between
the technical organisations and the Sections which formed the Secretariat.

M. DE BROUÇKÈRE (Belgium) replied that the Secretary-General would ask the advice of
the technical committees and would entrust the execution of the work to their corresponding
Sections in the Secretariat.

M. PAUL-BONCour (France) proposed to express the explanation given by M. de Brouckère
in the formula and to say, for example:

"The Secretariat shall be entrusted with the methodical collection of information
according to a plan which the Secretary-General shall submit to the Council after consult-
 ing the technical organisations, including the Joint Commission."

General DE MARINIS (Italy) proposed that the final phrase should read "including, if
necessary, the Mixed Commission".

The proposal was adopted in the following form:

"The Secretariat might be instructed to collect systematically precise information
regarding the economic and financial relations of the various States with a view to a
possible application of Article 16 of the Covenant. This work would be carried out
in accordance with a plan to be submitted to the Council by the Secretary-General
after consulting the technical organisations of the League, including, if necessary, the
Joint Commission."
5. Proposal 5 (b) of M. de Brouckère's Report and the Finnish Proposal.

The President thought that the examination of this proposal was connected with the Finnish proposal (see Annex 2, page 92).

He called on M. Erich, representative of Finland, to come to the table of the Committee.

Viscount Cecil of Chelwood (British Empire) hoped that the admirable memorandum submitted by the Finnish delegate would be forwarded to the Financial Committee of the League. That memorandum contained an extremely valuable proposal which might well meet a great many of the difficulties felt by many countries. He himself could not, on behalf of his Government, express a definite opinion before examining the proposal, as it would be presented by the Financial Committee. But the British Government would certainly not be unfavourable to some such plan if its execution proved to be financially possible.

In the event of the memorandum being sent to the Financial Committee, Lord Cecil saw no great advantage in discussing it at any length. Nevertheless, he would desire to emphasise that, at the present stage, such a proposal could only be made on the condition that the scheme of disarmament were accepted. The President would have an entirely different bearing if it were suggested that a special obligation were to be added to the existing obligations in the Covenant. The British Government would not consider the proposal except as part of a general scheme of reduction and limitation of armaments, being of the view that nothing could more generally increase the security of Europe than the acceptance of a really general scheme of disarmament. In the event of this, it might well be desirable and reasonable to ask States to enter into more precise engagements with regard to their obligations under Article 16, for their general obligations would be greatly alleviated by the acceptance of a scheme for the reduction of armaments.

In conclusion, he desired to repeat, without expressing any definite opinion of the proposal, that he would very willingly see it forwarded to the Financial Committee to be given the closest and most favourable examination, but on the understanding that such a proposal would be part of a general scheme for the reduction and limitation of armaments.

M. Sokal (Poland) emphasised the fact that the Finnish proposal, while contemplating financial and economic assistance, urged that that assistance constituted only one of the elements of general help provided for in Article 16 of the Covenant. M. Sokal fully associated himself with the arguments put forward by the Finnish delegation in its memorandum. He would draw the attention of the Committee of the Council to the fact that the Polish Government had always been careful to emphasise very clearly that disarmament was a factor of security. If the means proposed by the Finnish delegation were approved and applied, it would nevertheless be necessary to be assured that the degree of security was sufficient to make a corresponding measure of disarmament possible.

M. Sokal emphasised the interest not only of Article 16 but also of Article 17 of the Covenant. In conclusion, he very warmly supported the Finnish proposal, but urged the value of the factor of security in making any calculation regarding disarmament.

M. Erich (Finland) recalled that the Finnish delegation had submitted certain suggestions to the Preparatory Commission for Disarmament and to the Committee of the Council. These suggestions concerned the special needs of those States which were particularly exposed to the danger of aggression and for whom the preoccupation of security was paramount. The work accomplished by the Committee at the moment, which consisted in seeking a means to give effect to the applications of the Covenant, was intimately connected with the essential objects of disarmament, as had been pointed out in the Finnish delegation's memorandum of September 18th, 1926, in which the following passage occurred:

"If, in the comparatively near future, the League could settle the general questions of guarantee, the small States would no longer need to provide their own war material to the same extent as in the past; for, when Article 16 of the Covenant is given practical effect, those countries will be able, if threatened, to obtain the necessary stocks of material through the League."

The third paragraph of Article 16 was quite categorical. It constituted not a recommendation but a formal undertaking.

It was therefore a question of organising in advance such financial and economic assistance which it might be necessary to give to the victim of an aggression. This action was purely pacific, for it was a question of preventing a conflict. Further, there was an undeniable connection between the financial assistance specially referred to in the Finnish memorandum and economic assistance in the more general sense. Credits, foodstuffs, transport, transit, security of sea and land communications—all these were elements which could not be separated. Aggression, however, or the mere threat of aggression, created an unfavourable situation with regard to financial transactions. Preliminary measures must therefore be taken, and the document submitted by the Finnish Government urged this point. In the memorandum of June 7th, it was stated, among other things:

"Experience, however, has in only too many cases proved that, even in ordinary circumstances, it is a very difficult task for small States rapidly to raise a loan in foreign
countries; how much more difficult will it be for them in time of war to place bonds in foreign banks. Most likely, foreign banks would prefer to wait till the general scheme of financial assistance to be arranged by the League of Nations is made public.

And further on:

"It might be possible for the League to make arrangements beforehand which would enable the Council to provide immediate financial assistance to any small State which was the victim of aggression. If, for example, the Members of the League or some of them were prepared, under certain conditions and within the limit of a maximum sum, to offer their guarantee in different proportions, the Council would, when the emergency occurred, be able to arrange for the issue of an immediate loan, of such amount as might be needed within the maximum."

M. Erich noted that the same principle was found in the report of M. de Brouckère. It was recalled that the Secretary-General of the League of Nations had already pointed out in 1920 that Article 16 of the Covenant formally imposed in certain circumstances the use of the economic weapon.

The report stated:

"This duty cannot be effectively carried out without great loss of efficiency unless there has been considerable previous preparation before the time at which action is required."

It was also stated in the report of M. de Brouckère:

"It seems obvious, however, that certain work which is indispensable, if really effective use is to be made of the economic weapon, could be entrusted to the existing League organisations."

M. Erich thought, therefore, that all small States in a particularly exposed position required the conclusion of preliminary agreements concerning the economic and financial assistance which might possibly be afforded them.

The Finnish delegate was very grateful to M. Sokal for having emphasised the connection existing between all the measures of assistance provided for in Article 16 of the Covenant. In his view, there was also a connection between measures of a financial and economic description and measures of direct military assistance. The Finnish delegates did not wish to make definite suggestions regarding military assistance but they hoped that this side of the question would also be examined by the competent technical organisations of the League of Nations and that the Committee of the Council would recommend the Council to submit the Finnish proposals and suggestions to the examination of those organisations.

The Finnish delegation was grateful to Viscount Cecil for having supported the views which it had put forward.

M. Titulesco (Roumania) associated himself in the name of his Government with the views expressed by the delegates of Finland and Poland.

M. van Karnebeek (Netherlands) thought that the Finnish proposal was very worthy of attention. He agreed to the proposal of Viscount Cecil, but considered that its object was quite different from that of Proposal 5(b), for this last proposal concerned the obligation contained in Article 16 to pay compensation for losses incurred by States as the result of breaking off economic relations with a possible aggressor.

M. de Brouckère (Belgium) considered that the Finnish proposal came within the scope of Proposal 5(b). Paragraph 3 of Article 16 laid down that States in case of war must grant each other financial assistance.

Finland had drawn the attention of the Council to a new question. She pointed out that the Disarmament Convention under investigation, while creating much greater conditions of security, removed a portion of the weapons at the disposal of Finland for resisting aggression and that, in those circumstances, she must be more certain than before that the guarantors of Article 16 would be applied to her, especially the financial assistance referred to in the third paragraph.

M. de Brouckère was glad at the turn taken by the discussion. He thought that the method used was a good one. When dealing with so complex a problem as that of creating conditions of security, it was good to resolve it into its elements and treat them successively. It was true, as Viscount Cecil had pointed out, that, while the consequence of disarmament was to create greater conditions of security for a State and thus to diminish the risks of aggression, it at the same time reduced the risks of the guarantor States, which might find themselves able to show greater generosity and precision in their guarantees. The experience gained by examining the Finnish proposal would serve ultimately to solve the other elements of the problem.

Viscount Cecil of Chelwood (British Empire) desired to make his view clearer. Proposal 5(b) was of a very general kind. Paragraph 3 of Article 16 covered two kinds of mutual support. First, the mutual support given by States to each other in the application of
economic and financial measures in order to minimise the loss and inconvenience resulting from
the application of Article 16 itself. It would be impossible for the Financial Committee
to prepare a general plan regarding this mutual support, which would only be called for in
certain concrete cases. The second kind of mutual assistance was that States would mutually
support one another in resisting any special measures aimed at one of their number by the
Covenant-breaking State. Here also it seemed impossible to prepare any scheme until the special
measures aimed at the country in question by the Covenant-breaking State were known.

The Finnish proposal seemed to him to be quite another question. The idea was not to
attempts to foresee the circumstances of every possible war but to examine the possibility of
a plan which would facilitate the conclusion of a loan by a State attacked either at the
outbreak of hostilities or before.

This proposal appeared to him to be very definite and very practical and would settle in
an extremely concrete form certain difficulties inherent in Article 16. He had intended to
say that he was ready to accept the reference of the Finnish proposal to the Financial Com-
mittee in place of Proposal 5(b). He did not think that the examination of Proposal 5(b)
by the Financial Committee could have any useful results.

It had been observed that this kind of assistance was not the only kind contemplated in
Article 16. This was very true and the British Government did not desire any more than
any other Government to diminish the scope of the undertakings entered into under Article 16.
The Finnish proposal, however, was an additional proposal of an entirely different character,
and he agreed with M. van Karnebeek in doubting whether it could be brought under the terms
of Article 16.

This was another way of dealing with the situation. He had been authorised to state
that, in the event of it being possible for the Financial Committee to establish a satisfactory
scheme and in the event of this scheme being keenly desired by the Governments which
would benefit from it, the British Government was prepared to examine it favourably. It
seemed to him, however, after what M. Sokal had said, that no very great importance was
attached to it.

In view of such an attitude, the British Government would not press the plan. His
Government was ready to examine it sympathetically, but, if it were regarded as having
no importance, it was prepared to drop it. Personally, he thought that the plan might have
considerable importance for certain States. He would add that the British Government,
in assuming a benevolent attitude to the scheme, was not prepared to consider the
definition of military or other assistance which it would be disposed to give under Article 16.
The British Government thought that such an enquiry would be quite impracticable, and it
must not be supposed for a moment that, in making a concession in the present matter, it
regarded itself as bound by a precedent which would compel it to make concessions in regard
to other points.

Viscount Cecil read the following proposal:

"The Committee decides to ask the Financial Committee to submit its observations
from the financial point of view on the problem of mutual assistance contemplated in
paragraph 3 of Article 16 of the Covenant, with special reference to the Finnish proposal."

M. Sokal (Poland) believed, with M. van Karnebeek, that point 5(b) and the Finnish
proposal referred to two different questions, and that it was necessary to examine them
separately.

Article 16 contemplated a series of obligations in the event of aggression. The Finnish
proposal referred to a case in which there had not yet been any breach of the Covenant or
any aggression. It constituted a preventive measure. There was no disadvantage in the
fact that it was supplementary to the Covenant.

He thought that there was a misunderstanding as to the attitude which he had adopted
towards the Finnish memorandum. Viscount Cecil had seemed to understand that he had
not attached any importance to this memorandum. He would point out that such was
not the case, since he had warmly supported it and since he had declared himself to be compl-
pletely in agreement with the arguments put forward by the delegate of Finland.

M. Guerrero (Salvador) said he thought all the members of the Committee agreed that
the Finnish proposal should be referred to the Financial Committee. He proposed to attach
to the proposal the Minutes of the discussion which had just taken place, in order that the
Financial Committee might realise the spirit in which the Finnish proposal had been examined.
Personally he supported the proposal.

M. Paul-Boncour (France) noted that the Committee was agreed on two points: (1) that
the Finnish proposal was extremely interesting; and (2) that it should be referred for advice
to the Financial Committee. It seemed, therefore, that the discussion on practical applica-
tions should be brought to an end. The only point which remained to be settled was the
significance attaching to the reference of the proposal to the Financial Committee.

M. Sokal and M. Titulesco had emphasised that the Finnish proposal referred to only
one of the aspects of security. Viscount Cecil had observed that he associated himself with the
suggestion that this proposal should be referred to the Financial Committee, but that
this did not prejudice the attitude which he would adopt if other aspects of economic or
military support were raised.

The Committee had met in order to study various proposals submitted by France, Poland
and Finland which were connected with the question of disarmament. These nations desired that certain points should be further defined. The Finnish proposal actually did
define one of the points, namely, the point relating to financial support. As the Committee had decided to refer this question to the Financial Committee, it would doubtless be advisable to make some slight amendment in the text submitted by M. de Brouckère and in the text proposed by Viscount Cecil, since the reference to the Financial Committee of the Finnish proposal, which covered solely one aspect of the problem of assistance, should not imply that the Committee of the Council only contemplated this one aspect of the problem.

Subject to this reservation, he supported the Finnish proposal.

M. CHAO-HSIN CHU (China) said that he approved the financial proposal in principle.

M. TIITULESCO (Roumania) believed that all the members of the Committee agreed that reference should be made to the Finnish proposal in paragraph (b) of the report. He believed that the draft proposed by Viscount Cecil was more precise than that proposed by M. de Brouckère in his report. Viscount Cecil only asked for observations of a financial character on the problem of mutual support referred to in paragraph 3 of Article 16 of the Covenant. M. de Brouckère, on the other hand, asked that the Financial Committee should prepare a scheme of mutual support. He thought that the views expressed would be met if the text proposed by M. de Brouckère were retained, with the addition of a phrase referring to the Finnish proposal.

Viscount CECIL OF CHELWOOD (British Empire) objected that the result of this proposal would be that the Financial Committee would be launched upon a general enquiry into the application of Article 16. This enquiry would not have any useful result. What he wanted was an examination of the Finnish proposal and technical suggestions for its application. The Finnish proposal was perfectly definite. It consisted in asking that the States should join in guaranteeing a loan to a State which was attacked.

The form to be given to the resolution was immaterial provided it was clearly stated that what was wanted was a technical financial examination of this concrete proposal.

M. TIITULESCO (Roumania) thought that all the views expressed would be met if the word "financial" were added.

Paragraph (b) would thus read as follows:

"That the Financial Committee of the League might be asked to prepare the scheme of mutual financial support mentioned in paragraph 3 of Article 16, with special reference to the Finnish proposal."

M. URRUTIA (Colombia) thought the discussion had been rendered more difficult by the fact that the report of M. de Brouckère and the Finnish proposal had been taken together. The Finnish proposal had an altogether special importance and was deserving of a thorough examination. The various texts submitted to the Committee showed to what extent M. van Karnebeek was right in saying that this proposal could not be brought within the limits of point 5(b) of the report of M. de Brouckère.

The proposal had, in fact, a certain number of aspects: there were the financial, economic, military and political aspects. Discussing this proposal with reference to point 5(b), only the financial aspect was considered. It was nevertheless impossible to neglect the other aspects of the proposal.

M. VAN KARNEBEEK (Netherlands) said he did not know whether the words "with special reference to," contained in the proposal of Viscount Cecil, as amended by M. Titulesco, were very exact. He agreed as regarded this point with M. Sokal and M. Urrutia that two very different things were involved. Point 5(b) of the report of M. de Brouckère referred to the support recommended in paragraph 3 of Article 16 of the Covenant. Reading paragraph 3, he would observe that this paragraph referred to a support which was to be given in order to counterbalance the results of a rupture of commercial relations. The Finnish proposal raised a question of general security, looked at from the financial point of view.

He did not go so far as M. Urrutia, who considered the Finnish proposal as touching the question of security as a whole. He thought personally that the point at issue was the financial assistance to be granted in a preliminary way to a State for its legitimate defence in the event of aggression. Point 5(b) and the report of M. de Brouckère, however, referred to quite another matter. If the words "with special reference to" were inserted in the text, it would be concluded that the two questions coincided with one another, and this was not the fact.

He did not wish to oppose the examination of the Finnish proposal, but he feared that a certain confusion would arise if the two questions were taken together. He wondered whether certain members of the Committee were correct in maintaining that paragraph 3 of Article 16 dealt with assistance taken in a general sense. The Netherlands representative did not share this opinion even with regard to the second sentence of the said paragraph, which does not provide for a case of aggression, but a special economic measure adopted by the Covenant-breaking State against a third Power.

Personally it seemed to him preferable to separate the two questions.
Viscount Cecil of Chelwood (British Empire) proposed that the discussion should be adjourned. The observations of M. van Karnebeek seemed to him very serious, and he would like to have time to consider them.

M. de Brouckère (Belgium) said he was of opinion that the question deserved a thorough examination and that it would be better to postpone the discussion to the next meeting. He wished, nevertheless, to raise some objections which the other members of the Committee would be able to reflect upon.

In regard to one point he pleaded guilty. It was clear that the reference to the "mutual support mentioned in paragraph 3 of Article 16" might be understood as applying to all the kinds of support contemplated in that paragraph. He would protest, however, that his intentions had been quite honest. He had never wished to ask the Financial Committee to deal with a plan which would allow the passage of troops across a territory. He thought that the Financial Committee should deal solely with the financial plan. He would have no objection to defining the text in this sense.

He attached some importance to the question raised by M. van Karnebeek, which did not seem to him to be merely theoretical. He deeply regretted that the conclusion had been reached that the Finnish proposal did not fall within the limits of the application of Article 16. He had, on the contrary, reasons to believe that this proposal did come within those limits. Moreover, the Finnish memorandum itself referred to Article 16 of the Covenant. He would not like an interpretation of Article 16 to be accepted whereby the support referred to in the second sentence of paragraph 3 was withdrawn from the State attacked. There would be something contradictory in such an interpretation. Such an interpretation would, however, follow if it were stated that the Finnish proposal did not come within the limits of the application of Article 16.

Lastly, he would draw the attention of his colleagues to the mutual financial support which the nations were bound to afford each other. He wondered whether this question could be reduced to the possible issue of a loan. There might be other methods of affording support, as, for example, discount facilities. Such assistance might be more effective than assistance which consisted in authorizing a loan. It would be a pity, in his opinion, to limit absolutely the programme of the Financial Committee.

In these circumstances, it would be well to lay down that the Financial Committee should study the question of mutual financial support, and particularly the question raised by the Finnish delegation.

M. Paul-Boncour (France) thought that the formula would not be difficult to draft, since all the members of the Committee were in substance agreed. He would, however, warn his colleagues that this formula should not in any way involve an interpretation of Article 16. It would be rash to open even directly a discussion on the scope of this article. Such a discussion was not the task of the Committee, and it had not been the intention of the Finnish delegation to enter upon it. The Finnish delegation wished only to know what further definition might be given to certain guarantees of security which were generally accepted. It appeared that the Rapporteur had believed, and he himself shared this opinion, that from the point of view of financial assistance it was possible to proceed to the examination of preliminary plans. The Finnish proposal had shown one of the aspects of such assistance. It was necessary that the question should be referred to the Financial Committee, since everyone was agreed on this point.

He would like the proposal of M. Titulesco to be still more definite. With this object, he would ask that reference should be made to the mutual support which was one of the subjects of paragraph 3 of Article 16. If it were felt that this subject might be usefully examined in the form of a preliminary plan, let the Committee say so explicitly. Let there be no attempt, however, to give any interpretation whatever to Article 16.

M. Titulesco (Roumania) said he would like to define, in the light of the observations of M. van Karnebeek and M. Paul-Boncour, the formula which he had previously had the honour to submit. This formula was an amendment to the proposal of Viscount Cecil, and was in the following terms:

"The Financial Committee of the League might be asked to prepare the plan of mutual financial support which was one of the subjects of paragraph 3 of Article 16, and to examine incidentally the Finnish proposal."

Viscount Cecil of Chelwood (British Empire) said that paragraph 3 of Article 16 extended far beyond what M. Titulesco had said. The first sentence of the paragraph had nothing to do with the Finnish proposal. Its sole object was to oblige the Powers to come to the assistance of a State which was participating in a blockade and which had suffered losses as a result of the blockade. This provision would probably affect Great Britain more than any other nation.

It was a very vague proposal, in regard to which no definite plan could possibly be made in advance, and he did not desire that it should be referred to the Financial Committee.

The second sentence supposed that, as a consequence of the blockade, a country which had broken the Covenant was making a special attack against one of the blockading Powers, either the country first attacked or one of the countries which had come to its support.

In that case, the financial loss suffered by the blockading country against which these special measures had been taken should be borne by all the Members of the League of Nations. This proposal was also very vague, and could not be the basis of any definite plan. The only definite plan was that proposed by the Finnish delegation, and that was quite a separate...
proposal. It dealt with the country which had been first attacked, and gave to that country
the right to claim as part of its security an undertaking from the other countries to guarantee
it a loan in order to enable it to arm itself and provide necessaries for defence.

He believed with M. de Brouckère that it was perhaps possible to bring this proposal
within the limits of the second sentence of paragraph 3, though such an intention had not
been in the minds of those who had drafted the sentence.

In any case, he would ask the Committee to refer to the Financial Committee something
definite, and not to ask it for a general review of the financial consequences referred to in
paragraph 3 of Article 16.

It was for this reason that, at the moment, he considered that the only proposal to be
sent to the Financial Committee was the Finnish proposal. If any other members of the
Committee had any other definite proposals to submit for reference to the Financial Committee,
he would be extremely happy to examine these proposals in the same spirit.

The meeting rose at 7 p.m.

THIRD MEETING.

Held on Friday, December 3rd, 1926, at 11 a.m.

President: M. Veverka (Czechoslovakia).


The President called upon the Committee to continue the discussion of paragraph 5(b)
of the proposals contained in the report of M. de Brouckère and the Finnish proposal. He
asked whether the Committee was ready to vote on the proposal as amended by M. Titulesco.

Viscount Cecil of Chelwood (British Empire) said that he was very anxious to find
some solution. His object had been simply to avoid making indefinite and fruitless enquiries
regarding the application of Article 16. The more he examined that article, the more he
felt that enquiries into what measures of financial support should be given to Members of the
League of Nations taking part in an economic blockade would be so complicated that no
definite result could accrue. On the other hand, he felt that the Finnish proposal dealt
only with a certain aspect of the question and was not necessarily the best manner of
dealing with that aspect. There were other similar proposals which might be put forward
and which might prove better from a financial point of view. In those circumstances, he
thought that perhaps everyone might agree on a form of wording which would not confine
the Financial Committee to the examination of the Finnish proposal only. He would suggest,
for example, the following text:

"The Committee considered the question of mutual support to be furnished to
Members of the League under Article 16 and the proposals on this subject made by the
representative of Finland, and decided to ask the Financial Committee to report on the
Finnish proposals and in its report to recommend either the Finnish proposal or some
other plan of a similar kind for the same object."

Up to the moment, there had been no concrete proposal regarding the support which
Members of the League co-operating in a blockade might furnish each other. It might
be that the second sentence of paragraph 3 of Article 16 could be construed as including the
assistance to be given to a State which was the victim of an aggression, though it seemed to
go a good deal beyond that. In any case, this seemed to be the essence of the Finnish
proposal, and it was this proposal which the Committee desired to submit to technical experts
for examination, provided that the Committee should remain free to examine other proposals
of the same kind.

M. de Brouckère (Belgium) did not know whether he agreed with Viscount Cecil regarding
the interpretation of Article 16. The Committee of the Council, however, was not, at the
moment, trying to interpret that article. The wording of the formula must therefore reserve
the question of interpretation.

The practical conclusion of Viscount Cecil was that members of the Committee ought
to limit their efforts to finding an organisation capable of assuring financial assistance to the
State attacked. On this point M. de Brouckère agreed with him, for this was the precise
object of his own proposal.

The other questions raised by paragraph 3 of Article 16 did not, at the moment, concern
the members of the Committee.

Since this was quite clear, and while paying particular attention to the Finnish proposal,
the Committee would not, nevertheless, refuse to consider other means whereby a State
attacked could be given assistance. Members of the Committee all agreed on the principle
of the question, and M. de Brouckère felt sure that it would be easy to reach agreement on
the form of words embodying it.
M. Titulesco (Roumania) proposed the following formula, which took account of the points of view which had been expressed, while reservesgely the questions raised by M. de Brouckère:

“Having regard to the financial assistance provided for in Article 16 of the Covenant the Financial Organisation of the League might be asked to consider the Finnish proposal and all other similar measures, with a view of the establishment of a common scheme of financial assistance in support of a State which is the victim of aggression.”

M. van Karnebeek (Netherlands) agreed with the formula submitted by M. Titulesco provided that all members of the Committee would accept it. He thought perhaps, however, that the formula submitted on the previous day by the Roumanian delegate was preferable to the one which he had just put forward. This final draft left vague all reference to the financial assistance given to the victim of a blockade and it was that assistance which M. de Brouckère referred to in paragraph 5(4). The preceding proposal of M. Titulesco had put both on the same level by co-ordinating this kind of assistance with the financial assistance given to the State attacked or threatened with attack.

M. Guerrero (Salvador) agreed with M. van Karnebeek in thinking that the previous proposal of M. Titulesco was more concrete than the one now before the Committee. He would willingly agree to this proposal as amended at the previous meeting by M. Paul-Boncour, whose amendment had made it clear that only a single aspect of the question had been dealt with.

M. de Brouckère (Belgium) thought that all the financial measures that could be imagined for bringing assistance to the State attacked were identical—at least, as far as their machinery was concerned—with those which might be imagined for the granting of assistance to the State which took part in a blockade. In his view, these measures could be put into a very small compass—loans, credits and discounting facilities.

M. de Brouckère saw no objection, therefore, to following the suggestion of M. van Karnebeek.

Viscount Cecil of Chelwood (British Empire) thought that the first formula would not be the best. The two proposals were entirely distinct. States combined for the purpose of blockading an aggressor would suffer a variety of damages due to the blockade and to numerous other causes. For example, one of them might have to employ military sanctions, against which the aggressor might retaliate by other military operations of which the result would be the ruin and devastation of the territory of the country taking part in the blockade. All these kinds of damage could not, obviously, be met in advance, and the question could only be settled at the end of the war. The losses and reparations would be divided between all Members of the League. These very wide considerations deserved, obviously, to be taken into account, but, before doing so, it was indispensable to have very definite proposals. Most of these arrangements would be based on considerations far more of a political than of a financial kind, and it would therefore be quite impossible to establish any plan in advance, for everything would depend essentially on the circumstances of the war and on the nations which were concerned in it. The experience of recent times did not appear to have shown that it would be desirable to try to obtain results in these questions by concluding financial arrangements between allies. At any rate, the enquiry involved would cover a vast field, and he did not think that the Financial Committee could give any reply except to definite questions.

The Finnish proposal was much more narrow and important. It was a strictly preventive measure referring to the beginning of a war. It contemplated, for example, the case of a small State attacked which, in order to procure means of defence, asked the other Members of the League to give it credits and, in order to do so, to undertake in advance to underwrite a loan which would be floated at the first threat of hostilities. The proposal really belonged more to Article 11 than to Article 16, and ought perhaps to have been considered under Article 11. This point, however, was immaterial.

How would it be possible to put a small State, not in the same position as a richer State, but in a position sufficiently tolerable in case of attack, before assistance of a military kind could be brought to it?

To give assistance to a small State, it would be found that three things were necessary:

1. Men, with regard to which, until troops could be brought from another State, nothing could be done;

2. Money, for all economic assistance could be translated into terms of money, which made it possible to procure the requisite means of defence;

3. Communications, because, unless freedom of communications were assured, the State attacked would be incapable of using the money which it was given.

The Committee might be called upon to examine this third question at a later stage. It did not arise at the moment, nor did the question of men. The question at the moment under discussion was whether it would be possible to make a plan beforehand by which money could be furnished to the State attacked in order that its war potential could be raised to a position which would make it possible for it to resist the onslaught of the aggressor for such time as was necessary before assistance could be brought to it by the other Members.
of the League. This question was entirely different from that concerning the division of the expenses of a war carried out by virtue of the Covenant, and this latter question was one upon which Viscount Cecil had received no instructions which would enable him to assent to a reference of it to the Financial Committee.

He was, however, authorised to accept the reference of the Finnish proposal to the Financial Organisation of the League, and he had understood, from the discussions at the previous meeting, that everyone desired the question of the assistance which could be given to a State victim of aggression to be examined. It was quite possible that, as a result of a first aggression, a second aggression might take place. In those circumstances, the Finnish proposal would also apply to the second State attacked.

In conclusion, he earnestly begged the Committee not to attempt to deal with exceedingly difficult questions. It was in that spirit that he accepted the draft proposed at that meeting by M. Titulesco, but he could not accept the draft submitted at the previous meeting.

M. Sokal (Poland) was ready to agree with the proposal of M. Titulesco, provided that it could be adopted unanimously.

He thought the difficulty of finding the requisite form of words came from the fact that the question raised at the previous meeting by M. van Kannebeek had not been settled. M. van Kannebeek had pointed out, and M. Sokal completely agreed with him, that point 5(b) of the report of M. de Brouckère and the Finnish proposal concerned two entirely different questions. In the view of M. Sokal, if the Committee desired to combine these two questions, a proper form of wording could not be found. He proposed therefore to follow the method suggested by M. van Kannebeek and discuss each of them separately.

The Committee appeared to be unanimous in recommending the Council to refer the Finnish proposal to the Financial Committee. In those circumstances, he thought that the best formula might perhaps be as follows:

"The Committee recommends the Council to submit the proposal of the Finnish delegation regarding . . . to the Financial Committee for its examination, in order that Committee may make the requisite proposals on this point."

He did not think that it would be necessary to refer to Article 16 or to any other article of the Covenant, since the Finnish memorandum mentioned it.

In conclusion, he would formally propose to divide the investigation of the Finnish proposal and of point 5(b) of the report to M. de Brouckère.

M. Paul-Boncour (France) thought that the speech of Viscount Cecil and the formula put forward by M. Titulesco would make it possible to close the discussion. The Committee seemed to be entirely agreed on the practical result arising from it, which was that this extremely interesting proposal should be referred to the Financial Committee.

Viscount Cecil had shown, and M. Paul-Boncour entirely agreed with him, that Article 16 covered a number of very wide considerations which it was not for the Committee to begin to consider; that the Finnish proposal covered a definite case; and that, on the other hand, the Committee's duty was to study the concrete and practical proposal put before it. As Viscount Cecil had also pointed out, if other members of the Committee themselves also desired to submit definite proposals, these would be referred for examination to the Financial Committee. This point was definitely stated in the new formula proposed by M. Titulesco, which was a happy expression of the agreement which had been achieved.

M. Göppert (Germany) proposed, in order to satisfy in a certain degree M. Sokal, as well as to take account of a personal scruple, that the first part of the text proposed by M. Titulesco should be deleted. The Finnish proposal concerned the moment when Article 16 had not yet been brought into play. It was a question of coming to the assistance of a State which was threatened by an act of aggression. When Article 16 was applied, an obligation was created; in the case of a threat there was no obligation; it might perhaps be useful to give the Financial Committee a legal basis on which it could establish its proposals. The text might therefore be confined to asking that Committee to examine the Finnish proposal, as well as any other similar measures, with a view to the establishment of a common scheme of financial assistance in support of a State which was the object of aggression.

M. Göppert pointed out that it was not certain that the Financial Committee would succeed in establishing a plan, and in those circumstances he proposed that the end of the formula submitted by M. Titulesco should read: "with a view to the possible establishment of a mutual plan . . . ."

M. de Brouckère (Belgium) agreed with the hope expressed by M. Paul-Boncour that the discussion would not be further prolonged. All members of the Committee appeared to agree on the object to be attained. This idea, which was common to all members of the Committee, was expressed in the happiest manner by the formula proposed, by M. Titulesco, and the Committee would run grave risks if it tried to improve it still further. M. Göppert had suggested the deletion of any reference to Article 16. M. de Brouckère considered that such a step would be to do away with the whole object of the discussion. To what, indeed, had that discussion amounted? A certain number of the members of the Committee had tried to show their colleagues that the application of Article 16 would certainly be a far more rare event than had been thought; that disarmament would make its application still rarer; and that, in consequence, the responsibility of States undertaking engagements would obviously be less than they had at first thought, which meant that they would be able perhaps, though to a very modest degree, to undertake other very definite engagements.
If the proposal of M. Göppert were accepted, the result would be the suppression of one of the requests for an enquiry put forward by M. de Brouckère. It would be a step in the wrong direction, and would not contribute to the creation of an atmosphere favourable to a serious reduction of armaments. He also did not think that it would make it possible for members of the Committee to make an effort in their respective countries in order that the proposals for the reduction of armaments might be made on as generous a scale as possible.

M. Titulesco (Roumania) entirely agreed with M. de Brouckère. In his view, Article 16 provided for financial assistance, and the basis of the Committee's discussion was certainly Article 16. To delete the first sentence of the proposed formula would therefore mean a complete disregard of the discussion, and might also have an even graver consequence, to which M. Titulesco would not refer further for the moment.

Viscount Cecil of Cheilwood (British Empire) pointed out that the words at the beginning of the formula committed the Committee to nothing; they merely referred to the financial assistance which was provided for by Article 16, and indicated in what manner the Committee of the Council had dealt with the Finnish proposal, concerning which definite instructions had been given to the Financial Committee.

M. Göppert (Germany) thanked Viscount Cecil for his explanations. He thought that a misunderstanding had arisen. It had not occurred to him that the deletion of the sentence which he had proposed would cause the application of Article 16 to be lost sight of. His chief concern had been to cause the formula to state what corresponded exactly to the opinion of the members of the Committee. If that formula referred expressly to Article 16, he thought that it would not be possible for the Financial Committee to examine another aspect of the question, an aspect according to which the need for financial assistance would arise before the breaking of the Covenant. All apprehensions could be allayed, however, by the end of the text, in which it was stated that the matter concerned the assistance to be given to a State victim of an aggression.

In view of the explanations which had been given by Viscount Cecil, M. Göppert said that he would agree to the proposed formula.

M. Sokol (Poland) said that, since the proposal of M. Titulesco was that the Finnish proposal should be submitted to the Financial Committee, he would support it.

He thought that the first part of the formula was quite clear, all the more so as the Finnish delegation had expressly emphasised, in the arguments which it had put forward, that its proposal did not concern all the obligations resulting from Article 16 but only one of them.

M. van Karnebeek (Netherlands) said he considered that Viscount Cecil had explained his point of view very clearly. He thought that Viscount Cecil did not hesitate to accept the Finnish proposal, but only paragraph 5(b) of the conclusions of M. de Brouckère which, to Viscount Cecil, comprised all the points to which he had alluded. If this were so, the delegate of the Netherlands unanimously agreed with the views of the British delegate. He did not think that the Committee could submit to the Financial Committee the question of the economic organisation of a war or the settlement of its consequences. He thought, however, that point 5(b) was much narrower and only concerned the severance of economic relations.

With regard to this point, M. van Karnebeek would recall the attitude of the Scandinavian States in 1921. With regard to a blockade in which they might be called upon to take part, the Scandinavian States had raised the special circumstances which might occur in their case. The Dutch delegate had understood that paragraph 5(b) of the conclusions of the Rapporteur meant that it would be of interest to investigate this question within the strict limits of the results of the blockade.

In conclusion, M. van Karnebeek said that he made no suggestions on this point, and would confine himself for the moment to the Finnish proposal. He suggested, however, that the question should be taken up again on another occasion. He would support the proposal of M. Titulesco.

M. Paul-Boncour (France) understood and agreed with the proposal of M. van Karnebeek. He was convinced, however, that the proposals of M. Titulesco completely reserved them. The more he studied it the more ingenious and perfect this formula appeared to him to be. It showed that the Committee referred to the Financial Committee at the moment one single definite thing, the Finnish proposal. It reserved all other measures which might be proposed.

M. Paul-Boncour added that he would be very happy if one of the delegations — for example, that of the Netherlands — would put forward, as had been the case with the Finnish delegation, a definite proposal concerning the settlement of the results of a blockade. In his view, the examination of such an element would be of great interest for the Financial Committee.

The President noted that no member opposed the formula proposed by M. Titulesco.

The following text was therefore unanimously adopted:

"Having regard to the financial assistance provided for in Article 16 of the Covenant, the Financial Organisation of the League of Nations might be asked to consider the Finnish proposal and all other similar measures with a view to the establishment of a common scheme of financial assistance in support of a State which is the victim of aggression."
M.ERICHT (Finland) said that the Finnish delegation was very grateful for the sympathetic reception of its proposal and for the unanimity with which it had been received. It hoped that the Committee of the Council would take into consideration at a future date the possibility of giving effect to the other initial elements which it had put forward regarding an essential point of the great disarmament problem.

M. SATO (Japan) was very satisfied with the equitable solution which had just been found for the Finnish proposal. As far as he was concerned, he had followed the discussion which had just taken place with much sympathy. He pointed out that the geographical position of Japan, which was somewhat similar to that of Finland, gave rise to certain apprehensions in that country. The moment was come, he thought, to give serious attention to the special geographical position of certain States. Those States desired to disarm, but they had not yet acquired sufficient confidence. The special position of certain States must therefore be studied. M. Sato did not propose to begin a discussion on this point at this meeting. He hoped that such a discussion would one day be held.

The President said that the text just adopted would be put into the report in place of paragraph 5(b). The remainder of the Finnish proposal would be investigated later, in accordance with the order adopted at the previous meeting. All delegates would then have an opportunity of expressing their views.

7. Discussion of Proposal 5 (c) of M. de Brouckère's Report.

Viscount Cecil of Chelwood (British Empire) expressed a wish to know from the Rapporteur his exact intentions in that paragraph. An enquiry into the very thorny question as to what constituted an effective blockade would be long and difficult.

M. DE BROUCKÈRE (Belgium) said that he had not intended, in submitting this text, to ask that the theory of the blockade should be elaborated. He would be very careful himself before venturing to take up the question, which was so difficult for anyone not an expert. He recalled that, during the preliminary work, the discussion had been constantly held up by the following difficulty: To what extent was the execution of a blockade decided upon by the League of Nations compatible with the preservation of that state of peace which was necessarily upset by the participation of States Members of the League of Nations in an operation ordered by the League? Although the question had been raised on numerous occasions, it had never yet been settled and this had given rise to grave apprehensions in certain States. On this point M. de Brouckère would recall the attitude of the Dutch delegation when the resolution of 1921 had been about to be adopted. The discussion which had taken place at that date had shown that the investigations of the Committee of Blockade had left grave omissions, which an endeavour should be made to fill, by entrusting the examination of the question to lawyers.

Viscount Cecil of Chelwood (British Empire) was in favour of such an enquiry, but would point out that Article 16, however, made no reference to an effective maritime blockade and that it would therefore be necessary slightly to amend the formula. He would also explain that it was a question of applying economic measures in time of peace, for this was precisely the real point. As long as there were any countries outside the League, these would remain neutral on such an occasion and would have the right, therefore, to carry on their commercial relations unless there was a belligerent blockade. The only result of economic pressure, unless the benevolent attitude of States non-Members of the League was assured, would be to transfer all the trade between the aggressor and the States taking part in the blockade to the States non-Members of the League and thus no serious pressure on the aggressor would be imposed.

M. DE BROUCKÈRE (Belgium) said he was ready to accept any formula other than his own provided that it reflected his opinion. He doubted, however, whether it would be useful or necessary to make any allusion to effective maritime blockade.

During the discussion which had taken place regarding the interpretation of Article 16, the question of an effective economic blockade had played an important part and, for reasons which Viscount Cecil had just recalled, various speakers had emphasised how necessary it would be, in order to achieve a practical result, to investigate the situation arising from the absence from the League of great maritime States in the event of the imposition of a maritime blockade.

The question was whether recourse could be had to this method and in what measure the legislation covering blockade was modified by Article 16.

M. URRUTIA (Colombia) agreed with M. de Brouckère that the investigation of the legal position which might result from an effective maritime blockade ordered in virtue of Article 16 of the Covenant had not hitherto been undertaken. Some attempt had been made, but no result achieved.
The report of M. de Brouckère mentioned all the efforts made with the object of defining certain questions concerning Article 16 of the Covenant. The only conclusion which had hitherto been reached was that it appeared difficult to define the application of Article 16. These difficulties were particularly great in the case of maritime blockade.

In view of these difficulties, he doubted whether a practical result could be achieved by asking the Legal Section of the Secretariat to carry out such an enquiry, which, in his view, exceeded its competence. He considered the question to be so complex and so grave a matter for the future of the League of Nations that some such authority as the Permanent Court of International Justice should be invoked to consider it. He did not think that certain States would feel inclined to adopt a view expressed merely by the Legal Section of the League Secretariat.

M. PAUL-BONCOUR (France) pointed out that the greater the emphasis laid on the difficulties of the question the greater justification was there for the proposal of M. de Brouckère to the effect that its investigation should be entrusted to expert lawyers. There was no doubt that the question was complex and delicate. It was precisely for this reason, therefore, that lawyers should aid in solving it. It was quite possible that the point of view of M. Urrutia would prevail in the future when the lawyers had thrown light on the question. Before asking the Permanent Court of International Justice to give an opinion, however, a preparatory enquiry should be undertaken and the Legal Section was quite competent to do this. There was every advantage, therefore, in accepting the proposal of M. de Brouckère. It might perhaps be possible to follow the suggestion of Viscount Cecil and to substitute for the expression "effective maritime blockade" the words "means of economic pressure contemplated by Article 16".

In any case, the use of the word "blockade" would be avoided, for that word, according to public international law, had a very definite legal meaning. He would be particularly interested in studying the change in the accepted notion of blockade which might result from Article 16. Such a question had never yet been examined, but it should be.

One result of this investigation might be the idea of a land blockade, which had never up to the moment been contemplated and which would constitute a new element in international law. The closing of frontiers, the suspension of land communications, whether by railway or road, with a State declared to be responsible for aggression was a means of effective economic pressure which would not give rise to the same international difficulties as would be the case with a maritime blockade. Such action was not, indeed, an act of war or force. This question gave rise to a whole series of interesting considerations, which remained for further investigation, and consequently the proposal of Viscount Cecil should, he thought, be retained.

Viscount Cecil of Chelwood (British Empire) said it was precisely for the reasons given by M. Paul-Boncour that he had wished to amend to a small extent the draft proposed by M. de Brouckère. It was not perhaps quite accurate to maintain that the idea of a land blockade was absolutely novel. What was novel was the idea of a land blockade, which had never been proposed.

He had added the words "by a maritime blockade" because M. de Brouckère had suggested this addition and because it was true that a maritime blockade gave rise to very special questions. Maritime blockade interfered with free passage on the seas for ships not belonging to the countries imposing the blockade. On its own territory every country was obviously free to do as it wished. It was more difficult to impose measures regarding the sea, which was free to all. How far this could be done in time of peace was a matter which was extremely doubtful. He thought that the great mass of juridical opinion was against what might be called a pacific blockade, maintaining that it was illegal according to international law. This question, however, was one which he would be chary of discussing.

General DE MARINIS (Italy) shared the apprehensions of M. Urrutia, though he thought that the considerations put forward by M. Paul-Boncour ought to give full satisfaction to the representative of Colombia. Though the problem might be difficult, and though it had not yet been successfully solved, this did not mean that no effort should be made to do so. Lawyers were precisely the persons qualified to find a solution. Consequently, he agreed with the proposal of Viscount Cecil.

Nevertheless, the question was of such importance that General de Marinis wondered whether it would not be better, instead of submitting it to the Legal Section of the Secretariat, to establish a committee of expert lawyers to deal with it. He asked whether it would not be useful to obtain the views of the Secretary-General on the point, for he would be able to state whether, in his view, the Legal Section was capable of assuming so heavy a task.

Viscount Cecil of Chelwood (British Empire) also thought that it would be very desirable to ask the Secretary-General whether the Legal Section was sufficiently equipped for dealing with this question. The Secretary-General could also tell the Committee whether that Section was capable of dealing with Question 5(e), which M. de Brouckère proposed to submit to it, and he could also give his views on Question 5(d).

The President said that the opinion of the Secretary-General would be asked, as had been proposed.

The Committee rose at 1 p.m.
FOURTH MEETING

Held on Friday, December 3rd, 1926, at 4 p.m.

President: M. VEVERKA (Czechoslovakia).

8. Proposal 5 (c) of M. de Brouckère’s Report (continued).

The President informed the Committee that the Secretary-General would be able to place the members of the Legal Section of the Secretariat at its disposal. It was understood that the question would remain within the limits traced by Viscount Cecil at the previous meeting. This was also the case in respect of Proposal 5(e).

The new draft Proposal 5(c), proposed by Viscount Cecil at the previous meeting, was read:

"The Secretary-General might be asked to instruct the Legal Section of the Secretariat to examine the legal situation which would result from the application in time of peace of the measures of economic pressure contemplated in Article 16, particularly by means of a maritime blockade."

This proposal was adopted.

9. Discussion of Proposal 5 (d) of M. de Brouckère’s Report.

Viscount Cecil of Chelwood (British Empire) made the following statement, which he believed represented the views of the Secretary-General: The Secretary-General thought that the best plan would be to ask the Governments to draw up lists of military and civilian experts, from whom the Council might choose persons whose assistance it might require at a given moment. It would not be of any use for these lists to be kept in the Secretariat, which would have some difficulty in keeping them up to date, and which would not always be able to assure the Council that all the persons inscribed were available at that particular moment. He did not think that any loss of time would result from this. The Council might ask the Governments by telegram to provide experts of a particular category in accordance with the list which they kept. The Secretary-General also observed that the technical organisations would, in fact, be able to serve as experts, and it would be well to leave the Council free to have recourse to the members of these organisations.

M. de Brouckère (Belgium) said he would defer to the observations made by the Secretary-General, who clearly had in this matter a wider experience than that of the members of the Committee. The procedure which he suggested had, moreover, been adopted in the matter of international labour legislation, and it seemed hitherto to have given good results.

M. Paul-Boncour (France) said he had no objection to the Committee adopting a procedure similar to that suggested by the Secretary-General. He did not think, however, that it should be said that the experts would be appointed by the Governments. They should be appointed by the League of Nations, and, in the event of a dispute, it should be understood that they did not represent the Governments but the League. He would like the international character of these experts to be clearly emphasised, as he attached great importance to this consideration.

Viscount Cecil of Chelwood (British Empire) said he entirely agreed with what M. Paul-Boncour had said. It was essential that the procedure should be very carefully organised in order to emphasise clearly that it was the League of Nations which was appointing the commissioners.

M. Guerrero (Salvador) also thought that it was necessary to emphasise the international character of the experts. It seemed to him that Proposal 5(d) of the report of M. de Brouckère referred to commissions of enquiry which might be constituted at a given moment. As the word “expert”, in his view, implied special acquaintance with a definite subject, it would perhaps be preferable to give to the persons who formed part of these commissions of enquiry the name of commissioners. It often happened that civilians who had no technical and special knowledge were invited to act on these commissions. This had happened, for example, in the case of the Greco-Bulgarian dispute.

General De Marinis (Italy) associated himself entirely with the view of M. Paul-Boncour. He attached great importance to the observation which M. Paul-Boncour had presented. He further associated himself also with the suggestion of M. Guerrero.

The President proposed that paragraph 5(d) should be modified as follows:

"Experience having shown how greatly the presence of competent representatives of the League of Nations in the area of a possible conflict can, in many cases, assist in removing the danger, the States might be asked to prepare in advance lists of military
and civilian experts from among whom the Council of the League of Nations would be able to nominate the commissioners."

M. DE BROUCKÈRE (Belgium) said that he did not see any objection to substituting the word "commissioner" for the word "expert". In his opinion, however, there were as many reasons in favour of this substitution as against it, and he accordingly felt some doubt as to its advisability.

The observation of M. Paul-Boncour had greatly impressed him. It was at least indispensable that the persons appointed should have an international character. Perhaps this would not be the case if the procedure suggested by the Secretary-General were literally followed. In accordance with this suggestion, a Government would be asked to appoint in advance a person who would go to the spot in which the dispute arose, and it would be impossible to prevent the idea being formed that this person did not represent the League of Nations but his Government.

A slight modification in the procedure suggested would undoubtedly remove this objection, and he thought that the draft proposed by the President would have this effect. If each Government prepared in advance a list of experts, the Governments might be asked, when the Council was convened, to indicate the names of the experts contained in these lists. It would then be for the Council itself to choose the experts.

M. GÖPPERT (Germany) asked whether the civilian experts referred to would be experts in international law or diplomats.

Viscount CECIL OF CHELWOOD (British Empire) replied that, in the case of one of the previous boundary enquiries, there had been a cartography expert and an expert familiar with local topography on the spot. Neither of these was a diplomat.

M. GÖPPERT (Germany) remarked that it would be necessary for each Government to decide what specialists would be needed when the case arose and to make out its list accordingly (experts in cartography, engineering, etc.). It would perhaps be useful if the General Secretariat helped them in this work by indicating the different categories of experts which it would be necessary to include.

Viscount CECIL OF CHELWOOD (British Empire) said that he did not wish to raise any objection to the proposal, which might be useful in certain cases, but it would probably be necessary to have somebody quite close to the locality of the incident. In the Greco-Bulgarian dispute, the military attaches in the neighbourhood were used. Probably there would not always be time to look very far for an expert who was a specialist. He did not know whether the lists would be very useful, but they might be so.

M. PAUL-BONCOUR (France) wondered, as a result of the observation of Viscount Cecil, whether the procedure at present under consideration, which was intended to save time, would not, to a certain extent, delay the decisions to be taken.

Allusion had been made to the character of the Greco-Bulgarian dispute. In that case it had been considered expedient to appoint military attaches because they were on the spot. This position would arise in many cases. How could a State appoint these experts in advance, seeing that, according to the case which might arise, it might be considered preferable not to resort to the experts who had been considered suitable in time of peace, but rather to appoint a military attaché who happened to be on the spot.

He drew attention to this possible danger.

M. DE BROUCKÈRE (Belgium), replying to M. Paul-Boncour, said that it would clearly be unfortunate if the members of the Committee organised in practice what amounted to a loss of time. Nevertheless, he did not fear this danger. There were, it seemed, two kinds of expert enquiries to be made. First, it must be ascertained whether the armistice measures were observed. For this purpose military experts were required, to be sent as soon as possible to the locality of the dispute. These military experts might well be chosen by the Council, if there were a list. It would generally be necessary, some hours or days or weeks after the incident, to have experts of another kind, who might be able, for example, to fix a frontier, to regulate special administrative questions, etc. Almost the same kind of knowledge would be required of these experts. The list would in this case also be very useful.

In any case, the advantage of such a list appeared to him to be that those who were included in it would accept a certain responsibility and would be aware that, at a given moment, they must be ready to deal with a particular question, whereas the appointment of a man chosen even though he had never considered these special questions ran the risk of failing to secure the desired results.

It would, however, be understood that the list did not limit the choice of the Council, and that, if circumstances so required, the man most fitted to deal with the task would be selected.

Viscount CECIL OF CHELWOOD (British Empire) said he was ready to accept these proposals. Of course, the ideal system, which he was afraid they were not in a position to adopt at the moment, was to have at the service of the League at a moment’s notice a number of international inspectors.
M. Paul-Boncour (France) said he entirely agreed with the previous speakers. He would add that the more the international character of the experts was emphasised, the better it would be.

The President noted that the members of the Committee agreed concerning the point under discussion.

He declared paragraph 5(d) to be adopted in its amended form.


Viscount Cecil of Chelwood (British Empire) said he understood that the object of this proposal was to ask the Secretariat for a report on what had been done in certain countries to modify their legislation so as to enable the obligations of the Covenant to be carried out.

M. de Brouckère (Belgium) said that, in 1920, the first step taken by the League of Nations for the application of Article 16 had been the despatch of a circular to all the Governments asking them to take the steps which were necessary to ensure that their national legislation would, if necessary, enable the sanctions of Article 16 to be applied. The majority of countries had replied that they were ready to take these steps, but they asked what measures they should submit to their Parliaments, and what it was exactly that the League of Nations wished to do. The League had answered that the programme of work would be drawn up later on. In point of fact, only a very small number of countries had taken any steps in the absence of information and definite advice.

He believed that it would be well to give the Governments some indications. It was advisable, first, to make a careful collection of all the measures adopted by particular Governments, and to put a collection of all these measures at the disposal of the other Governments for their guidance.

Moreover, the Legal Section might be asked to go further and to indicate what were the subjects to which these measures should relate. Each Government would decide on the effect to be given to this advice as it thought fit, and would adapt the necessary measures to their national constitutions. Indications of a general character, and not advice in regard to details, would be given to the Governments.

The President asked whether any other members desired to present observations on paragraph 5(e).

The text of paragraph 5(e) was adopted.

11. Proposals contained in M. de Brouckère’s Report in regard to Article 11.

M. de Brouckère (Belgium) said that, in drafting this part of his report, which dealt with Article 11, he had not had in mind a definition of all the sanctions which might be used under Article 11. His intention had been more modest. He merely wished to show that the application of sanctions was possible.

The League of Nations had a precise duty, which was to maintain peace. The Covenant stated that the League must take any steps which were calculated to safeguard peace. It appeared from the text of the Covenant that this duty was incumbent in an abstract sense on the League of Nations and more especially on each of its Members. It was expressly declared that any war or threat of war, whether immediately affecting any of the Members of the League or not, was a matter of concern to the whole League. This did not mean that any threat of war affected the Council, but that it affected all the Members of the League of Nations, and that it was for the League to take the steps which were necessary to safeguard peace.

Clearly, this was not a duty defined in all its details, as was the case with regard to Article 16. The above was a general indication, but it did not remain any the less imperative. A nation would not be fulfilling its moral obligations if, at the very moment in which it was expected to see that they were fulfilled, it evaded the necessity, on the ground that it did not enter into definite undertakings. He did not mean to say that all the nations had subscribed in advance to all the measures taken by the Council, but that they should, in good faith and up to the full extent of their power, co-operate in the maintenance of peace.

There accordingly existed, first, the duty of the Council, and, secondly, the duty of the nations.

What could the Council do on its own initiative without requesting the direct collaboration of the Members of the League of Nations? It might take measures of preservation and give to the nations in dispute, or to the nation which had attacked another nation, counsels of moderation or wisdom, ask the aggressor to discontinue his attacks or his military preparations, or request the two parties in dispute to withdraw their troops. It might ask the attacking nation to refrain from certain steps which the other party might rightly regard as provocative. These were not all the steps which might be taken by the Council. There would be some danger in attempting to enumerate them. These measures were all within the competence of the Council. It was clearly understood that, though the Council could in no case intervene as a super-State, it would, however, have a very considerable weight.
There might be two possible cases: either the advice of the Council would be followed and peace would be ensured, or the advice of the Council would not be followed. In the latter case, nothing in the Covenant justified the assumption that a nation which had not followed such advice, even coming from an authority as competent as the Council, had committed a crime and had put itself in the wrong. If, however, at a given moment, Article 16 were applied, this would be a moral factor of the greatest importance. Each of the members of the Committee would be able to reflect on the cases which had already arisen and draw conclusions as to what would have happened if one of the nations concerned in the dispute had refused to follow the advice which had been given to it.

A difficulty, however, arose. How could this advice be given? Could it be given in the form of a decision of the Council? A decision of the Council must be taken unanimously. How was unanimity to be achieved, including the vote of the State to whom the advice was tendered? If the State showed good will and submitted to the advice, as had hitherto happened, the difficulty was settled. If, however, a State rendered unanimity impossible, would there not be a strong presumption that it was, in truth, the guilty party, since it had refused to follow the advice which had been given and had by its opposition actually prevented the advice from being given?

The question with which the enquiry would have to deal was whether in such a case it would be possible to resort to a procedure other than a procedure by means of a decision, and admit that the Members of the Council might give to the nation which was compromising the peace of the world a collective recommendation. Such a recommendation would be an opinion given by thirteen of the Members of the Council to their colleague, who would be the fourteenth Member. This advice would have considerable moral value, of which account should be taken if Article 16 came to be applied.

He would next pass to another class of considerations. Hitherto, the Council itself had acted, or at least the Members of the Council, who had come together in order to express their views to one of them. Before, however, there had been a breach of the Covenant, and before a State had resorted to war, could not the Members of the League of Nations be asked to accomplish certain acts involving something in the nature of sanctions against a State which might be at fault, although it had not yet resorted to war? War was not the only possible failure to observe the Covenant. There were other delinquencies which constituted a breached peace. He wondered whether, in such cases, the League of Nations would not have the right to ask certain of its Members to assist it in bringing influence to bear on the offending State in order to strengthen in that State the feeling in favour of peace, as, for example, by means of a naval demonstration. It was quite clear, so long as Article 16 was not applied, neither the League of Nations nor any of its Members had the right to commit an act of war against a State which had not yet resorted to war. It might, however, bring other sanctions to bear. The most general interpretation of Article 16 justified the assertion that there was a whole series of economic sanctions which might be taken though a State had not resorted to war. These sanctions were legitimate, without being compulsory. Their compulsory character was very relative, and arose from the moral obligation, which was a general obligation, contracted by each State, to take the steps which were necessary to safeguard peace. These sanctions were legitimate, without being compulsory. Their compulsory character was very relative, and arose from the moral obligation, which was a general obligation, contracted by each State, to take the steps which were necessary to safeguard peace.

In regard to these sanctions, he did not think that a complete list should be drawn up, as this would be dangerous. It was in any case essential, if a list were made, that the list should be merely illustrative. A whole series of measures was suggested. If there was such a thing as a peaceful blockade—he did not wish to give any opinion on this subject one way or another—blockade might be had to it. The device of a naval demonstration might be employed. The rupture of economic relations, without resort to war, might be contemplated. It would be impossible to refuse to recognise a treaty of commerce, but it was possible to take a whole series of measures which were very extensive, as, for example, to refuse to a State the facilities necessary for placing a loan, for quoting its securities, or discounting its commercial bills. This last measure would bring immediate pressure to bear. Or the communication of a State, by rail or by sea, might be impeded, etc.

It would be advisable to define the idea of a list which had just touched upon. This was a work which would require a certain time, and which might be entrusted to some of the members of the Committee of the Council. The object of this more detailed work would be to indicate examples, without in any respect limiting the action of the Council, which must retain its freedom to deal with new cases. Any enumeration of possibilities which might be considered should not be limiting.

Viscount Cecil of Chelwood (British Empire) said he was in complete agreement with M. de Brouckère. He regarded the situation as follows:

An ultimatum had been presented, or strained relations existed between two countries. Thereupon the Council was summoned, and remained in permanent session ready to take any step that might be necessary to avoid the threatened war. It would take, in the first place, the steps indicated by M. de Brouckère. If there had been a movement of troops, it would request the two countries to withdraw them to indicated positions. It might even request the States to postpone mobilisation or something of that kind. It might also ask the States to submit some particular question to arbitration or conciliation, and, in that connection, there was a point which was worthy of attention. If one of the parties decided to ask, under Article 15, that the matter be submitted to the Council for consideration, the
difficulty as to unanimity would disappear, as, under Article 15, the parties interested could not vote, or, at least, their votes did not affect unanimity. In accordance with the decision arrived at in the Mosul case, this provision extended not only to the disputed decision itself but to all the subsequent decisions which had any bearing on the dispute. In that case, it might well be that the first step taken by the Council would be to invite one or other of the parties to submit the dispute to its consideration. Such a step would give the Council greater freedom of action. He agreed with M. de Brouckère that, if the Council then found that one of the parties was the aggressor, or appeared to be the aggressor, it might recommend steps which would clearly remove from that party the onus of the charge. If that party refused to take the steps recommended, the Council might adopt such measures as the withdrawing of ambassadors or a naval demonstration. The speaker would, however, warn M. de Brouckère that financial steps ran the risk of being ineffective so long as all the countries of the world were not Members of the League. They might, in fact, result in the aggressor being driven to seek credit in a country which was not a Member of the League. He had been considering what was the best procedure to deal with these questions. The whole of this new conception of Article 11 had not yet been examined by any of the Governments, and therefore he must make some reservations in regard to his present observations, which he was submitting on his own responsibility, until he had been able to consult his Government. If, however, this new way of regarding the action of the Council was the right one, it was clear that it was of the greatest importance that it should be presented to the Members of the League as an effective mechanism for preventing war, and in this case the greatest care should be taken in its presentation.

He agreed with M. de Brouckère that any attempt to draw up a complete list of the steps which the Council might take would be a mistake. But he was inclined to think that it would be well to give examples of what the Council might do in order to show the public that the Council had some real and effective power at its disposal. It might be possible to draw up a list of the measures taken to deal with past disputes.

All this required care and time, and he suggested that M. de Brouckère should be asked to give a concrete form to this proposal.

M. Titulesco (Roumania) said that he would like to make some brief observations on Article 11.

In his view, Article 11 had two essential characteristics. First, it was the legal support of any preventive action in favour of peace. It was upon Article 11 that any mobilisation on behalf of peace, to which so many references had been made, would have to be based.

Secondly, Article 11 was, at the same time, in his view the legal support of the pretorian right which the League of Nations must assume in adapting day by day its regulations to its necessities, a pretorian right without which the League of Nations could not exist.

The inference to be drawn from these two characteristics of Article 11 was that it appeared to be a virgin field which could be continuously cultivated but whose limits must never be fixed.

Granting this conclusion, he thought that it would be advisable, before adopting any attitude, to study all that could be done under Article 11, without in any way limiting its scope.

He believed, however, that it was possible at once to draw a distinction between the two paragraphs and to limit paragraph 1 to the enquiries which it was advisable to undertake in order to enable this article to serve as the legal support of preventive action in favour of peace. Paragraph 1 of Article 11 was as follows:

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

He thought that, if there were a threat of war without a breach of the Covenant, all the conclusions sketched by M. de Brouckère would come into play, and, in making the study which Viscount Cecil had just invited the Committee to undertake, he considered that it was necessary to keep paragraph 1 in mind, which dealt with a threat of war which did not constitute a breach of the Covenant.

Paragraph 2 referred to

"... the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends."

He agreed with M. de Brouckère in regard to the necessity of studying the difficulties attaching to unanimity in a case in which there was a threat of war, and he associated himself with the opinion of the representative of Belgium as to the usefulness of recommending States to give urgent instructions to the delinquent State and to organise measures of a financial character which might bring pressure to bear on a State guilty of resorting to a threat of war. He thought, however, that all these steps applied only to paragraph 2 of Article 11.
Finally, he entirely agreed with Viscount Cecil as to the necessity of thoroughly studying paragraph 1 of Article 11, without limiting it in any way. He would repeat, however, that none of the consequences which might arise from this interpretation were identical to those which would follow from the interpretation of paragraph 2, which merely covered resort to the League of Nations as a mediator, a resort which was altogether friendly, and which could not therefore entail sanctions as serious as those to which M. de Brouckère had just referred.

M. de Brouckère (Belgium) thanked the representatives of the British Empire and Roumania for having stated their views. He would emphasise that the interpretation of Article 11 which he had developed was not new. Perhaps it had not often been explained, but it had been put into practice, which was a still better way of showing its value. He recognised the importance of the distinction drawn by M. Titulesco between the two paragraphs. In his opinion, however, it would be perhaps straining somewhat the conclusion to be drawn from this distinction to say that the study should be directed only to the first paragraph. He considered that it should cover the two paragraphs, but thought each of them should be approached in a different spirit. In regard to the first paragraph, the question of sanctions arose. In regard to the second, reference should only be made to sub-paragraph 2(c), which merely covered resort to the League of Nations as a mediator, a resort which was altogether friendly, and which could not therefore entail sanctions as serious as those to which M. de Brouckère had just referred.

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M. PAUL-BONCOUR (France) said he attached special importance to the passage of the report of M. de Brouckère under discussion, as it dealt explicitly with one of the considerations which had inspired the French proposal. It referred in fact to sub-paragraph 2(c) of paragraph 2: “to study the steps which it would be possible to take in the event of a dispute before the Council.”

He thought it would be extremely unfortunate if the discussion should result in a difference of treatment as between proposals which had hitherto been studied and those which were under discussion. He appreciated the usefulness of a sub-committee, which would bring out the conclusions of a discussion. The appointment of such a committee was all the more clearly indicated, as Viscount Cecil had observed, at producing a statement intended for the public, which would draw attention to the way in which the League of Nations contemplated doing its work. If his colleagues wished to appoint him to sit on the Sub-committee, he would accept honour, but it seemed to him indispensable that Viscount Cecil, who had been the prime mover in all the work relating to Article 16, should afford the Sub-committee his active collaboration.

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In conclusion, he entirely agreed with the way in which Viscount Cecil conceived the efforts to be made as a result of the discussion. He thought that a sub-committee should be appointed. It was advisable to aim not at drafting any further reports but, as Viscount Cecil had observed, at producing a statement intended for the public, which would draw attention to the way in which the League of Nations contemplated doing its work. If his colleagues wished to appoint him to sit on the Sub-committee, he would accept honour, but it seemed to him indispensable that Viscount Cecil, who had been the prime mover in all the work relating to Article 16, should afford the Sub-committee his active collaboration.

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the dispute to be ascertained. The proposed measures went so far as to have contested positions occupied if necessary by neutral troops. He was ready to adhere to all these measures.

If the Committee of the Council adopted these proposals, one of the most important questions which the sub-committee should be asked to study was the question of unanimity. He considered that this question would be greatly facilitated by a rule which had hitherto been regarded as beyond dispute in the work of the Council, namely, that unanimity should be understood as excluding the interested parties.

Viscount Cecil of Chelwood (British Empire) said that this clause referred only to Article 15 of the Covenant.

M. Paul-Boncour (France) did not entirely share the view of Viscount Cecil on this matter. It was impossible to admit that the interested parties had in any case a right to break the necessary unanimity. Such a procedure would absolutely paralyse decisions of the Council.

Viscount Cecil was right in saying that this provision was contained in paragraph 6 of Article 15 of the Covenant. It must not be forgotten, however, that Article 15 regulated the question of procedure in all cases in which a dispute was not submitted to the procedure of arbitration or a judicial settlement. The article began with the following words:

“If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.”

Article 15 covered the case in which a dispute was not submitted to arbitration or a judicial settlement. If, however, from the outset and by the mutual consent of the parties who were entering upon a dispute, the question at issue was submitted to arbitration or judicial settlement, as, for example, to the Permanent Court of International Justice, it was clearly for the arbitrators or for the Permanent Court to take the preventive and provisional measures which the Committee of the Council was at present considering. The Committee of the Council itself had to deal with the provisional and preventive measures in cases in which the Council itself would be dealing with the matter, and consequently in cases, as indicated in Article 15, in which the procedure would not go forward before arbitrators or before the Permanent Court of International Justice.

The interested parties could not therefore break the rule of unanimity. This had in fact always been admitted, and, if it were otherwise, the action of the Council would be rendered inoperative, as there would always be one of the two parties who would make unanimity impossible. This would be equivalent to saying that the Council of the League of Nations was powerless to act.

He did not know whether any lawyers would be found to give such an interpretation. The necessities of life, however, must take precedence over the interpretations of lawyers, and if it were necessary to sign an act of impotence in this matter the League of Nations would find itself vitally disabled. It was necessary, therefore, to exclude from the unanimity rule the interested parties. This did not mean that the unanimity rule in reference to preventive or provisional measures was not in itself a difficulty. It could not, however, be avoided. The Covenant excepted from the action of the unanimity rule only questions of procedure, and it would be rash to pretend that preventive or provisional measures were merely decisions of procedure.

It was accordingly necessary, until further notice, to admit this interpretation of the Covenant, or, if anyone should regard it as dangerous, it was necessary to endeavour to amend the Covenant. So long, however, as the Covenant remained as it stood, it must be admitted that preventive measures were subject to the unanimity rule with the exclusion of the interested parties.

It was therefore for the Committee of the Council to say whether it agreed with the French Government in considering that these preventive measures defined by M. de Brouckère corresponded entirely with the spirit of the Covenant and with the interests of peace. To him it seemed that they were a condition essential to the fulfilment by the Council of its object, which was to deal with the dispute itself. In the present circumstances, the first care of the Council would always be theoretically — in practice it would always be the case — to dictate preventive measures. The State which confronted the Council with a fait accompli would have assumed a responsibility which of necessity marked it out as being the aggressor. In practice, therefore, the mere course of events would always place the Council in a position to apply the proposals formulated so clearly and precisely by M. de Brouckère.

It was clearly of great importance that definite measures should be fixed in advance, as this would cause certain parties to reflect, and would give to all parties a feeling of security. It would have an immediate effect upon practical proposals for the reduction of armaments, and it must not be forgotten than this discussion must be related to the final object in view, which was the reduction of armaments.

In conclusion, he would state that he associated himself completely, both personally and on behalf of his Government, with the proposals formulated by M. de Brouckère. He deferred, however, to the evident wish of certain of his colleagues that a sub-committee should be appointed, whose task it would be to revise the proposals, which appeared, however, to be already very precise. He thought, however, that this sub-committee would only be able to work usefully if each of his colleagues gave his opinion very clearly on the question at present under examination.
Viscount Cecil of Chelwood (British Empire) said that he was not quite sure what M. Paul-Boncour desired, but he ventured to submit to him that it was of the greatest importance that there should be no difference of opinion between the members of the Committee on so very important a matter. Any differences of opinion would produce a very bad impression, and it might be said that there was some doubt in the minds of the Committee as to the possibility of adopting the proposals of M. de Brouckère. He accordingly asked M. Paul-Boncour not to insist that an immediate decision should be taken. Surely it was enough at the present stage that there should be in the Committee a favourable atmosphere for these proposals, and the desire to see them carefully studied with a view to arriving at a definite conclusion? The only mistakes which the League of Nations had made were due to an attempt to go too fast, which meant that proposals had been adopted before people had been given time to consider them carefully, with the result that they had afterwards been recognised as impracticable, to the detriment of the prestige of the League. It was certain that the results would be better if the Committee proceeded with care and prudence. He accordingly proposed that some little time should be given to the members of the Committee before they were called upon to express a final opinion on every detail of the proposals of M. de Brouckère. These proposals were new and threw a new light on Article 16. M. de Brouckère had said that the effective way to apply Article 16 was to apply Article 11. This was probably true, but it was a novel proposition.

As a practical conclusion to the discussion, Viscount Cecil would propose that a small sub-committee should be appointed which would draft in a precise form what the Committee would be invited to adopt. If that were done, he hoped that he and the other members of the Committee would be able to assent to the general scheme; whereas, if he were asked to approve immediately everything contained in the document, he would not be able to do so.

M. Paul-Boncour (France), replying to Viscount Cecil, said that he viewed the appointment of a sub-committee as being merely a delegation of the powers of the Committee of the Council to the extent to which this sub-committee might do useful work under precise directions; he imagined that the Committee of the Council was not surrendering its control of the question which had been the subject of the present discussions. That question had been dealt with in the form of concrete proposals on exactly the same footing as those which had already been studied. Viscount Cecil had just given to these proposals not a formal adhesion, as it would be necessary for him to refer them to his Government, but a sympathetic adhesion, with which he, personally, was completely satisfied. There were, however, other members of the Committee of the Council who had not yet expressed their views. In what sense would the sub-committee be working? It was essential that the reference of this question to the sub-committee should not appear to be purely and simply an adjournment.

M. Sokal (Poland) thought that the discussion might be more usefully continued when the Committee of the Council had before it the report of the sub-committee. The subject at issue was a question of procedure, and he was in favour of appointing a sub-committee. He approved entirely the views formulated in the report of M. de Brouckère, especially as regarded the competence of the Council under Article 11 to take preventive measures.

His Government was in favour of such action and it had already on two occasions had occasion to express its views on the subject. Poland had signed the Protocol, which in Article 7 made an explicit reference to preventive action by the Council. It had also signed a treaty of arbitration with Germany, Article 19 of which also provided that the power to take appropriate provisional measures belonged to the Council.

In these circumstances, he was able to give his complete support to the proposals formulated by M. de Brouckère, and he would like the sub-committee to be able to work on the lines indicated in the report itself.

General de Marinis (Italy) said he was in the same position as Viscount Cecil. It was his duty, also, to refer to his Government, which most earnestly desired that a positive result should be achieved in regard to the question which was then under discussion.

In these circumstances, he cordially supported the proposal of Viscount Cecil for the appointment of a sub-committee, which would present to the Committee of the Council its conclusions on the report of M. de Brouckère. These conclusions should be detailed, developed and justified, so that all the Governments might be in a position to indicate exactly their attitude.

He would venture to draw the attention of M. de Brouckère to the fact that the Temporary Mixed Commission had already dealt with such questions. This Commission was composed of members sitting in their personal capacity, who did not represent the views of their Governments. It would perhaps be useful for the Committee to acquaint itself with the conclusions at which the Temporary Mixed Commission had arrived. There existed, in particular, a report, dating from 1923, which had been drafted by a special committee of the Temporary Mixed Commission, which had dealt precisely with the problem of defining the aggressor.
The President noted that the Committee had before it a proposal of M. de Brouckère for the appointment of a sub-committee instructed to draft in a more concrete form the conclusions of the report of M. de Brouckère concerning Article 11, and to submit a report to the Committee of the Council.

M. de Brouckère (Belgium) said he understood the anxiety of M. Paul-Boncour in regard to the directions to be given to the sub-committee. It seemed to him now that these directions were sufficiently precise, as the majority of the members of the Committee had expressed their views.

He feared that, if the Committee decided to draft a formula, it would be somewhat vague. He preferred that it should be merely stated that the examination of the proposals was being continued.

The President thought that all the members of the Committee agreed that the sub-committee should be appointed. He asked M. de Brouckère whether he had any suggestions to present in regard to its composition.

M. de Brouckère (Belgium) thought that the sub-committee should be extremely small. He proposed that there should only be three members.

This proposal was adopted.

The President proposed that the sub-committee should consist of M. de Brouckère, Viscount Cecil of Chelwood and M. Titulesco.

M. Titulesco (Roumania) regretted that M. Paul-Boncour would not be sitting on the sub-committee.

The proposal formulated by the President was adopted.

The meeting rose at 6 p.m.

FIFTH MEETING.

Held on Saturday, December 4th, 1926, at 11 a.m.

President: M. Veverka (Czechoslovakia).

12. Polish Proposal relative to Documents concerning Article 16 of the Covenant.

M. Sokal (Poland) drew the attention of the Committee to the fact that the question submitted to it was so complex that, in order to study it, a great deal of research into a whole series of League documents, dating from the year 1920, would be necessary.

He thought, therefore, that it would be useful to collect the documents concerning Article 16 of the Covenant for the benefit of members who did not know the history of the question.

The Secretariat had adopted this procedure on two different occasions: (1) when the reform of the Council of the League of Nations was being investigated; (2) when the question of arbitration and security was being investigated.

He would therefore submit the following proposal:

"The Committee draws the attention of the Council to the utility of collecting all the documents which relate to the preliminary work carried out by the League in regard to Article 16 of the Covenant, in order that the information in question may be placed at the disposal of the next Assembly of the League of Nations.

"The Committee gives no directions, and the choice of documents is left to the discretion of the Secretary-General."

Viscount Cecil of Chelwood (British Empire) saw no great objection to the proposal of M. Sokal. He would, however, emphasise the fact that the Secretary-General must be allowed discretion. The wording of the last sentence of the proposal, if literally construed, might compel him to print a considerable quantity of matter which might perhaps be useless. The Secretary-General must be allowed to choose from the proceedings of the Temporary Mixed Commission and those of the Blockade Commission what he thought useful for future work.

M. Paul-Boncour (France) entirely agreed with the proposal made by M. Sokal. He was uncertain, however, how it could be applied.

M. Sokal and Viscount Cecil had said that the Secretary-General should have entire discretion in the question of a choice between the various documents. M. Paul-Boncour thought it would be very difficult to allow the Secretary-General such discretion. A collection of documents implied a complete whole. From the fact that certain documents might be left out and others kept, the meaning of Article 16 of the Covenant might be changed.
Viscount Cecil had alluded to a series of endeavours to interpret Article 16. It appeared therefore impossible, if a complete collection of documents concerning these attempts at interpretation were to be laid before the Assembly, not to mention them all.

Viscount Cecil of Chelwood (British Empire) said that the Fourth Committee of the Assembly and the Supervisory Commission had continually urged the avoidance, as much as possible, of reprinting documents. He thought it would be a very formidable undertaking to print everything sent to the League on Article 16. The case would be quite different if such publication were confined to the resolutions themselves which had been adopted by the various organisations of the League.

M. de Brouckère (Belgium) realised the importance of the principle underlying the remarks of M. Paul-Boncour and the practical importance of the objections of Viscount Cecil. He thought, however, that their apprehensions might be dispersed if the Secretary-General were asked to publish only the resolutions and then a collection of the texts. A catalogue of these texts could, if necessary, be collected and placed in the archives of the Secretariat. They would thus be at the disposal of the members of the Committee and their consultation would be facilitated.

General de Marinis (Italy) agreed with M. de Brouckère. The method suggested appeared to him the simplest and most practical, and would satisfy both M. Sokal and M. Paul-Boncour.

M. Paul-Boncour (France) supported the proposal of M. de Brouckère. In his view, there would be no objection to instructing the Secretariat to make an impartial summary.

M. Sokal (Poland) thought that the Secretariat could usefully accomplish the task on the lines laid down by M. de Brouckère and M. Paul-Boncour.

The Polish proposal was adopted on the lines laid down by M. de Brouckère and M. Paul-Boncour.

13. Polish Proposal concerning Regional Assistance (Document C. 331, Section 3 (b)).

M. Sokal (Poland) recalled that, during the discussions which had taken place, several speakers had rightly emphasised that the object of the work of the Committee should nowhere be lost sight of. That object was disarmament, and it was the duty of the Committee to investigate all the elements capable of making it possible to achieve disarmament.

The work of the Committee was therefore closely connected with the great task entrusted by the Council to the Preparatory Commission for the Disarmament Conference. As M. Paul-Boncour had pointed out, only reasons of procedure had caused certain proposals submitted to the Preparatory Commission to be referred to the Committee of the Council. This was the case with the Polish proposal, which was closely connected with the French and Finnish proposals, and mention had been made of this in the report of M. Benes adopted by the Council on September 3rd, 1926.

The Polish proposal was also closely connected with Question VII of the Questionnaire. Question VII raised the problem of regional disarmament as a factor of regional security, and, in connection with Question VII, the Preparatory Commission had had submitted to it a proposal by the Polish delegation, supported by the delegation of the United States, which had slightly amended it, as the result of which Sub-Commissions A and B of the Preparatory Commission on Disarmament had been instructed to discover whether military, naval and aerial regional disarmament could be regarded as an important step towards general disarmament, and, if general disarmament could not be immediately realised, to discover what were the regions which, from the point of view of the limitation of armaments, could be considered separately.

The Preparatory Commission had asked its Sub-Commissions A and B to investigate the elements of which the region should be composed from the point of view of security and from the point of view of disarmament. Sub-Commission A had given its opinion on this question and had asked the Mixed Commission for certain information on the economic aspects of the problem of regional disarmament.

M. Sokal quoted the conclusions of Sub-Commission A on regional disarmament and the conclusions of the Mixed Commission, which had investigated the economic aspect of the question. These two commissions had both concluded that the question was of great importance.

Some of M. Sokal's colleagues would recollect that originally the Polish proposals which had given rise to the investigations which he had mentioned, as well as the proposal which he was now submitting, had formed one single whole, and that they had been divided up during the discussion which had taken place in the Drafting Committee of the Preparatory Commission.

He would emphasise the fact that the second part of the original Polish proposal was connected with the first.

In view of the fact that the first part of the Polish proposal as originally made was at the moment being finally studied by the Preparatory Commission as the result of the reports of Sub-Commission A and the Mixed Commission and that, further, the second part of the
proposal which was now before the Committee of the Council was closely connected with the sum total of the questions under examination at the moment. M. Sokal thought that it would be useful to adjourn the discussion in the present Committee until the result of the work of the technical organisations was available.

This adjournment appeared to be all the more necessary as the Polish proposal concerned, in the first place, the means of applying a procedure of assistance on a regional scale in order to make the general engagements contained in the Covenant more definite and more practicable. It would be difficult to examine at the moment these regional methods without ascertaining in what manner they would affect the general situation.

M. Sokal added that the idea of a regional application had been raised during the discussions of the Mixed Commission, quite independently from the excellent report of M. Sato submitted to that Committee and which concerned the Polish proposal. When the question of budgets had been dealt with in the Mixed Commission, that Commission had spontaneously noted that it would be easier to make a comparison of a group of States with similar qualifications than a general comparison. He would also draw the attention of the members of the Committee to the fact that the Chairman of the Economic Conference had frequently asserted that certain questions of an economic nature could be more easily settled if they were considered from a regional point of view.

In conclusion, M. Sokal again proposed that the examination of the Polish proposal should be adjourned to a future session of the Committee.

M. PAUL-BONCOUR (France) thanked M. Sokal for his proposal, with which he completely agreed, for it showed great wisdom.

The Polish proposal was extremely interesting and would be of great assistance to the Preparatory Commission. It could only be usefully discussed when that Commission had finished its work on the subject.

He therefore agreed to the proposed adjournment, it being clearly understood that the question would be discussed at a future meeting.

Viscount CECIL OF CHELWOOD (British Empire) expressed his entire agreement with the proposal of adjournment. He must reserve his full liberty regarding this proposal when it came up for discussion.

M. DE BROUCKÈRE (Belgium) considered that the Polish proposal was of great interest, and associated himself with the views of M. Sokal. He had been struck, when listening to the statement of the Polish delegate, by the progress which had been made. The Belgian delegate also thought that the Polish proposal was connected with all the other proposals and that it could only be successfully solved when these had been settled.

M. TITULESCO (Roumania) entirely agreed with the preceding speakers.

The President said that the discussion of the Polish proposal would be adjourned until the Preparatory Commission had given its consideration to the matter.

14. The Finnish Proposal (Document C. 301, Section 3 (c)).

At the request of the President, M. Erich, delegate of Finland, came to the table of the Committee of the Council.

M. ERICH (Finland) thanked the Committee for having given the Finnish delegation satisfaction in so far as its proposal regarding financial assistance was concerned. He would leave it to the Committee to decide the steps to be taken as a result of the initial Finnish proposal.

He would merely ask that the examination of the suggestions presented by Finland should be considered as having been reserved so long as the Committee of the Council and the Council itself did not think it opportune to take immediate decisions regarding the future examination of these questions by the organisations of the League.

He declared himself ready to support the following proposal unless a more satisfactory solution was proposed by other members of the Committee:

"The Committee of the Council, without discussing the principle underlying the proposal submitted by the Finnish delegation to the Preparatory Commission, expresses the view that any programme of limitation or reduction of armaments ought to take account of the position of States which, owing to their geographical situation or other exceptional circumstances, find themselves in a particularly unfavourable situation from the point of view of their security."

Viscount CECIL OF CHELWOOD (British Empire) thought that the proposal of the Finnish delegate in itself was unobjectionable. Article 8 of the Covenant, however, stated that:

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

This article had therefore exactly the same intention. Nevertheless, he saw no objection to repeating it. He thought that the question of the consideration to be given to a particular State owing to its position when formulating a scheme for disarmament was a matter rather for the Preparatory Commission than for the Committee of the Council. He hoped that M. Erich would understand that he made no objection to the proposal itself. On the contrary, it appeared to him to be just and well-founded.
M. Paul-Boncour (France) agreed with the observations of Viscount Cecil.

M. Titulesco (Roumania), in view of the fact that Roumania was in a position somewhat similar to that of Finland, much appreciated the views of Viscount Cecil, as supported by M. Paul-Boncour.

M. Sokal (Poland) thought that the Finnish proposal was worthy of the greatest consideration and completely agreed with it.

What had been noted by Viscount Cecil strengthened that proposal still more. It was a good thing to repeat this truth.

He agreed that the proposal should be referred to the Preparatory Commission.

M. van Karnebeek (Netherlands) said that the Finnish proposal required a decision of principle which it was not for the Committee of the Council to take. He was therefore fully in agreement with his colleagues regarding the submission of the proposal to the Preparatory Commission.

The Finnish proposal was forwarded to the Preparatory Commission.

The President thanked M. Erich, delegate of Finland.

15. Examination of M. van Karnebeek's Report (see Part II, Annex 5, Chapter I, page 107).

First and Second Paragraphs.

Viscount Cecil of Chelwood (British Empire) proposed that the last two lines of paragraph 2 should read as follows:

"... and the importance of preventive action under Articles 11 and 15 cannot be exaggerated."

This amendment was adopted.

The third paragraph was amended as follows:

"... and they recommend that the Assembly should be asked to adopt . . ."

M. Titulesco (Roumania) pointed out that the question only concerned the passing of a resolution by the Assembly, which would not be submitted to ratification.

Fourth and Fifth Paragraphs.

General de Marinis (Italy) asked the Rapporteur what international organisations it would be advisable to consult.

M. van Karnebeek (Netherlands), Rapporteur, replied that one of them would be the Conference on Time-tables referred to in the report of the Committee for Communications and Transit.

General de Marinis (Italy) said he was satisfied with this indication.

A. Measures of a General Character.

Viscount Cecil of Chelwood (British Empire) suggested the addition of the words "in ordinary times" in the first sentence of the first paragraph of Chapter A, as it was certain that, in times of crisis, it would not be admitted that commercial interests were predominant.

M. Paul-Boncour (France) proposed a similar addition to that suggested by Viscount Cecil for the following paragraph.

He thought it would be well to add that the recommendation for the application of the system of priority for telegraphic communications of the League of Nations was made with a view to a state of crisis.

M. de Brouckère (Belgium) thought that it was necessary to emphasise the state of crisis, but he thought that it was also necessary to ask for priority in ordinary times, as the Administrations could not judge at what particular moment the state of crisis began. If a State desired to inform the League of Nations that serious and exceptional circumstances had arisen, how could it do so rapidly if the administrative services were working as in ordinary times?

The experts affirmed that priority could be obtained in ordinary times and the League of Nations should make use of them.

M. van Karnebeek (Netherlands), Rapporteur, supported the observations of M. de Brouckère. The question whether there was a state of crisis should not be the subject of discussion between the League of Nations and the local Administrations. It would accordingly be better not to draw a distinction between normal times and a time of crisis.

M. Paul-Boncour (France) said he did not wish to press the matter too far, but he thought that the more communications were facilitated, the better it would be.
Viscount Cecil of Chelwood (British Empire) reminded the Committee that, according to the suggestions of the Transit Committee, the League of Nations already had special priority in times of crisis, but he did not know how that worked in practice. In England, Government telegrams had priority provided they bore a special indication. The authorities of the League of Nations would have to restrict the use of a similar indication to times of emergency.

M. de Brouckère (Belgium) observed that, even in normal times, priority might be obtained when those who sent the messages considered it to be necessary. Priority could all the more easily be secured as the telegrams would always be State telegrams. It was the States which communicated with the League of Nations, and the League also had a right of priority.

He thought that a more important point to be established was the right of having a telegram sent by several routes. It was advisable that the States might be able to demand that a telegram should be sent by five or six different routes when they felt it opportune to act in this way.

Viscount Cecil of Chelwood (British Empire) asked whether something could not be done to induce the Swiss Government or the Governments of the countries neighbouring Switzerland to simplify as far as possible the Customs formalities for persons entering and leaving Geneva.

M. Paul-Boncour (France) said that he would communicate the desire which Viscount Cecil had just expressed so far as France was concerned.

Viscount Cecil of Chelwood (British Empire) said that he was not asking that any reference should be made to this question in the report.

General de Marinis (Italy) observed that it would be necessary for priority of communications to be granted at all times and not only in moments of crisis. It was perhaps necessary to define somewhat more clearly the sentence in Chapter A. The words "and the other capitals" might be replaced by the word "Governments". Moreover, instead of "communications of all kinds", it would perhaps be better to refer to "communications of the Secretary-General and of the Under Secretaries-General of the League of Nations" in order that the right of priority might be limited.

M. Titulesco (Roumania) regretted he was not in a position to support the proposal of General de Marinis, as it seemed to him that they were calculated to prejudice rapidity of communications with the League of Nations. The various Governments were often represented by delegates who did not live in the capitals of their countries. It was indispensable that these delegates should be able to have with Geneva all the necessary rapid communications.

General de Marinis (Italy) said that, in order to meet the views of M. Titulesco, it might be laid down that the telegrams, especially those of the representatives of States Members, had the right of priority if they were forwarded by the Secretary-General of the League of Nations. He desired to avoid the possibility of numerous officials of the Secretariat being able to make use of this right.

M. Paul-Boncour (France) said that it was necessary to leave it to the Secretary-General to settle this question, which was of an internal character.

General de Marinis (Italy) agreed with General de Marinis on this point. The formula used in the report was perhaps somewhat wide. It might be well to indicate that the right of priority would be accorded to the telegrams exchanged between the League of Nations and the authorities of States Members.

He considered that it would be undesirable to restrict the formula any further. States which enjoyed the right of priority at home made use of it in a reasonable way. There was reason to believe that the League of Nations would behave similarly and would establish special regulations for this purpose. In any case, the Secretary-General should be left sufficient freedom in the matter.

M. Guerrero (Salvador) associated himself with the observations of M. Titulesco. If telegrams addressed to him by the Secretary-General had to pass through Salvador in order to receive priority of treatment, they would arrive very much later than if they were addressed to him in Paris, where he lived.

Viscount Cecil of Chelwood (British Empire) said he hoped that no change would be made in the text in regard to this matter. The paragraph to which General de Marinis had referred was of a general character and did not refer only to telegraphic communications. The paragraph made it the duty of the Transit Committee to do its best to improve communications between Geneva and other places. Evidently there would have to be a certain number of rules as to the application of priority. The responsible Administrations would be instructed to establish regulations; the Committee could not do so because it was not competent to deal with the matter.

General de Marinis (Italy) said that he was satisfied with the explanations which Viscount Cecil had just given and that he did not press his proposed amendment.

M. Sokal (Poland) asked that the words "and telephonic" should be inserted after the word "telegraphic" in paragraph 2.
M. VAN KARNEBEEK (Netherlands), Rapporteur, feared that the results of trying to define the text too precisely would be to restrict it.

He accepted the proposal of M. Sokal with regard to telephonic communications. He would, however, make a reservation to the effect that he thought it preferable to maintain the paragraphs under discussion in their present form.

Chapter A, thus amended, was adopted.

The Secretary proposed the addition, at the end of this chapter, of the following sentence, in order to meet the views of M. de Brouckère:

"The Committee attaches great importance to measures which would give to the States, to the Secretary-General, to the Members of the Council and to the organs of the League of Nations the right of using simultaneously several telegraphic or telephonic lines at their request and under their own responsibility."

This text was adopted.

B. — Measures to be taken by the States.

M. VAN KARNEBEEK (Netherlands), Rapporteur, pointed out that the observation of M. Sokal referred also to the first paragraph of this chapter. The word "telephonic" should be added in the parentheses.

The Secretary proposed that the following sentence should be added after the words "The League of Nations" at the end of the first paragraph:

"... and in order to facilitate the urgent transmission of messages sent on behalf of the Council, as well as the rapid transit of such missions as the Council may decide to despatch."

M. VAN KARNEBEEK (Netherlands), Rapporteur, accepted this proposal.

The text was adopted.

M. GUERRERO (Salvador) said that he would prefer the recommendation of the last paragraph to be more general and to apply also to European States. During a crisis it might be difficult to convene in time the representatives of the European States who lived far from Geneva.

L. VALDES-MENDEVILLE (Chile) associated himself with the observation of M. Guerrero. He added, moreover, that the non-European States had applied the recommendation before it had been formulated. Representatives of the non-European States had been generally States nearest to the place of meeting of the Council. The non-European States had never sent a representative from Asia or America specially to attend a meeting of the Council.

Viscount CECIL OF CHELWOOD (British Empire) said he did not feel very happy about the drafting of this paragraph. What the Committee desired was not so much to see special representatives appointed as to call the attention of the Governments to the necessity of taking steps to be represented as soon as possible at urgent meetings of the Council. The steps taken by the Governments were entirely their own concern, and the Committee would be wrong in seeming to desire to give them too definite indications in the matter.

M. CHAO-HSIN CHU (China) agreed with Viscount Cecil. The paragraph, in his opinion, might not be very well understood. It might, for example, lead his Government to believe that it was desired that a second representative living in Europe should be appointed.

M. VAN KARNEBEEK (Netherlands), Rapporteur, wondered whether the text as drafted did not correspond with the view of Viscount Cecil. The reference was to the steps to be taken by the States and the paragraph in question contained suggestions in this connection. It was for the Governments to decide whether it was necessary to arrange for the appointment of representatives living in Europe.

M. TITULESCO (Roumania) agreed, but emphasised the danger of States failing to fulfil their obligations to provide representatives in time.

M. VAN KARNEBEEK (Netherlands), Rapporteur, proposed that the word "non-European" should be suppressed. The first sentence of the paragraph would then read as follows:

"It was advisable in particular to contemplate the appointment of representatives living in Europe to act as members of the Council."

M. TITULESCO (Roumania) accepted this text.

Viscount CECIL OF CHELWOOD (British Empire) observed that the appointment of representatives resident in Europe would not necessarily be of the slightest value. A representative in Europe who inhabited Constantinople would not be very well placed, although he was living in Europe, to attend an urgent meeting called together in Paris. What the Committee really desired was that the Governments should arrange that their representatives might be convened in a given place within as short a time as possible.
M. van Karnebeek (Netherlands), Rapporteur, noted that the members of the Committee agreed in substance. He accepted the text of Viscount Cecil.

M. Titulesco (Roumania) said that it must be understood that this new draft did not in any way alter the original sense of the text submitted by the Rapporteur. It was essential that a State situated at a great distance from the seat of the League should not be able to allege that it was impossible for it to send in time a representative to sit on the Council.

The text proposed by Viscount Cecil was adopted.

C. — Measures to be taken by the Secretariat: First Paragraph.

M. Paul-Boncour (France) thought that the first sentence of the paragraph was rather weak. He could not forget that the Secretary-General, in his reply, had inserted a passage which, in his opinion, was very important. The Secretary-General stated in this passage that, considering the different circumstances in which he might be called upon to convene the Council, he regarded it as his right and his duty to call the Council together immediately without even consulting the President.

He thought that the Committee should note this very important declaration of the Secretary-General.

M. van Karnebeek (Netherlands), Rapporteur, said that not only should the Committee note the declaration but that it should approve it.

M. Paul-Boncour (France) agreed and suggested the following formula:

"The Committee notes with interest that the Secretary-General has stated in his report that he regards it as his duty to convene within the shortest possible time the members of the Council in the case of crisis referred to in the first paragraph of Article 11."

The paragraph, with this amendment, was adopted.

Paragraph 2.

This paragraph was adopted, with the insertion of the word "telephonic" in the third line.

Paragraph 3.

Viscount Cecil of Chelwood (British Empire) said that the last paragraph went somewhat further than the Committee had decided to go in its discussions, and perhaps somewhat further than was wise at the present moment. The experts in wireless telephony considered that, in view of the rapid progress being made in this field, it would be wise to show some prudence in the construction of a transmitting station. Further, he did not think that ability to communicate with all the Members of the League was indispensable.

M. Paul-Boncour (France) thought that it was not for the Committee of the Council to decide on technical and financial questions of such importance. He thought that there was some disadvantage in adopting a text, whatever it might be, which might prejudice the question one way or the other. He still believed that it was of great importance for the League of Nations to have at its disposal a high-power station for the transmission and reception of wireless messages. The station would have to be of high power as perhaps it might be used to communicate with very distant States. The station should also belong to the League, as one had always more considerable facilities if the instrument was freely at one's disposal.

He also wondered up to what point, in the case of a dispute, the use by the League of Nations of a station not belonging to it might raise questions of neutrality. He remembered that, in certain circumstances, in regard to questions of transport, the Swiss Government had formulated some reservations. This was obviously a serious question, which could not be dealt with immediately but which it was useful to examine.

Viscount Cecil of Chelwood (British Empire) said that his text might be somewhat faulty, as he exactly shared the views of M. Paul-Boncour, namely, that it was necessary to ask for an enquiry into the question and to rest for the moment content with such an enquiry.

As regarded the receiving station, he thought that this might be met immediately, as it did not involve any very great cost.

M. Titulesco (Roumania) observed that there was a mistake in translation. The reference was to enquiries to be undertaken, and not to preparatory work as was stated in the English text.

Viscount Cecil of Chelwood (British Empire) said that he had no objection to the necessary studies being immediately begun.

He would also point out that the phrase "communicate independently with all Members of the League of Nations" went too far, as this was not technically possible at the present moment.
M. van Karnebeek (Netherlands), Rapporteur, proposed that, in order to avoid going into technical consideration, the sentence should be drafted as follows:

"A station belonging to the League sufficiently powerful to enable the necessary communications to be established."

The President proposed that the Rapporteur should draft the text in accordance with the discussions and with the observations made by the members of the Committee.

M. Guerrero (Salvador) wondered whether there would not be some advantage in arranging for a study to be made of the possibility of the League of Nations possessing aircraft for the transport of correspondence, which in times of crisis might serve for the transport of the representatives of the League of Nations.

M. Titulesco (Roumania) approved the suggestion, in principle, for the future.

Viscount Cecil of Chelwood (British Empire) did not think that the suggestion of M. Guerrero was very practical. It was going rather too far to ask the League to have an air service of its own.

M. Sokal (Poland) thought that the proposal of M. Guerrero was covered by the report, since measures of a general character must necessarily include aerial navigation.

M. Guerrero (Salvador) said that, as at that moment plans were being studied for the construction of the new League buildings, it would be useful to provide for a landing-place for aeroplanes.

Viscount Cecil of Chelwood (British Empire) explained that at the present moment a landing-place for aeroplanes would have to be as large as the whole area which had been purchased for the new building. He would ask the members of the Committee not to expose themselves to the criticism of putting forward proposals which were not practical. Such proposals would merely weaken the effect of their other suggestions.

M. Paul-Boncour (France) thought that the installation of an aerial station was of considerable importance.

The report was adopted as a whole.

The President said that he would be responsible for the provisional report to the Council, and that he would base his report on the decisions taken by the Committee during its session.

After an exchange of views, the meeting of the Sub-Committee was fixed for February 15th, 1927, and the next session of the Committee of the Council in principle for March 14th, 1927.

The President declared the session to be at an end.

The meeting rose at 1.20 p.m.