
M. Erich, representative of Finland, came to the Council table.

M. Benes read the following report and draft resolutions:

"The Committee of the Council has submitted to us a report on the progress of its work concerning the French, Polish and Finnish proposals which had been submitted to the Preparatory Commission and which dealt with the questions relating to security and the assistance to be given to the States in the event of attack.

"The report of the Committee of the Council is divided into four parts, the first of which concerns questions relating to communications and other facilities which should allow the rapid working of the organs of the League in times of emergency; the second raises a number of questions closely connected with the application of Articles 11 and 16 of the Covenant; the third refers to the Polish proposal and the fourth to the Finnish proposal.

I. Questions relating to the Rapid Working of the Organs of the League in Case of Emergency.

"The report of the Committee of the Council on this question is based upon a memorandum submitted to it by the Secretary-General and on the report prepared by the Transit Committee at the request of the Council, acting on the proposal of the Commission of Enquiry into the Greco-Bulgarian dispute; this report was forwarded to the Committee of the Council by the President of the Council.

"The Council will doubtless desire to associate itself with the opinion expressed by the Committee concerning the great importance of this question not only as regards the application of Articles 15 and 16 but especially as regards the application of Article 11. It is not sufficient to base upon legal texts the general principles which shall govern the action of the States and of the League when it becomes necessary to safeguard the peace of the world; it is essential also to see that the practical means to ensure the execution of these principles shall be as effective as possible in view of the importance of the object to be attained and the serious consequences which any failure might involve.

"I feel sure that I am interpreting my colleagues’ views in expressing the opinion that the considerations given in the reports of the Committee of the Council, the Secretary-General and the Transit Committee are deserving of the most serious attention on the part of Governments. Their attention should be directed in particular to the fact that it would be desirable that the Governments Members of the League should formally undertake, as the Committee of the Council suggests, to facilitate by every means in their power the most rapid and effective working of the organs of the League in times of emergency, and I would point out to the Council the interesting suggestion contained in the report of the Committee of the Council which urges that the Assembly should be invited to adopt a general resolution affirming the principle of this obligation and constituting a basis for practical measures of execution which might be adopted in the future.

"I consider that this suggestion should be noted with a view to its inclusion in the agenda of the next Assembly when the Committee of the Council has completed its studies on the subject of Article 11 which are dealt with below. The States might, however, be invited at once to consider favourably the technical measures proposed in the report of the Advisory and Technical Committee for Communications and Transit as regards communications of every kind which would be of importance to the League in times of emergency. The Council might also request the Advisory and Technical Committee for Communications and Transit to study certain questions raised in the documents now submitted to us.

"I should like, however, to reserve my opinion — and the Council will perhaps wish to do the same — on a point raised in the report of the Advisory and Technical Committee for Communications and Transit relating to the expenditure which might be involved through an urgent convocation of the Members of the Council.
II.

QUESTIONS RELATING TO THE APPLICATION OF ARTICLES 11 AND 16 OF THE COVENANT.

"This group of questions was studied by the Committee of the Council on the basis of a report submitted to it by M. de Brouckère concerning point 1 (b) of the French proposal, which was designed to 'enable the Council to take such decisions as may be necessary to enforce the obligations of the Covenant as expeditiously as possible'.

"1. The Committee of the Council informs us that, on the basis of the proposals contained in this report, it is studying certain questions concerning the application of Article 11. I propose that the Council should record this fact with satisfaction, in view of the importance of settling upon a certain number of measures which, while preserving the greatest elasticity in the application of Article 11, will render as effective as possible any action that the League may take to safeguard the peace of nations. The Committee of the Council might with advantage include in this enquiry the question raised in paragraph (d) of the concrete proposals referred to in its report.

"The suggestion is that the States should be requested to prepare in advance lists of military and civilian experts from among whom the Council of the League could select its commissioners to despatch wherever required in the event of a dispute. The Council would be in the best possible position to make such a recommendation when the preliminary work carried out by the Committee of the Council, after consultation if necessary with its technical organisations, has enabled it to determine in sufficient detail the number and qualifications of these experts and the procedure to be followed in employing them.

"2. It should be noted that the Committee of the Council also proposed to submit a report at a later date on Article 16. We are already in a position, however, to consider the resolution which has been placed before us by the Committee, on the proposal of the Polish delegation, to the effect that the documents concerning the preliminary work already carried out on this important article of the Covenant should be collected by the Secretariat and placed at the disposal of the next Assembly of the League.

"Considering that these questions will in all probability be discussed at the next session of the Assembly, there seems every reason to adopt this proposal of the Committee of the Council.

"3. As regards the concrete proposals which the Committee of the Council has placed before us on this matter (with the exception of (d), to which reference has already been made above), I would venture to recommend their adoption.

III.

As regards the Polish proposal, I would propose that my colleagues should simply note the fact that the Polish delegate's request has been adjourned by the Committee of the Council until the Preparatory Commission and its technical organs have completed their preliminary work on the subject of regional disarmament.

IV.

"The Committee of the Council requests us to refer to the Preparatory Commission the Finnish proposal relating to special arrangements whereby it might be possible to compensate for the reduction in armaments agreed to by States unfavourably placed owing to their geographical position or other exceptional circumstances. In view of the close connection which exists between the question raised by the Finnish delegation and the general problem under consideration by the Preparatory Commission, I shall propose the adoption of the suggestion submitted by the Committee of the Council.

* * *

RESOLUTIONS.

"If my colleagues agree, I would propose the adoption of the following resolutions:

"1. The Council notes that the Committee attaches the very greatest importance to questions concerning the improvement of communications and other facilities for permitting the rapid working of the organs of the League in case of emergency, not only as regards the application of Articles 15 and 16 but also as regards the application of Article 11.

"The Council concurs in this view and, adopting its Committee's proposal requests the Secretary-General to inform the States Members of the League of the preliminary work carried out on this matter by the Committee of the Council, the Transit Committee and the Secretary-General, and to invite them to consider the desirability of the Governments Members of the League assuming a formal obligation to facilitate by every means in their power the most rapid and effective action of the organs of the League in case of emergency.
The Council decides to adjourn to a later session the consideration of the Committee's proposal that the Assembly should be recommended to adopt a general resolution which would affirm the principle of this obligation and would provide the basis for practical executive measures to be adopted in the future.

2. The Council requests the Secretary-General to invite the Governments of the States Members of the League to consider favourably the technical measures proposed in the report of the Advisory and Technical Committee for Communications and Transit as regards communications by rail, air, telegraph and radio-telegraph of importance to the League at times of emergency, and to take such measures as they may deem possible to facilitate the application of these measures.

3. The Council thanks the Advisory and Technical Committee for Communications and Transit for the remarkable report which it has submitted, and requests it:

(a) To communicate as soon as possible the supplementary report which it is preparing on long-distance telephony in Europe;

(b) To keep in touch with all the administrations and organisations concerned, in order to facilitate the application of the measures named in its report, and to ensure that every possible improvement shall be effected in communications of all kinds between the seat of the League and the different capitals;

(c) To institute immediately, with a view to submitting a report to the Council at the earliest possible date, the necessary enquiries in order that the League may have at its disposal a sufficiently powerful radio-telegraphic station of its own which would enable it to communicate independently with the greatest possible number of States Members of the League.

4. The Council requests the Secretary-General of the League to comply with the Transit Committee's suggestions concerning the Secretariat, and more particularly the framing of a schedule of the principal telegraphic and radio-telegraphic routes available.

5. The Council notes with satisfaction that the Committee proposes to study certain questions arising out of the application of Article II, questions concerning which the Committee is to submit a detailed report at a later date. In this connection, it refers to the Committee of the Council the proposal submitted in paragraph (d) of its report to the effect that the States should be asked to draw up immediately lists of military and civilian experts from among whom the Council could appoint commissioners to be sent to the spot in the event of disputes, and requests the Committee of the Council to submit concrete proposals on the matter in relation to the study which it is about to undertake.

6. The Council notes that the Committee of the Council proposes to submit a report on Article 16 at a later date, and, in accordance with its Committee's suggestions, requests the Secretary-General to collect all the documents which relate to the preliminary work carried out by the League in regard to this article, in order that the information in question may be placed at the disposal of the next Assembly of the League. It is understood that this work would be done by the Secretariat on the lines suggested in the commentary attached to this proposal in the report of the Committee of the Council itself.

7. The Council requests the Secretary-General:

(a) 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 will 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;

(b) Having regard to the financial assistance provided for in Article 16 of the Covenant, to ask the Financial Organisation of the League 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;

(c) To institute a study of the legal position which would be brought about by enforcing in time of peace the measures of economic pressure indicated in Article 16, particularly by a maritime blockade;

(d) To institute a study on the legislation calculated to make it easier for States to apply economic sanctions based on the experience of countries which have already done something in this direction.

8. The Council, adopting the proposal of its Committee, refers to the Preparatory Commission the Finnish proposal concerning special arrangements whereby a reduction of armaments agreed to by States unfavourably placed owing to geographical or other exceptional circumstances might be compensated.
M. van Karnebeek drew the Council's attention to the first paragraph of the first resolution submitted to it. He proposed to substitute for the words "but also as regards the application of Article 11" the words "in particular as regards the application of Article 11". This amendment, though it might seem of little significance, was of some importance and would have the advantage of employing the same terms as those in the report itself.

He would explain that the main importance of the work of the Committee of the Council lay in the light which it had thrown on Article 11 of the Covenant. Up to the present, the Council had been chiefly concerned with the resources which Article 16 might place at its disposal so far as its action for the preservation of peace was concerned, and a very important and detailed enquiry in connection with this matter had been made. The action, however, which could be taken under the terms of this article was rather of a repressive character, that was to say, the article only came into play when war had been resorted to.

The Covenant was a marvellous instrument, containing infinite riches. When they were explored, new possibilities were continually being discovered, and the very ingenious and complete investigation carried out by M. de Brouckère had also brought to light all the possibilities offered by Article 11. These possibilities were preventive in character, and might be of very great importance for the work of the League of Nations, as had been shown in recent years. Though the rapid working of the organisations of the League was of the highest importance when repressive action was undertaken, it was at least equally important so far as preventive action was concerned. The remark made in the Committee of the Council to these problems perhaps rather prematurely. The future, in regard to Articles 11 and 16 of the Covenant, was rather the present, in regard to Articles 11 and 16 of the Covenant. The action, however, which could be taken under the terms of this article was rather of a repressive character, that was to say, the article only came into play when war had been resorted to.

M. Scialoja said he had no observations of substance to make on the conclusions of the Rapporteur. He desired merely to make a reservation, which looked perhaps rather to the future than to the present, in regard to Articles 11 and 16 of the Covenant. M. de Brouckère had submitted an admirable report, but one which directed the attention of the Council to these problems perhaps rather prematurely.

M. van Karnebeek had just said that the Covenant was like an unexplored mine of treasure, because, whenever it was consulted, unexpected riches were discovered. M. Scialoja himself had been one of the authors of the Covenant. For that very reason he did not wish the League of Nations, during the first years of its life, to define the terms of the Covenant too precisely. He had often maintained that laws of a general character, like the Covenant, belonging to a sphere which went beyond that of the constitutional province of each State, should not be too precise, because they must be adapted to circumstances which changed in the course of history.

It was to be feared that the admirable study of M. de Brouckère rather opened the way to a definition of the general provisions contained in Articles 11 and 16, beginning with a determination of the relationship between these two articles. He was not presenting these observations with the idea of opposing the study of these problems, which was a very important task and which should be undertaken, but in order to oppose the crystallisation of regulations which might be the first result of those enquiries.

For example, could the sanctions of Article 16 be used under the second part of Article 11? To what extent could they be applied? What were the sanctions contemplated by Article 16? He thought that it was premature to determine all these questions on a theoretical basis. Such a determination would run the risk of binding the hands of the Council at a moment of danger by means of proposals which had been voted at a time when theoretical considerations were present to the mind, but when there had as yet been no practical experience as to their working. Light very much more often came from practice than from theory.

Further, such rules could not have any very great value since, if they were only a repetition of what was contained in the articles of the Covenant, they would merely be rules of a theoretical character. If, on the other hand, they were to be regarded as an interpretation of the Covenant, and if such an interpretation would bind the Council in the future, he did not think that the Council had the right to establish them. It would, in this case, be actually amending the Covenant while appearing to interpret it, and amendments to the Covenant required the approval of all the States. He was making general observations but he thought that it was desirable to do so at the beginning: principis obstat.

M. Titulesco said that, as one of the members of the Committee of the Council and of the Committee of Three who, with Viscount Cecil and M. de Brouckère, would study the concrete proposals which might be made under Article 11, he did not see any contradiction between the amended draft proposed by M. van Karnebeek and the views expressed by M. Scialoja. His Dutch colleague had desired to draw special attention to the importance of Article 11. Personally, he was quite of the same opinion, as Article 11 for him constituted not only the pivot of all the preventive action of the Council, which was of much greater importance than its repressive action, which could not go to extremes, but also the legal support of the right of the League of Nations to develop its own laws as circumstances required. The League of Nations, if it could not develop its own laws, would be unable to do its work.
There was no idea of giving a definite form to certain proposals but only of studying what was possible in the way of preventive action under Article 11. Though it was impossible to say definitely what Article 11 contained, it was nevertheless necessary to realise that it existed and to know what action could be taken under its text.

The representative of Italy had just drawn a very interesting distinction between paragraphs 1 and 2 of this article. In the Committee of the Council he had himself raised the same objection as his Italian colleague. He had observed that all the sanctions which might, if necessary, be applied, and which the Committee was merely proposing to examine, could only be applied under paragraph 1 of Article 11 and not under paragraph 2 of that article. Paragraph 2 merely referred to the friendly action of a State which drew the attention of another Member of the League of Nations to the consequences which a given fact might have on the maintenance of peace.

To sum up, Article 11 would be conscientiously studied in the hope of finding formulas sufficiently precise to give it a real meaning from the point of view of preventive action. There was no question of establishing final formulas. This was not the task of the Committee of the Council. He had himself on several occasions declared that he regarded Article 11 as a field which must always be worked at but the boundaries of which must never be traced. There was no question of establishing final formulas. This was not the task of the Committee of the Council. He had himself on several occasions declared that he regarded Article 11 as a field which must always be worked at but the boundaries of which must never be traced.

It was in this spirit that he associated himself fully with the observations of M. van Karnebeek concerning the amendment which he had proposed.

Sir Austen Chamberlain said that M. de Brouckère had drawn up a very remarkable, a most interesting and suggestive report, as was shown by the brief discussion which had just taken place. Personally, he was in favour of the change which the representative of the Netherlands had proposed, for, as M. de Brouckère had observed and as perhaps ought to have been noticed before, Article 11 came before Article 16. Article 11 dealt with prevention, and M. de Brouckère had observed and as perhaps ought to have been noticed before, Article 11 came before Article 16. Article 11 dealt with prevention, and the Committee was merely proposing to examine, could only be applied under paragraph 1 of Article 11 and not under paragraph 2 of that article. Paragraph 2 merely referred to the friendly action of a State which drew the attention of another Member of the League of Nations to the consequences which a given fact might have on the maintenance of peace.

To sum up, Article 11 would be conscientiously studied in the hope of finding formulas sufficiently precise to give it a real meaning from the point of view of preventive action. There was no question of establishing final formulas. This was not the task of the Committee of the Council. He had himself on several occasions declared that he regarded Article 11 as a field which must always be worked at but the boundaries of which must never be traced. There was no question of establishing final formulas. This was not the task of the Committee of the Council. He had himself on several occasions declared that he regarded Article 11 as a field which must always be worked at but the boundaries of which must never be traced.

It was in this spirit that he associated himself fully with the observations of M. van Karnebeek concerning the amendment which he had proposed.

M. Scialoja pointed out that he had not opposed the proposal of M. van Karnebeek. He had, in the first place, declared that the report of M. de Brouckère, among many other merits, recalled the existence of Article 11. As regards the application of Article 11, he fully agreed with the first resolution. There could be no doubt whatever on this point. He had spoken merely of the risk which might be incurred if the Council tried to be too definite. Though M. Scialoja might agree with most of the observations of M. Titulesco, he must, on the other hand, disagree with one remark which he had made, to the effect that he hoped that the Committee of which he was a member would concentrate on reaching definite conclusions.

M. Titulesco explained that, in his view, it had been a question of discovering means of giving a definite meaning to Article 11.

M. Scialoja thought that the expression "definite meaning" ought not to be used. The Council must put forward considerations, not definite conclusions. The Council, indeed, had not, in his view, the right to draw such conclusions, for they would be in the nature of comments which, if they exceeded mere considerations, would amount to an additional law. The Council could not take this course, and it would be very dangerous for it to do so. On the occasion when the Council would find it necessary to apply these "definite conclusions" it would discover that they would prevent it from achieving progress instead of helping it to do so.

M. Beneš wished to draw a conclusion from the amendment proposed by M. van Karnebeek. In principle, he shared the views which had just been exchanged. He had, however, a reservation to make, as Rapporteur, regarding the texts which he had submitted. He felt that he could entirely agree with the conclusions of M. van Karnebeek, M. Titulesco and Sir Austen Chamberlain regarding what was to a certain extent a new departure in the report of M. de Brouckère to the Committee of the Council.

Emphasis had been laid upon the necessity of drawing attention to Article 11. With this, M. Beneš fully agreed, and he also thought it was clear that preventive action was still more within the spirit of the League of Nations than repressive action. So far as the past was concerned, a mistake had obviously been made in putting too great an emphasis on Articles 15 and 16, but the Council should not fall into the opposite mistake and forget Articles 13 and 16 in order to concentrate solely on Article 11.

In other words, M. Beneš fully accepted the formula proposed by M. van Karnebeek, but asked that the balance should be maintained between the various articles of the Covenant. In so doing, he thought that the Council would fulfil its task honestly and that it would not encounter difficulties from any quarter, either from those who attached special importance to Article 11 or from those who supported Articles 13 and 16.

He was therefore entirely ready to accept the change proposed by M. van Karnebeek, with the reservation which he had just made, which could be inserted in the Minutes in order that the text might be perfectly clear.
M. Van Karnebeek thought that there was very little difference of opinion, if any, between himself and the Rapporteur.

Emphasis had been laid on Article 16; that emphasis remained unchanged. Article 11, however, had been left in the shade. It was now brought into the light, though by doing so Article 16 had not been put back into the shade.

As far as the principle was concerned, he thought that all the members of the Council were in agreement.

M. Villegas agreed with M. van Karnebeek and supported the conclusions of M. Benes. He associated himself with the tribute paid to M. de Brouckère for his remarkable report.

He desired to draw the attention of his colleagues to a practical matter. In paragraph 3 (c) of the conclusions of the report, the Council instructed the Advisory and Technical Committee for Communications and Transit:

"To institute immediately, with a view to submitting a report to the Council at the earliest possible date, the necessary enquiries in order that the League may have at its disposal a sufficiently powerful radio-telegraphic station of its own which would enable it to communicate independently with the greatest possible number of States Members of the League."

This question had a very special importance. He had enjoyed the privilege recently of being present at a lecture given at Rome by the great Italian scientist, M. Marconi, who informed his audience of the most recent discoveries which had enabled a remarkably powerful apparatus to be installed. The British Government had just been making this installation, which enabled it to communicate directly by wireless with Australia. Direct communications had also been established between Canada and England.

In these circumstances, it was no exaggeration to say that this question was of the greatest importance, and he thought it would be useful and practical for the problem to be studied by the Advisory and Technical Committee for Communications and Transit, in co-operation with the Secretariat, in order that the Secretary-General might have a wireless station at his disposal.

M. Paul-Boncour said he had no difficulty in accepting the amendment proposed by M. van Karnebeek, particularly in view of the observations which his colleagues had just made. He had felt some misgiving at seeing a different degree of importance attached to two articles of the Covenant. It was merely their order as regards numbering and the time of their application which should be emphasised. As M. van Karnebeek, however, had rightly observed, it was certain that Article 11 had been left somewhat in the shade.

The Council should be grateful to M. de Brouckère for having drawn attention to this point in his report. Article 16, however, did not on that account cease to exist. As Sir Austen Chamberlain had just said, Article 11 dealt with prevention, whereas Article 16 dealt with cure. However useful prevention might be, it was nevertheless essential that the remedy, which in this case was the sanction, should be available. The primary condition was that the patient should not already be dead, which meant that war should not have already been declared. For this reason, the rapidity with which the Council was convened had engaged the particular attention of the Committee of the Council.

M. Benes understood that the effect of the intervention of M. Villegas was that there should be added to paragraph 3 (c) of the conclusions, in the first line, after the words "to institute immediately" the words "in co-operation with the Secretary-General". He did not see any objection to accepting this addition.

M. Erich (representative of Finland) spoke as follows:

I am glad to be able to note that the Finnish proposals and suggestions relating to certain guarantees of security to be established as an essential part of a general plan for the limitation and reduction of armaments have found a favourable and sympathetic welcome, and have been unanimously approved both by the Preparatory Commission for the Disarmament Conference and by the Committee of the Council, which has just considered them. I am also glad to note that the conclusions of the excellent report of M. Benes meet the views of Finland.

The Finnish delegation has ventured to draw the attention of the competent authorities to the special needs of States which, while convinced of the necessity of a reduction or even of a general limitation of armaments, find themselves, for geographical, economic, political or other reasons, in a position relatively unfavourable in respect of international security. Finland has highly appreciated the opportunity of participating in the work of the Preparatory Commission. It has doubtless certain very real claims, which justify it in emphasising the special interests of small or medium-sized States which find themselves in the situation to which it has drawn attention.

I would venture to emphasise the fact that Finland, on her side, has agreed to a very strict neutralisation, and consequently to the disarmament, of an important part of her territory, namely, the Aaland Islands, in order to ensure that these islands may never be a cause of danger from the military point of view. Moreover, certain special arrangements and
certain guarantees of a particular character, which nevertheless fall within the general system of the League of Nations, have been established in order that the archipelago may be protected from any act of hostility and be able effectively to meet any possible aggression.

The great problem of aggression as an international act, if not considered as a crime at least as an act to be disapproved from the point of view of the legal system of the League of Nations, or, more exactly, the question of how to provide against and to meet the act of aggression, is intimately bound up with the problem of disarmament. The problem is, indeed, no more than the well-known and recognised combination security and disarmament. The problem is to give reality to and to render effective the fundamental provisions of Articles 10, 11, 16 and 17 of the Covenant. There may, however, be certain States for which it is of special importance to provide security at the moment when the solution of the problem of a reduction of armaments is approached.

Without dealing out of hand with the substance of the very extensive and very complicated problems which arise in this matter, it is necessary to contemplate concrete and practical measures, even if they can only afford a partial solution. It was in accordance with these ideas that the Finnish delegation ventured to insist especially on the question of financial assistance, a question which, to its great satisfaction, was the subject of a thorough discussion in the Committee of the Council. In the course of the discussion, several speakers recognised the great importance, the practical value and the clear and precise form given to this initiative. Viscount Cecil, for example, while pointing out that this was only a part of a general plan for the limitation or the reduction of armaments, described it as an extremely important proposal, which would probably result in the finding of a solution for certain difficulties encountered by various countries. I would ask permission to emphasise particularly the important point which was justly emphasised in the Committee, namely, that, if disarmament resulted in the creation of conditions of greater security and consequently in decreasing the risks of aggression for a particular State, it would at the same time diminish the risks of the guaranteeing States, which might show themselves more generous and more precise in their guarantees. It was this consideration which had already been pointed out by the Finnish delegation in the following passage:

"All the supplementary guarantees accorded to the States in question, whether of a financial character or otherwise, are calculated to prevent aggressions. It is therefore better, from the point of view of the obligations incumbent on the Members of the League, to take precautions in time of peace and to establish certain supplementary guarantees than to be obliged possibly to intervene under the Covenant in a critical or even in a disastrous situation, in which the fulfilment of the obligations of Articles 10, 11, 16 and 17 of the Covenant would require more considerable sacrifices and entail more serious complications."

The Finnish delegation, while confining itself to submitting more detailed considerations referring only to the guarantee of a financial character, has insisted on the close connection between this form of support and the other forms of support to be assured by previous arrangement to States which are in special need of them. Financial assistance and the economic weapon are closely connected in view of the fact that financial assistance may fail in its object unless it is possible to carry out the economic measures which, in the wider sense, are contemplated in paragraph 3 of Article 16 of the Covenant and which consist in means of supply, transport, etc.

In the Finnish proposal forwarded to the Council by the Preparatory Commission, military measures, properly speaking, are also, of course, kept in mind, though the authors of the proposal have not given in detail their views of these measures. It is well, however, to note that, under certain conditions, an aggression might be forestalled, and even met, merely by a threat of armed intervention, or, so to speak, by a military demonstration. Even the existence of certain guarantees, established in advance, relating to military assistance to be furnished to the State attacked, might have a preventive influence. All that was said in the Committee of the Council with regard to decreasing the risks of the guaranteeing States is also entirely applicable to this aspect of the problem.

The Committee of the Council has already recognised that the Finnish proposal is also well founded so far as the other parts of it are concerned. The Committee, in fact, recommends the Council purely and simply to refer to the Preparatory Commission the Finnish proposal which had been presented to that Commission. The Finnish delegation can only accept this decision of the Committee with satisfaction. Convinced that the Council desires to give effect to this recommendation of the Committee, the Finnish delegation hopes that the Preparatory Commission, before which the proposal is placed, will find, with the help of the competent technical organisations, a happy solution of the problems to which Finland has drawn attention, and that this solution will be found all the more easily as its proposal in its various parts is directed only towards practical objects which are definite, just and in conformity with the general interest of peace.

M. GUERRERO presented some observations in regard to Resolution 5, under which States were invited to draw up lists of military and civilian experts from among whom the Council could appoint commissioners. It might be inferred from this that the Committee desired to limit the right of the Council to choose freely the experts who would act upon the commiss-
M. Beneš said he thought that his colleagues agreed in approving the explanation of M. Guerrero. The Council evidently was not limited, and he did not think that the text of the draft resolution could give rise to such an interpretation. The Council could choose the experts freely, even outside the lists which were submitted by the Governments.

The resolutions proposed by M. Beneš were adopted in the following form:

1. The Council notes that the Committee attaches the very greatest importance to questions concerning the improvement of communications and other facilities for permitting the rapid working of the organs of the League in case of emergency, not only as regards the application of Articles 15 and 16 but in particular as regards the application of Article 11.

"The Council concurs in this view and, adopting its Committee's proposal, requests the Secretary-General to inform the States Members of the League of the preliminary work carried out on this matter by the Committee of the Council, the Transit Committee and the Secretary-General, and to invite them to consider the desirability of the Governments Members of the League assuming a formal obligation to facilitate by every means in their power the most rapid and effective action possible of the organs of the League in case of emergency.

"The Council decides to adjourn to a later session the consideration of the Committee's proposal that the Assembly should be recommended to adopt a general resolution which would affirm the principle of this obligation and would provide the basis for practical executive measures to be adopted in the future.

2. The Council requests the Secretary-General to invite the Governments of the States Members of the League to consider favourably the technical measures proposed in the report of the Advisory and Technical Committee for Communications and Transit as regards communications by rail, air, telegraph and radio-telegraph of importance to the League in times of emergency, and to take such measures as they may deem possible to facilitate the application of these measures.

3. The Council thanks the Advisory and Technical Committee for Communications and Transit for the remarkable report which it has submitted, and requests it:

"(a) To communicate as soon as possible the supplementary report which it is preparing on long-distance telephony in Europe;

"(b) To keep in touch with all the administrations and organisations concerned, in order to facilitate the application of the measures named in its report and to ensure that every possible improvement shall be effected in communications of all kinds between the seat of the League and the different capitals;

"(c) To institute immediately, in co-operation with the Secretary-General, with a view to submitting a report to the Council at the earliest possible date, the necessary enquiries in order that the League may have at its disposal a radio-telegraphic station of its own sufficiently powerful to enable it to communicate independently with the greatest possible number of States Members of the League.

4. The Council requests the Secretary-General of the League to comply with the Transit Committee's suggestions concerning the Secretariat, and more particularly the framing of a schedule of the principal telegraphic and radio-telegraphic routes available.

5. The Council notes with satisfaction that the Committee proposes to study certain questions arising out of the application of Article 11, questions concerning which the Committee is to submit a detailed report at a later date. In this connection, it refers to the Committee of the Council the proposal submitted in paragraph (d) of its report to the effect that the States should be asked to draw up immediately lists of military and civilian experts from among whom the Council could appoint commissioners to be sent to the spot in the event of disputes, and requests the Committee of the Council to submit concrete proposals on the matter in relation to the study it is about to undertake.

6. The Council notes that the Committee of the Council proposes to submit a report on Article 16 at a later date, and, in accordance with its Committee's suggestions, requests the Secretary-General to collect all the documents which relate to the preliminary work carried out by the League in regard to this article, in order that the information in question may be placed at the disposal of the next Assembly of the League. It is understood that this work would be done by the Secretariat on the lines suggested in the commentary attached to this proposal in the report of the Committee of the Council itself.
7. The Council requests the Secretary-General:

"(a) 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 will 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;

"(b) Having regard to the financial assistance provided for in Article 16 of the Covenant, to ask the financial organisation of the League 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;

"(c) To institute a study of the legal position which would be brought about by enforcing in time of peace the measures of economic pressure indicated in Article 16, particularly by a maritime blockade;

"(d) To institute a study on the legislation calculated to make it easier for States to apply economic sanctions based on the experience of countries which have already done something in this direction.

8. The Council, adopting the proposal of its Committee, refers to the Preparatory Commission the Finnish proposal concerning special arrangements whereby a reduction of armaments agreed to by States unfavourably placed, owing to geographical or other exceptional circumstances, might be compensated."
1. REPLY OF THE SECRETARY-GENERAL TO THE PRESIDENT OF THE COMMITTEE OF THE COUNCIL WITH REGARD TO THE QUESTIONS SUBMITTED TO HIM BY THAT COMMITTEE.

Geneva, September 21st, 1926.

I have the honour to acknowledge the receipt of your letter of September 18th, in which you were good enough to forward to me a list of questions adopted by the Committee of the Council on that day and to inform me that the Committee would be glad to hear what I had to say on the subject at one of its later meetings.

I need not say that I am entirely at the disposition of the Committee for this purpose. In the meantime, I beg to forward herewith, for its information, a brief memorandum dealing with the various points raised in the questionnaire.

(Signed) Eric Drummond,
Secretary-General.

QUESTIONS 1 AND 2.

On what occasions has the Council been summoned to deal with international crises?

What steps were taken in each case?

The first paragraph of Article 11 of the Covenant lays down that, “should any war or threat of war arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council”. This provision of the Covenant has been utilised on two occasions by Members of the League:

(a) On May 31st, 1920, Persia, following up previous communications, asked for an urgent meeting of the Council to consider acts of aggression on the part of the Soviet Government. This appeal was communicated to the Members of the Council and the meeting took place on June 14th.

(b) On October 23rd, 1925, the Secretary-General received a telegram from the Bulgarian Government asking, in conformity with Articles 10 and 11 of the Covenant, that the Council should be immediately summoned to consider the situation created by the entry of Greek troops on Bulgarian territory. The Secretary-General took immediate action in accordance with the duty laid upon him by the first paragraph of Article 11, and summoned the Council, after consulting the President, to meet in Paris on October 26th.

The second paragraph of Article 11 provides that any Member of the League may bring to the attention of the Assembly or the Council any circumstance whatever affecting international relations which threatens to disturb international peace.

No special provision is made in this paragraph in regard to the summoning of the Council, but there have, in fact, been certain occasions on which Members of the League, in asking the Council to consider a given question under the terms of that paragraph, have requested that a special meeting should be held in order to avoid delay:

(a) On August 12th, 1921, M. Briand, in his capacity of President of the Allied Supreme Council, asked that a special meeting should be held to make recommendations regarding the fixing of the frontier in Upper Silesia. The meeting took place on August 29th.

(b) On November 7th, 1921, the British Government asked the Secretary-General to take immediate steps to summon a meeting of the Council to consider the situation created by the advance of troops of the Kingdom of the Serbs, Croats and Slovenes on Albanian territory. This request was at once communicated to the Members of the Council and a meeting took place in Paris on November 18th.

(c) On October 14th, 1924, the British Government asked for a special meeting of the Council to consider the situation on the frontier between Turkey and Iraq. This request was at once communicated to the Members of the Council and the meeting took place on October 27th.
QUESTION 3.

What difficulties, if any, arose?

No difficulties arose in any of the above-mentioned cases. The Committee will realise that, when no definite reference is made to the first paragraph of Article 11, and when, therefore, it is not claimed that such an emergency has arisen as would authorise the Secretary-General, under the terms of that paragraph, to take the initiative in summoning the Council, it is necessary for him to receive, before issuing a convocation, the authorisation of the Acting President of the Council, and that the President will, in such circumstances, desire to consult his colleagues before taking a definite decision.

The above, however, does not apply when a serious emergency arises, in which case the Secretary-General has the right and duty of summoning the Council on his own authority, provided that he has received a request from any one Member of the League.

The Committee will observe that in all but one of the above-quoted cases an interval of from ten to fifteen days took place between the despatch of the request and the actual meeting of the Council.

There is no reason to doubt that the meeting could have been held much more promptly had the situation appeared to necessitate this.

QUESTION 4.

Have you any suggestions for the improvement of the procedure?

Taking the word "procedure" in its strict sense, I have no proposals to make. No procedure has been laid down to govern the action of the Secretary-General under the first paragraph of Article 11, and it seems essential that he should remain free from all necessity of following any sort of procedure laid down beforehand in order to avoid any conceivable risk of delay.

(See also reply to Question 6.)

QUESTION 5.

Are the technical arrangements for communications in such cases satisfactory, and, if not, in what respects are they unsatisfactory?

I am not aware that there has been any difficulty or cause for dissatisfaction in regard to rapidity of communications in any of the above-mentioned cases.

(See, however, the observations below.)

QUESTION 6.

What are your general observations and your opinions on the steps to be taken with regard to points 1(a) and 3(a) of the French proposal?

The following are the general observations which I would submit:

(a) In regard to the action of the Secretariat, it seems, as I have above remarked, essential that no restriction in regard to procedure should be imposed on the action which the Secretary-General may at any time be called upon to take under the terms of the first paragraph of Article 11 of the Covenant. I have been able, as a matter of fact, in such cases as have arisen up till now, to consult the President of the Council without losing time by doing so. This may not always be the case, and it is evidently the duty of the Secretary-General himself to take the action laid down by the Covenant, consultation of any sort being a matter of possible convenience but not of necessity.

From a material point of view, arrangements have already been made to ensure that telegrams addressed to the Secretary-General should always be opened without loss of time by an official capable of appreciating whether or not they are of an urgent character. It is conceivable that the report of the Committee of Experts referred to in the answer to the second part of this question might necessitate the taking of certain measures by the Secretariat.

(b) So far as the States represented on the Council are concerned, 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. They must, no doubt, vary to some extent according to the distance from the seat of the League of the capital of the country concerned and according to the method adopted for its regular representation on the Council. What seems essential is that it should be possible at any moment for an urgent communication from the Secretary-General to be received and considered by the competent authorities, and that in all circumstances, particularly in times of international tension, arrangements should be foreseen whereby each country can be represented at the Council at the shortest possible notice.
As regards points 1(a) and 3(a) of the French proposal, the Committee is no doubt aware that the report of the Enquiry Commission on the Greco-Bulgarian incident draws attention to the fact that, if the communication addressed by the President of the Council to the Greek Government had arrived half an hour later than it actually did, the result might have been exceedingly serious. The Commission accordingly drew the Council's attention to the desirability of considering measures for hastening intervention by the League in moments of crisis. The Council, at its meeting on December 14th, 1925, considered this suggestion and decided to refer it to the Advisory Committee for Communications and Transit, with the request that the Committee should examine the matter and submit a report to the Council.

In compliance with the above request of the Council, the Transit Committee has decided to carry out an expert study of the best means of improving communications of every kind with the seat of the League in time of crisis. This corresponds with points 1(a) and 3(a) of the French proposal.

Experts in railway matters, aerial navigation and telegraphy are to meet for this purpose in November or December. The International Committee on Long-Distance Telephony, which has also been consulted, is to consider the matter at its next meeting in Paris in December. A general report will then be drawn up by the Transit Committee and forwarded to the Council.

I understand that the exchanges of views which have already taken place on this subject between the members of the Transit Committee tend to show that a series of practical measures of a technical nature might be adopted.

2. MEMORANDUM SUBMITTED BY THE FINNISH DELEGATION TO THE COMMITTEE OF THE COUNCIL ON SEPTEMBER 18th, 1926.

In our previous memorandum, dated Geneva, June 5th, 1926, our only object in giving the arguments on which our proposal was based was to put forward certain essential considerations in its support. At its meeting on September 4th, the Council decided to refer the question to the Committee of the Council for more detailed consideration, and the Committee has been so good as to give us an opportunity of defending our proposal in person.

We were primarily concerned, in our previous memorandum, with the interests of small States. It was for this reason that, though not qualified to speak for any other States Members of the League, we expressed our conviction that many countries would probably wish to give their own views on the proposal. As, however, we have not since then had any opportunity of discussing the subject with representatives of other States, we can only speak for ourselves, though we are still convinced that our case represents the political and military interests of many other countries. Regarding the method by which other small States might communicate with the Council if they so desired during the preliminary stage of the question, we have no special suggestion to make at this juncture.

In our previous memorandum, we showed, in the first place, that small States, particularly those that have no war-material industry in the strict sense of the phrase, are obliged either to create such an industry or to keep large stocks of war material. If, through the Treaty of Mutual Assistance or the Geneva Protocol, the League had succeeded in solving the problem of a general guarantee, it may be regarded as certain that a number of small States would by now have seen their way to limit their armaments, at least to a certain degree. A glance at the replies received by the Secretariat during the last few years to the Council's request not to increase military expenditure will show that many of the Governments of States Members of the League are willing in principle to comply, though they have not yet been able to do so in practice.

Our proposal regarding the examination of the conditions of security of a certain class of States is partly designed to lead to an earlier solution of this problem. Our memorandum, on the other hand, deals with the special case by settling which the League of Nations could place the small States in a better position than heretofore to contemplate limiting their expenditure on national defence. Many small States, particularly those which arose out of the Great War, have found the armaments and munitions left over from the war sufficient; but, in view of the rapid development of technique, they will soon find themselves obliged to provide their armies with a more modern armament and stocks of more up-to-date material. 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. They cannot therefore be blamed if, failing effective general guarantees, they find it necessary to try to bring their means of defence abreast of the times, since the League has not yet provided adequate guarantees of reliable and sufficient aid in case of attack from without.
If the Council could see its way to arrange, in the manner suggested by us, to furnish the financial aid mentioned in Article 16 of the Covenant even before the general questions of guarantee are settled, we should feel that a great service had been done to the small nations.

For the present at least, we do not feel called upon to open the question of the amount of that financial aid. We consider that we have said enough in the remark on the subject in our memorandum to the effect that the financial aid should be proportionate to the forces of the aggressor and the weakness of his adversary. With adequate financial support, a small country might obviously have some hope of defending itself until the general military, economic and financial assistance could be furnished through the Council.

Another important point is that the financial first-aid should be given promptly. No small country can obtain delivery within a few days of stocks of war material purchased abroad. In modern warfare, the first few days after the outbreak of hostilities are generally of immense importance; any loss of time may be disastrous to the country attacked, and more so in proportion to the smallness of that country and the power of the aggressor. It is therefore specially important that the Council of the League should be able to arrange for financial first-aid for the country attacked on the same day on which it decides that that country has been the victim of aggression.

In regard to the practical method of arranging for this financial first-aid, we do not feel able, at least for the present, to make any definite suggestion. Apart from its financial aspect, the problem has many political sides, and it therefore seems best that the Council should first of all consider the political aspects of the question, and thereafter, so far as may be necessary, instruct be competent bodies to deal with the purely financial side.

3. REPORT BY M. DE BROUCKÈRE ON POINT 1(b) OF THE PROPOSAL LAID BEFORE THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE BY THE FRENCH DELEGATION.

At its meeting on September 4th, 1926, the Council referred to this Committee a French proposal relating, inter alia, to the following:

"With reference to Question V(a) 8 and V(b), the Commission considers that, in order that a State should be able to calculate to what extent it can consent to the reduction or limitation of its armaments, it is essential to determine what method and what machinery are best calculated to give help to that State when attacked.

"The Commission therefore proposes to suggest to the Council:

"I. That methods or regulations should be investigated which would:

"(a) ....................................................

"(b) Enable the Council to take such decisions as may be necessary to enforce the obligations of the Covenant as expeditiously as possible."

It will be remembered that the text to which the French proposal refers reads as follows:

"Question V. — (a) On what principles will it be possible to draw up a scale of armaments permissible to the various countries, taking into account particularly:

"1. ....................................................

"8. The degree of security which, in the event of aggression, a State could receive under the provisions of the Covenant or of separate engagements contracted towards that State?

"(b) Can the reduction of armaments be promoted by examining possible means for ensuring that the mutual assistance, economic and military, contemplated in Article 16 of the Covenant shall be brought quickly into operation as soon as an act of aggression has been committed?"

The Committee proceeded to consider point 1(b) at its meeting on September 18th, 1926. It decided that it must first determine exactly what efforts had hitherto been made with a view to defining the nature of the decisions to be taken by the Council "to enforce the obligations of the Covenant and expediting their application. The main purpose of this report will accordingly be to describe these efforts. It will deal chiefly with the work undertaken in connection with Article 16 to which Question V refers more particularly. It will touch only incidentally on the new measures which it might be expedient to recommend; a study of these measures can be reserved more properly for a later stage of the Committee's work."
Special attention is directed to the resolutions of 1921, which are undoubtedly the most important connected with Article 16. They call for careful analysis. It may not be without interest, however, first to consider the circumstances in which they were drawn up and the preliminary work of which they were the outcome.

I. ORIGINS OF THE 1921 RESOLUTIONS.

1. The League took steps immediately upon its foundation to find a solution for the problem with which we are now dealing. The Council instructed the Secretary-General to draw up a report on the matter, which was presented at the San Sebastian session in August 1920. This document reveals preoccupations whose similarity with those underlying the present French proposal is deserving of attention.

The following passage occurs in the report:

"The use of this weapon" (the economic weapon) "is in certain circumstances a specific duty imposed by Article 16. 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."

The report, which still constitutes a most instructive document, then deals with the main provisions of the article and endeavours to define the scope and determine the part to be played by the Council. Owing, however, to the number and complexity of the questions still remaining doubtful, and owing to the considerable work of organisation which appeared to be necessary, the Secretary-General suggested the appointment of "an International Blockade Commission", possessing extremely extensive powers in that it would be responsible for "studying the problem and settling the general plan of action, the organisation of the more permanent machinery required" and the principles on which it should work."

2. The Secretary-General's conclusions formed the subject of a report by M. Tittoni to the Council. The eminent representative of Italy defined the four conditions necessary for the proper application of Article 16:

(a) The measures to be taken must "be decided by common agreement and applied simultaneously in all the different countries".

(b) "They should be closely co-ordinated, and their co-ordination can only be realised if the States come to a previous agreement as to the necessary legislative and executive steps which must be taken."

(c) "Organisations must be established which can ensure this immediate and perfect co-operation between the different countries as soon as the measures laid down in Article 16 have to be taken."

"It must also be possible to control the complete application of the coercive weapon in view until such moment as it becomes useless."

(d) "These organisations should be able to take all useful steps to enable the Members of the League to give each other mutual support in the general interest, and at the same time to minimise the loss and inconvenience which the blockade might entail for each of them."

Co-operation, co-ordination, mutual assistance, supervision — these are the results to be obtained through the activities of the permanent organs which it is proposed to appoint once the exhaustive study of the problem has been concluded. The Council, adopting the conclusions of the two Rapporteurs, accordingly passed the following resolution:

"The Council decides to place upon the agenda of the first Assembly of the League of Nations the consideration of the necessary measures to ensure the application of Article 16 of the Covenant. With this aim in view, it will propose to the Assembly that, as a preliminary measure, an International Blockade Commission should be appointed under the authority of the first Assembly for the purpose of studying the problem and settling the general plan of action, the organisation of the more permanent machinery required and the principles on which it should work."

3. The first Assembly, to which this proposal was submitted, referred it to its Sixth Committee, together with Danish, Norwegian and Swedish proposals for the amendment of Article 16. The Committee, while itself discussing these important subjects on two separate occasions in a most exhaustive manner, appointed a Sub-Committee to deal specially with them. Lord Cecil (South Africa) presided over the proceedings of this body, which was composed of M. Adelswaert, (Sweden), M. Motta (Switzerland), M. Negulesco (Roumania) and M. Politch (Kingdom of the Serbs, Croats and Slovenes); its proceedings were recorded and constitute one of our most valuable sources of documentation. Lord Cecil's report was adopted on December 10th by the Assembly, after a further important discussion which resulted in certain amendments.

1 Passage underlined by the author of the present report.
The time has not yet come to discuss in detail the results of this lengthy work which has been so conscientiously carried out. It may simply be noted that, during the session, the problem under consideration assumed a somewhat different aspect. The starting-point had been Article 16 as drafted by the authors of the Covenant, and an endeavour had been made to determine the most satisfactory rules for its application. Certain rules had then been conceived the effect of which should, in the mind of those responsible for them, have been most satisfactory, but which were not entirely consistent with parts of the text. An endeavour was then made to obviate this difficulty by a system of interpretation which was in certain cases somewhat bold. It had then been decided that the best solution of the difficulty was to modify Article 16 itself by means of amendments referring to various provisions of that article. The result was that, after having sought to find rules to fit the text, an attempt was finally made to find a text to fit the rules.

Any attempt to revise the Constitution of the League must always be a delicate matter and it may be readily imagined that the first Assembly was loath to take a precipitate decision. It accordingly accepted the Council's recommendation to appoint a Blockade Commission to continue a study which the recent discussions had not exhausted. It should be noted, however, that the powers which it conferred on this Commission were far less extensive than those at first suggested by the Secretariat and the Council. The Commission was simply instructed:

"To consider the application of Article 16 of the Covenant; the Committee will report to the Council, which shall place the conclusions before the Assembly at its next session, for their acceptance, rejection or amendment, without prejudice to any action that may have been provisionally taken upon them."

The Assembly, however, did not wish to adjourn without deciding at all events upon temporary measures which should apply until the meeting of the second Assembly, and which it may perhaps be useful, in view of what follows, to reproduce here:

"(a) It shall be the duty of the Secretary-General to call the attention of the Council to any facts which in his opinion show that a Member of the League has become a Covenant-breaking State within the meaning of Article 16;

(b) Upon receiving such an intimation, the Council shall hold a meeting with the least possible delay to consider it, and shall send a copy of the proces-verbal of the meeting to all the other Members of the League;

(c) As soon as a Member of the League is satisfied, in consequence of the communication of the proces-verbal of the Council, that a breach of Covenant under Article 16 has occurred, it is its duty to take measures for the purpose of carrying out the first paragraph of Article 16;

(d) These measures should include the breaking-off of all diplomatic relations;

(e) The prevention of any commercial or other intercourse between the residents within its borders and those residing in the Covenant-breaking State. For this purpose the necessary legislation preventing intercourse between the residents of the two States should be immediately passed, according to the constitution of each Member of the League. Relations which exist for purely humanitarian purposes may be maintained with the Covenant-breaking State;

(f) Where the Covenant-breaking State has a seaboard, it will be necessary to institute an effective blockade thereof, and the Council should forthwith consider which Members of the League can most conveniently be asked to discharge this duty."

4. The Assembly passed this resolution on December 10th. It was not until February 22nd that the Council, at its Paris session, appointed the Blockade Commission. This was composed of representatives of the British Empire, Cuba, France, Italy, Japan, Norway, Spain and Switzerland. Circumstances prevented the eight members from meeting before August 22nd and they were obliged, owing to the imminence of the Assembly, to conclude their work by the 29th. It is not surprising, therefore, that they were unable, despite their zeal and efficiency, to produce more than a provisional study, which, as M. Viviani said, raised a large number of questions but left the solution unfound.

5. At the same time we have in the report of the Blockade Commission the preliminary draft of what was to form, some weeks later, the "1921 resolutions". In order thoroughly to understand these, it is necessary to follow them from the beginning through their various successive stages—and these stages are particularly numerous. They were discussed during the second ordinary session of the Assembly before a Sub-Committee composed of M. Aguero (Cuba), M. Huber (Switzerland), M. Oka (Japan), M. Poulet (Belgium), M. Schanzler (Italy) and M. Viviani (France); on two occasions before the Third Committee, before the First Committee; and also, on two occasions, before the Assembly. At each stage of the proceedings we found one and sometimes more versions of the text. One is struck, on comparing them, by the wide differences between them, and one finds that, during the course of these important preliminary proceedings, the same thesis was resumed and abandoned several times. The extreme difficulty of the subject explains this hesitation. It also explains the anxiety of the authors of these resolutions to submit them only as suggestions admitting of amendment and essentially provisional in character.

1 Second Meeting of the Third Committee of the second ordinary session of the Assembly, September 21st (page 288 of the Official Proceedings).
Before proceeding to examine the resolutions in detail, it may perhaps be well to consider for a moment what this provisional and indicative character implies.

II. — The 1921 Resolutions constitute provisional recommendations.

1. Rules as important and as carefully studied as those of 1921 and submitted under the patronage of such eminent authorities are undoubtedly deserving of the greatest consideration and deference. Members of the League would obviously consult them if they found it necessary to determine their attitude in the emergencies named in Article 16. It should be noted, moreover, that the Council has already set the example. By a resolution dated January 10th, 1922, it instructed the Secretary-General to inform the Members of the League that the Council will certainly be guided by the rules recommended by the Assembly, so far as they relate to the Council’s action, should the necessity for such action arise before the final rules have been established.

This resolution and the reference which it contains to the provisional character of the second Assembly's recommendations were the result of the following declaration which was placed by the Assembly itself before its resolutions:

"The resolutions and the proposals for amendments to Article 16 which have been adopted by the Assembly shall, so long as the amendments have not been put in force in the form required by the Covenant, constitute rules for guidance which the Assembly recommends, as a provisional measure, to the Council and to the Members of the League in connection with the application of Article 16."

In order to show the scope of this important text, a rapid survey is necessary of the facts leading up to it.

It was proposed by the Chairman and Rapporteur of the Third Committee, M. Aguero and M. Schanzer, in order to satisfy two different categories of requirements submitted respectively by M. van Swinderen, delegate of the Netherlands, and Lord Cecil, delegate of South Africa.

2. M. van Swinderen felt some anxiety as to the application of the system. He questioned whether it had been sufficiently worked out and suggested that its application might create an unprecedented situation in international law. It would thus be imprudent to adopt a precipitate procedure. He urged, in conclusion, that time should be given for consideration.

With this object, he proposed the following resolution:

"The Assembly,

While paying homage to the work of the International Blockade Commission, and also to the work and report of the Third Committee on the question of the economic weapon;

Being convinced that it is desirable to carry still further the investigation and discussion on certain points of the above-mentioned question:

Considers the resolutions already adopted as having been adopted on a first reading, and defers the second reading of these resolutions, and also the further discussion and the vote on the proposed amendments to Article 16 of the Covenant, to the next session.

The Assembly further recommends the Governments of the States Members of the League to utilise this postponement by making an exhaustive study of the question of the economic weapon as a whole, and to communicate to the Secretariat any observations which this investigation may have suggested to them."

It was in order, we repeat, to give, at all events, partial satisfaction to the authors of this motion, which met with warm applause from the Assembly, that the Chairman and the Rapporteur of the Third Committee had proposed their text. Without consenting to a formal adjournment of the vote, they agreed that, pending a further decision, the vote should be provisional and non-binding in character in order that the consequences feared by M. van Swinderen might be avoided. At the same time, they were taking into account a preoccupation of Lord Cecil, to which M. van Swinderen had referred, and with which we now propose to deal.

3. Lord Cecil had given expression to this preoccupation at the meeting on September 27th in the following terms:

"We are going to propose amendments to Article 16. Whatever may be the procedure as to amendments, it is evident that they are going to take some months at any rate to put into force. Ratification, which we all agree is essential in some form or another, is a lengthy business. Now at present, the economic weapon is under the provisional regime which we established last year. If honourable members of the Committee will consult the proceedings of last year's Assembly, they will find that that provisional regime comes to an end with this Assembly. Therefore, when this Assembly separates there will be no practical method; none of the practical methods which we..."
thought necessary last year for enforcing the economic weapon will be left in force. It will come to an end by effluxion of time as soon as this Assembly separates, and I suggest, merely as a practical measure, that it would be desirable for this Assembly to agree that the provisional system should go on until the new system is in working order, and I suggest that some such words as these should be inserted in the early part of the report, probably at the end of the general introduction:

"Lord Cecil proposed the following resolution:

"Until the new system is in working order, the provisional regime adopted by the first Assembly should continue in force."

Lord Cecil considered therefore that these new resolutions would only enter fully into force after the ratification of the amendments to the Covenant, and that until then, because of their wide scope, their obligatory character would remain more doubtful than that of the modest system provisionally adopted the previous year. The records of the debates show that, while supporting M. Schanzer's proposal, he had in no way abandoned his own point of view, but merely agreed that it should be expressed in a less absolute form. This appears particularly from the following passage, taken from his speech of October 4th:

"I accept it" (the Schanzer resolution) "as substantially carrying out what I urged upon the Assembly at an earlier stage. All I am anxious for is that we should have an effective weapon in the hands of the League for use, if necessary, during the coming year, until the amendments have been finally ratified and adopted. The system proposed by M. Schanzer and the Third Committee will evidently be not complete, but during that provisional period I am anxious that we should have some provisional weapon.

4. Lord Cecil's fears deserved consideration, all the more because the 1921 resolutions, with the amendments which are an integral part of these resolutions, are so closely bound together that, if one is withdrawn, the force of several others must be entirely destroyed. The honourable representative for South Africa, who must be continually quoted in these matters, to which he has given particular attention, stated, for example, that Resolutions No. 2 and No. 3 of the second part (Resolutions No. 5 and No. 6 in the final version) were of such a nature that their putting into force might create a "very difficult position" if the amendment relating to the method of calculating unanimity for Council votes in the case relating to Article 16 was not also put into force.

This is in no way an isolated case. Throughout the debates, speakers drew attention to similar cases. It is unnecessary to repeat this long list here. It will be sufficient to state that the non-adoption of the amendments removed part of the force of most of the nineteen proposals. If the text of Article 16 had been amended in accordance with the views of the 1921 Assembly, the resolutions would form a system which, subject to revision as to details in the second reading asked for by M. Van Swinderen, might acquire lasting force and perhaps become an integral part of our Constitution. But the amendments have not received the necessary number of ratifications. The new conditions necessary for the complete application of the proposals have not been created. How could they become obligatory at a time when they are perhaps contrary to the compulsory provisions of the Covenant? They can only be considered in the present circumstances as suggestions, very valuable and of the greatest interest, but nevertheless suggestions in regard to which each Member of the League of Nations retains full freedom of judgment.

5. Is there any need to discuss at length the theory according to which the amendments, though not ratified, retain nevertheless their value as an "interpretation" of Article 16?

Anybody who cares to re-read the reports of the 1920 and 1921 discussions will see that the first attempt to make the proposed rules of action applicable did indeed take the form of certain special interpretations of the text. In every case, however, it was ultimately recognised that these suggested interpretations conflicted with certain formal expressions in Article 16. Each of the four amendments was introduced as a last resource after protracted and ingenious attempts had been made to find a way of arriving at the desired result without resorting to amendments. We have already quoted the amendment regarding the unanimity rules which Lord Cecil considered essential to the 1921 system. There is also the amendment providing for the postponement or mitigation of the effects of the blockade for certain Members and in certain cases. This was first brought forward by the three Scandinavian countries. Subsequently at two successive sessions the ablest brains in the League applied themselves to the problem of attaining the desired results without altering the Covenant. The Belgian representative, M. Poullet, thought he had succeeded and urged that an interpretative resolution should be passed in order to satisfy the Scandinavian countries immediately, without the necessity of ratification, always a slow and often an unreliable process, but — and here we have an instance of that complete loyalty which is so characteristic of discussions at Geneva — when

1 Meeting of September 27th, 1921 (pages 441 and 442 of the Assembly Records).
2 Records, page 813.
3 Meeting of September 27th, morning (pages 451 et seq. of the Records).
Belgium, which was not free from apprehension regarding these exceptions because they might be abused, urged that matters should not be held up by a legal difficulty, it was the Swedish delegate, M. Undén, who demonstrated the impossibility of ignoring that difficulty, and the Assembly eventually accepted his view.

If an interpretation could not fill the place of an amendment until the amendment was submitted to the Members of the League, how could it acquire adequate, that is to say, increased force from the fact that Parliaments refused to accept it? This is a serious matter. The binding character of engagements between Members is based upon the free consent of every State to the Covenant. Amendments, like the Covenant itself, are binding only on those Members which accept them either by formal ratification or by abstaining from the exercise of their right to secede. How, therefore, is it possible to admit that, when the States have been asked their views on the desirability of amendments to the Covenant and have rejected them, those amendments can nevertheless be regarded as having any kind of force?

During one of the preliminary discussions, M. Reynald, delegate of France, said:

"The Covenant has only acquired its full force because it has been submitted to ratification by the public authorities - because it has been constitutionally adhered to by the peoples which have become Members of the League of Nations. It is not to be desired that some day a nation might think that decisions having the effect of weakening and altering a text were reached outside the framework of these constitutional forms and the nations which have thus, in virtue of Article 16, ordered severe economic sanctions - necessarily severe in order to be effectual - must never be able to think that at any moment this weapon was broken or blunted in a manner beyond their control, and that it has no longer the same value, the same security and the same guarantee."

In short, the unratified amendments, like the 1921 proposals themselves, are no more than suggestions, though we shall endeavour to demonstrate their great importance. Neither the amendments nor the proposals would impose fresh obligations on any Member or release it from its existing obligations.

6. It was essential to present these mainly theoretical arguments here at considerable length. We must now show you the work done in 1921, which may to a great extent continue to be used for guidance in all endeavours to decide how the economic weapon should be used within the framework of the system established by the Covenant itself in its present form.

III. — THE 1921 RESOLUTIONS AND THE PROPOSED AMENDMENT TO ARTICLE 16.

Before we continue our survey, the actual 1921 text must be placed before the reader.

1. The resolutions and the proposals for amendments to Article 16 which have been adopted by the Assembly shall, so long as the amendments have not been put in force in the form required by the Covenant, constitute rules for guidance which the Assembly recommends, as a provisional measure, to the Council and to the Members of the League in connection with the application of Article 16.

2. Subject to the special provisions of Article 17, the economic measures referred to in Article 16 shall be applicable only in the specific case referred to in this article.

3. The unilateral action of the defaulting State cannot create a state of war; it merely entitles the other Members of the League to resort to acts of war or to declare themselves in a state of war with the Covenant-breaking State; but it is in accordance with the spirit of the Covenant that the League of Nations should attempt, at least at the outset, to avoid war, and to restore peace by economic pressure.

4. It is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed. The fulfilment of their duties under Article 16 is required from Members of the League by the express terms of the Covenant, and they cannot neglect them without breach of their Treaty obligations.

5. All cases of breach of Covenant under Article 16 shall be referred to the Council as a matter of urgency at the request of any Member of the League. Further, if a breach of Covenant be committed, or if there arise a danger of such breach being committed, the Secretary-General shall at once give notice thereof to all the Members of the Council. Upon receipt of such a request by a Member of the League, or of such a notice by the Secretary-General, the Council will meet as soon as possible. The Council shall summon representatives of the parties to the conflict and of all States which are neighbours of the defaulting State, or which normally maintain close economic relations with it, or whose co-operation would be especially valuable for the application of Article 16.

6. If the Council is of opinion that a State has been guilty of a breach of Covenant, the Minutes of the meeting at which that opinion is arrived at shall be immediately sent to all Members of the League, accompanied by a statement of reasons and by an invitation to take action accordingly. The fullest publicity shall be given to this decision.

1 Third Committee of the Second Assembly, meeting held on September 10th (page 296 of the Assembly Records.)
7. For the purpose of assisting it to enforce Article 16, the Council may, if it thinks fit, be assisted by a technical Committee. This Committee, which will remain in permanent session as soon as the action decided on is taken, may include, if desirable, representatives of the States specially affected.

8. The Council shall recommend the date on which the enforcement of economic pressure, under Article 16, is to be begun, and shall give notice of that date to all the Members of the League.

9. All States must be treated alike as regards the application of the measures of economic pressure, with the following reservations:

(a) It may be necessary to recommend the execution of special measures by certain States;

(b) If it is thought desirable to postpone, wholly or partially, in the case of certain States, the effective application of the economic sanctions laid down in Article 16, such postponement shall not be permitted except in so far as it is desirable for the success of the common plan of action, or reduces to a minimum the losses and embarrassments which may be entailed in the case of certain Members of the League by the application of the sanctions.

10. It is not possible to decide beforehand, and in detail, the various measures of an economic, commercial and financial nature to be taken in each case where economic pressure is to be applied.

When the case arises, the Council shall recommend to the Members of the League a plan for joint action.

11. The interruption of diplomatic relations may, in the first place, be limited to the withdrawal of the heads of missions.

12. Consular relations may possibly be maintained.

13. For the purposes of the severance of relations between persons belonging to the Covenant-breaking State and persons belonging to other States Members of the League, the test shall be residence and not nationality.

14. In cases of prolonged application of economic pressure, measures of increasing stringency may be taken. The cutting-off of the food supplies of the civil population of the defaulting State shall be regarded as an extremely drastic measure which shall only be applied if the other measures available are clearly inadequate.

15. Correspondence and all other methods of communication shall be subjected to special regulations.

16. Humanitarian relations shall be continued.

17. Efforts should be made to arrive at arrangements which would ensure the co-operation of States non-Members of the League in the measures to be taken.

18. In special circumstances and in support of economic measures to be taken, it may become advisable: (a) to establish an effective blockade of the seaboard of the Covenant-breaking State; (b) to entrust to some Members of the League the execution of the blockade operations.

19. The Council shall urge upon all the States Members of the League that their Governments should take the necessary preparatory measures, above all of a legislative character, to enable them to enforce at short notice the necessary measures of economic pressure.

First Amendment. — The second part of the first paragraph of Article 16 of the Covenant shall read as follows:

"... which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between persons residing in the territory of the Covenant-breaking State and persons residing in the territory of any other State, whether a Member of the League or not."

Second Amendment. — The second paragraph of Article 16 shall read as follows:

"It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council, the votes of Members of the League alleged to have resorted to war and of Members against which such action was directed shall not be counted."

Third Amendment. — The third paragraph of Article 16 shall read as follows:

"The Council will notify to all Members of the League the date which it recommends for the application of the economic pressure under this article."
Fourth Amendment. — The fourth paragraph of Article 16 shall read as follows:

"Nevertheless, the Council may, in the case of particular Members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimise the loss and inconvenience which will be caused to such Members."

* * *

In the remainder of our report, we shall follow the order which has been adopted ever since the report of the Blockade Commission. Our observations will therefore be grouped under the following heads:

Under what conditions should sanctions be applied?
Whose duty is it to decide that the necessity for sanctions has arisen?
At what moment and by whom should the sanctions be applied?
How should the sanctions be applied?

IV. — UNDER WHAT CONDITIONS SHOULD SANCTIONS BE APPLIED?

1. The 1921 resolutions include the following two proposals on this point:

"2. Subject to the special provisions of Article 17, the economic measures referred to in Article 16 shall be applicable only in the specific case referred to in this article.

"3. The unilateral action of the defaulting State cannot create a state of war: it merely entitles the other Members of the League to resort to acts of war or to declare themselves in a state of war with the Covenant-breaking State; but it is in accordance with the spirit of the Covenant that the League of Nations should attempt, at least at the outset, to avoid war, and to restore peace by economic pressure."

These texts embody a doctrine which was only arrived at after a good deal of tentative effort, and of which the first full expression is to be found in the report of the Blockade Commission. Taken as a whole, this doctrine is almost undisputed to-day. It may, however, be well to lay some stress upon it in order to obviate any misconception as to its scope.

2. What is the "specific case" provided for in Article 16 which alone can bring that article into operation? It is the contingency of a Member of the League resorting to war "in disregard of its covenants under Articles 12, 13 or 15". This definition, however, has no value unless we know what is meant by resorting to war.

The 1921 commentaries, interpreting the second clause of the first sentence of Article 16, made it perfectly clear that the unilateral act of one nation cannot create a state of war. How much weight is to be attached to this truism when we come to interpret the first clause of the first sentence of the same text? Can we say that a country cannot "resort to war unless another country takes some part in the matter — a part which may, indeed, be entirely legitimate, and may even be dictated by imperious necessity? Can we admit that it takes two to make war, as it does to make peace? If we refuse to accept this inference, we are bound to admit that a country can resort to war without there being a state of war — a distinctly strange situation.

We find in history many instances of acts of violence and aggression which have not led to war, either because the victim was too weak or too faint-hearted to offer any resistance, or because the matter was settled, by negotiation or through the mediation of a third party, before a state of war was established. The fact is that a state of war does not really exist until the country attacked takes up the challenge and thus admits the existence of a state of war.

We will not here discuss whether this theory — derived immediately from the 1921 theory — holds good in every case. It would, of course, give rise to serious difficulties if the aggressor State formally declared war. Happily, however, this is a contingency with which we need not deal, for in such a case the offence is so clear that there can be no doubt as to the necessity of enforcing Article 16.

3. We must here pause a moment to put the reader on his guard against a false deduction which he might be led to make from what has already been said.

Although Article 16 applies only when a Member of the League resorts to war in the circumstances described above, we cannot conclude that the League must remain inactive until the crime has been committed. The whole spirit of the Covenant — like its actual text — protests against the very idea of such inaction, the surest outcome of which would be the destruction of the League itself and the death of all the hopes which the nations have built on it. The duty of intervention is clearly marked. Article 4 in itself creates it; Article 11 states it so definitely as to leave no room for any misconception:

"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 to safeguard the peace of nations."

Before a Member resorts to war — even before any act of war has been committed — as soon as there is an imminent danger that an act of war may take place, the danger of war is certain, and it is the duty of the League to take action.

First of all, there must be a meeting of the Council. Article 11 provides that the Secretary-General shall summon the Council at the request of any Member of the League. Need we contemplate such a case as that no Member would take the necessary initiative, all refraining by common consent from discharging their obvious duty, and the victim itself not calling for assistance? Such a contingency is inconceivable except on the assumption that the League had already lost all its prestige, and indeed, morally, its very existence. And, after all, it is only for a live institution that rules of action need be laid down. Accordingly, before there is any ground for the application of Article 16 — as soon as there is any risk of its becoming necessary — the Council would ordinarily be in session, and would already have been called upon to take "any action that may be deemed wise to safeguard the peace of nations". This is not the place to make a detailed study of the possible nature of that action; but, at the same time, some observations based on experience may be of value at this stage of our survey.

4. The Council may take preventive action, for example, by recommending the parties to take certain steps to prevent any open outbreak of hostilities, such as withdrawing their troops behind certain lines or abstaining from making any military preparations which might make it more difficult to reach a peaceful settlement.

It may further encourage a peaceful settlement by direct action, either in the forms defined in the following articles or in any other manner which circumstances may suggest.

It may arrange for enquiries and investigate the facts, so far as the States exercising sovereignty over the territories in which such action would be taken are prepared to consent.

It may, with the consent of the parties, ask a Member or Members of the League to supply troops to garrison disputed places, either in order to maintain order or to hold such places until a final settlement has been reached.

It may do a number of other things to which we must refer a little later. We have already said enough to show that, merely by discharging its duties under Article 11, the Council can:

(1) Do valuable work for the preservation of the peace;

(2) Follow the course of events in detail so as to have all the information necessary for forming a sound judgment if, after the total failure of its efforts to preserve peace, it is faced beyond question with the contingency provided for in Article 16.

5. We must now return to our previous remarks concerning the conditions which must be fulfilled before a country can be regarded as having resorted to war. There is no need to dwell upon the case in which the aggressor State formally declares war. Apart from this eventuality, two conditions are necessary, as we said:

(1) One country must have committed an act of war against another;

(2) The latter country must have admitted the existence of a state of war.

Further, the second country must have justification for taking up this attitude.

Every act of violence does not necessarily justify its victim in resorting to war. If a detachment of soldiers goes a few yards over the frontier in a colony remote from any vital centre; if the circumstances show quite clearly that the aggression was due to an error on the part of some subaltern officer; if the central authorities of the "aggressor State" reprimand the subordinate concerned as soon as they are apprised of the facts; if they cause the invasion to cease, offer apologies and compensation and take steps to prevent any recurrence of such incidents — then it cannot be maintained that there has been an act of war and that the invaded country has reasonable grounds for mobilising its army and marching upon the enemy capital. The accident which has occurred has in no way released that country from the specific obligations laid down in Articles 12 and following. It could not be so released unless it were the victim of a flagrant aggression of such a serious character that it would obviously be dangerous not to retaliate at once. In short, to borrow the felicitous phrase used in the Treaty of Locarno, "the country in question must be exercising the right of legitimate defence".

Legitimate defence implies the adoption of measures proportionate to the seriousness of the attack and justified by the imminence of the danger. If a country flagrantly exceeded these limits, even if it were affronted by some incident of little intrinsic importance, it would become in actual fact the real aggressor and it would be only fair that that country should be made the object of the sanctions provided for in Article 16.

6. Accordingly, it is not so easy as it may seem at first sight to determine when a country "resorts to war", and a decision may be a very difficult matter. It is for this reason that the question as to whose duty it is to decide that the necessity for sanctions has arisen is of peculiar importance.
V. — Whose Duty is it to Decide whether Sanctions are Required?

1. To this question the Treaty allows but one reply to be given: the reply which is admirably summed up in the following four lines of the 1921 resolutions:

"It is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed. The fulfilment of their duties under Article 16 is required from Members of the League by the express terms of the Covenant, and they cannot neglect them without breach of their Treaty obligations."

It should not, however, be inferred that each State can act on its own discretion and take any arbitrary decision whatsoever without having to fear any other sanction than that of public opinion.

If, in an obvious case of aggression, a State refused to apply the prescribed sanctions to the guilty party, it would unquestionably be violating the Covenant and might have the provisions of the last paragraph of Article 16 applied to it.

If, on the other hand, a State falsely alleged that another State had resorted to war against a third party and took advantage of this to commit an aggression itself, it would clearly run the risk of causing the whole League to turn against it and of being subjected to the economic and military sanctions laid down in Article 16.

2. Thus, whether it takes action unjustifiably or whether it illegally abstains from action, a country assumes a heavy responsibility. It is therefore highly desirable that it should be able to provide against an error of judgment which might involve such serious consequences.

It has been suggested that a State should not be allowed to intervene until the League itself has given its opinion. This would be questioning a right which States clearly derive from the Covenant. It has further been suggested that States might thus agree to delay the intervention. Such an agreement would scarcely be practicable, since circumstances may occur in which any delay, were it but a matter of a few hours, might involve the attacked State in deadly peril. It is, however, clearly desirable that States should, whenever possible, have an authoritative opinion — an opinion carrying unquestionable authority — to guide them in their decision. It is equally clear that this authority can be none other than that of the Council, save in cases where reference to the Assembly might be possible.

By the 1921 resolutions, an endeavour was made to ensure that this opinion should always be given. This desire can only be approved. As regards the methods recommended, certain detailed observations may, however, be advanced, some of which are not without importance.

3. It has been laid down that all cases of a breach of the Covenant, as provided for in Article 16, should be referred to the Council as a matter of urgency. The 1920 resolutions spoke of breaches of the Covenant under Article 16, which was undoubtedly clearer. But whatever the form of words chosen, it is doubtful whether it is expedient to declare in this way, at the time when the Council is being convened, that a breach of the Covenant has already occurred and that peace has given place to war.

It cannot be repeated too often that it is not to place on record a breach of the Covenant that the Council should be convened in the ordinary course of things but to prevent it. It was in Article 11 that, with great wisdom, the authors of the Covenant prescribed the convening of the Council and not in Article 16. The declaration that Article 16 should take effect may, in the worst case, be the final act of the Council, but it is unthinkable, unless the League has failed in its task, that this should be its first act and that the purpose for which it is convened should be merely to accept the irremediable.

Between the first hostile act and a definite resort to war, a certain period of time, of varying length, will always intervene. Cases can be imagined in which this period would extend over several months, others are conceivable in which it would last but a few hours. The constant purpose of the League’s endeavours should be to organise in such a way that, however short the time available, it may always be in time to make a final attempt at maintaining peace.

If the Council only met after war has been declared, if it thus neglected or lost the opportunity of doing anything more than intervening in war instead of preserving peace, its wartime task would thereby become much more difficult, for it would lack the most valuable information necessary to decide, with a full knowledge of the facts, which State had really broken Article 16 and against which State the coalition of all peaceful nations should direct its action.

4. The convening of the Council at the beginning of the incidents, before a breach of the Covenant has occurred, will, among other things, have this result, that the Council will have had first-hand knowledge of the conflict and will be in a position to judge of the attitude of the two parties — to gauge, so to speak, the measure of their good will and even of their good intentions. If, during the negotiations, one of the States has throughout conformed to the measures suggested by the Council to avoid precipitating a crisis, if it has accepted a procedure of arbitration or mediation, whilst the other has steadily rejected any proposals for a settlement of the difficulties or for the postponement of its action, are not these the very circumstances which will be of assistance in determining, if necessary, which party has resorted to war? There is no question here of reviving the rules of the Protocol regarding the determination of the aggressor. Common sense, independently of any texts, will always prevent responsibility for the conflict from being laid at the door of the party which has constantly endeavoured to prevent it.
Even if all the circumstances of the conflict tended to precipitate the march of events, the Council can, provided it has a few hours available, still usefully intervene and, failing anything else, at any rate ascertain which party is responsible for the state of war.

If the Council seriously advises both parties to withdraw their troops and to wait, without engaging in any war preparations, until a final attempt at conciliation has been made, the contending State which refuses will have assumed a very heavy responsibility, and such an attitude will, at the very least, be strong presumptive evidence against it.

5. It should be remarked that, in all cases in which the Council has, in actual fact, been called upon to settle disputes, even where acts had been committed which certainly seemed to be in the nature of acts of war, it was under Article 11 that the Council meeting was called, and not under Article 16. The argument which has just been presented has therefore, at any rate, the authority of precedents in its favour.

The question here involved goes much further than a mere matter of form. Article 16 deals with a contingency to be dreaded. It lays down terrible measures for the extreme case in which the pacific endeavours of the League finally fail before the criminal determination of a State resolved on war. Recourse to this article, except where absolutely necessary, would embitter conflicts instead of allaying them. It would, moreover, be extremely unfortunate to appeal to it in vain when the intention is not to apply it or to make but a show of applying it. To say that ambassadors only will be recalled under an article which definitely requires the breaking-off of all personal relations; to say that certain commercial relations will be gradually severed when the text demands that they should all be broken off forthwith, is to make an almost ridiculous use of a clause in which the peoples most exposed to aggression see their supreme safeguard. It means weakening it dangerously and at the same time weakening the whole League. It is, moreover, an imprudent move in the direction of war whilst there is still time to maintain peace.

6. If Article 16 is only resorted to in cases to which it properly applies, the amendment proposed in 1921 with regard to the calculating of unanimity loses much of its importance. In cases where a State has shown its definite intention to disturb peace, to defy the whole of the League, and, furthermore, to break the most solemn of undertakings which it has given to its fellow Members, expulsion, as contemplated in Article 16, seems inevitable and the votes which it will no longer be called upon to cast are surely not a matter of great concern.

But the difficulty pointed out in 1921 may recur in a fresh form when Article 11 comes to be applied. It is not for the Rapporteur to suggest a solution here. That matter certainly deserves full consideration by the Assembly and the Council.

It should, however, be pointed out that, even failing absolute unanimity, including the Members of the Council involved in a conflict, the remaining Members would at any rate be qualified to express opinions or give advice carrying unquestionable authority.

VI. — At what Moment should Sanctions be Applied and by Whom should They be Applied?

The foregoing remarks will enable this part of the report to be dealt with briefly.

1. The authors of the 1921 plan proposed that in certain cases the obligations laid on Members to apply economic sanctions against the delinquent State should be reduced or deferred if the aim in view could be better achieved in this manner, or, if this should be necessary, in order to minimise the danger and loss which sanctions entail for those who apply them. It is generally admitted that these provisions are not compatible with the text of the Covenant as it stands, and the amendment designed to give them force of law has not been ratified. They can therefore not be applied. Furthermore, they lose much of their importance if it is clearly understood that Article 16 will not be brought into play unless recourse to war is certain, since any delay in taking action can have no other result than to retard the restoration of peace.

2. Since it is the States which, from a strictly legal point of view, are empowered to decide whether sanctions should be applied, it seems to follow that they alone are qualified to control them in practice. If it is the duty of the Council "to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the Covenant of the League", it does not follow that the control of those armed forces will be taken out of the hands of the Members themselves. The economic sanctions will be applied by the various States on similar lines, the rôle of the League being confined to recommending measures calculated to co-ordinate their individual efforts and thus to ensure concerted and effective action. That point will be discussed in greater detail in the following chapter.

VII. — How are Sanctions to be Applied?

1. Reference to the text of Article 16 will show that, if military and economic sanctions are there described as equally compulsory for all States, greater stress is laid on the urgency of economic sanctions, since it is expressly stated that they must be applied immediately.
Moreover, they are very extensive, as they involve the breaking-off of all economic and financial relations. It is generally recognised that the mere fact of a Member being regarded as having committed an act of war against all other Members of the League does not necessarily mean that the latter must consider themselves as at war with that State. It is evident, however, that these Members could not shirk the duty of applying certain economic sanctions on the ground that these would constitute acts of war with the State against which they are directed, for the effect of the statement made in the second sentence of Article 16 is precisely to deny the guilty party any right to argue that he is at peace with other Members of the League.

Nor can it be contended, as the text stands and in the absence of any amendment, that certain economic or financial relations could be maintained. On this point, the 1921 system can no longer be accepted, owing to the failure to ratify the amendments.

2. The 1921 resolutions laid down precisely that:

"All States Members of the League . . . should take the necessary preparatory measures, above all of a legislative character, to enable them to enforce at short notice the necessary measures of economic pressure."

Unfortunately, this provision has been very little applied. It may be that this negative result is partly due to the fact that the tenth resolution, conflicting at least in appearance with the provisions of the resolution just quoted, lays down that:

"It is not possible to decide beforehand and in detail the various measures of an economic, commercial and financial nature to be taken in each case where economic pressure is to be applied."

Certain States have to our knowledge been greatly embarrassed to enact legislation on the subject of measures which the League of Nations itself did not clearly define.

3. Failing detailed particulars which it may be impossible to settle beforehand owing to the infinite variety of cases which may arise, it would doubtless be desirable to formulate certain practical rules.

It has been laid down that, whenever a decision to apply sanctions is taken;

"The Council may, if it thinks fit, be assisted by a technical committee . . . which will remain in permanent session as soon as the action decided on is taken . . ."

It is to be feared that this committee will lose much of its effectiveness if it begins its investigations simultaneously with the taking of action, that is to say, at the very moment when it should have finished them.

It may be recalled that, as early as 1920, the Council had contempl ated the setting-up of a permanent organisation to prepare, in favourable conditions, the work which it is now proposed to improvise while the struggle is going on. The setting-up of a permanent organisation was strongly opposed, particularly by the French representative to the first Assembly, M. Léon Bourgeois. He feared that it might ultimately supplant the Council to some extent, or enable it to shift part of its responsibility to others. Without sharing his apprehensions, it would indeed be hardly necessary to have a permanent body to carry out work which would be essentially intermittent once the preliminary work had been completed. 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.

4. This seems all the more necessary since, apart from the sanctions contemplated in Article 16, attention should be given to the measures for the maintenance of peace which the League is required to take under Articles 10, 11 and 13.

Certainly, no Member of the League could claim authority from any one of these provisions to resort, even at the request of the Council, to an act of war against another Member not guilty of illegal hostilities; it is equally certain that no Member is definitely required to accept all recommendations whatsoever which the Council might make in connection with peaceful pressure to be applied to a State endangering peace without definitely resorting to war. At the same time, it is their duty to assist so far as they are able in "any action it may deem wise and effectual to safeguard the peace of nations"; these measures may go to the length of a naval demonstration or a peaceful blockade, and most of the measures referred to in the 1921 resolutions as measures to be applied in the first period — the preliminary period, so to speak — for the application of Article 16.

5. The nature of this report does not allow of drawing up a plan of the work which the League of Nations might undertake within the scope of Article 16, work which would greatly assist States in discharging in their turn the duties which are laid upon them. A few brief suggestions may, however, perhaps be appended:

(a) The effective application of an economic blockade presupposes the possession of a vast amount of accurate information on the economic and financial relations between States. The technical organisations of the League might be instructed to collect such information systematically, on the lines of a scheme to be submitted to the Council by the Secretary-General after consultation with the said organisations.

(b) The Financial Organisation of the League might be requested to prepare a scheme for the mutual support recommended in paragraph 3 of Article 16.

1 There is no intention of discussing here either personal relations, which call for less comment, or the problem raised by the British amendment, now apparently settled.
(c) The Legal Section might be instructed to study the legal position brought about by an effective maritime blockade ordered under Article 16. This study does not appear to have been made as yet.

(d) 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, a list of military and civilian experts on whom the League could call if necessary might be drawn up beforehand.

(e) The Legal Section of the Secretariat might be instructed to prepare a study on the legislation calculated to make it easier for States to apply the economic sanction, based on the experience of countries which have already done something in this direction.

4. REPORT SUBMITTED TO THE COUNCIL BY THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY.

The Commission of Enquiry into the Greco-Bulgarian conflict recommended that "it might be considered whether special facilities for communications and transit could not be granted to Governments and to the Secretariat in case of a threat of war — in particular, the use of wireless telegraphy and priority messages might be considered ". The Council decided to refer this suggestion to the Advisory and Technical Committee for Communications and Transit and to request the latter to examine it and report to the Council. As similar questions, but covering a wider field, have also been raised in connection with the preparatory work for the reduction of armaments, the Advisory and Technical Committee examined the whole problem of the principal communications of importance to the League at times of emergency. The Committee felt that it was its duty to see what special measures might be adopted when League action under Articles 15 and 16 of the Covenant was taken or requested to ensure the necessary speed and, in times of crisis, the necessary security, for communications of importance for the summoning of the Council and for all relations between Members of the League concerned, the Council, the Secretary-General and missions appointed by the Council.

The Committee has obtained the advice of qualified experts. The conclusions which it submits represent the unanimous opinion of the specialists consulted. The question of railway transport was studied by its permanent Committee for Transport by Rail. Telegraphy and radio-telegraphy were also examined by a special committee of experts.

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A. — Transport by Rail.

1. Any regular improvement in railway time-tables, particularly for communications between Geneva and the chief capitals, would greatly facilitate travelling to Council meetings and the despatching of missions at times of emergency. On the other hand, time-tables

1 This Committee was composed as follows:

M. G. SINIGALLA (appointed by the Government of Italy), former Chief Inspector of the Italian State Railways, Member of the Central Commission for Rhine Navigation, Chairman.

M. A. POLITIS (appointed by the Government of Greece), Technical Delegate of the Greek Government at Paris, former Director of Greek Railways, Vice-Chairman.

M. F. AMUNATEGUI (appointed by the Government of Chile), Engineer of Bridges and Roads, Secretary-General of the Mixed Courts of Arbitration.

M. G. BROCHMANN Y ARARUZA (appointed by the Government of Spain), Inspector-General of Roads and Ports, President of the Council of Public Works.

M. OUANG-HANO (appointed by the Government of China), Railway Engineer.

Sir Francis DENT, former Chairman of the Railway Committee of the Second General Conference on Communications and Transit, former Director-General of the South-Eastern and Chatham Railway.

M. R. HEROLD, Director of the Railway Division of the Federal Department of Posts and Railways at Berne.

Dr. O. LANKAS, Director at the Czechoslovak Ministry of Railways.

M. LAUNAY, Chief Engineer of Bridges and Roads, Assistant to the Director-General of Railways at the French Ministry of Public Works.

M. P. WOLF, Director-General of the German State Railway Company.

9 This Committee was composed as follows:

M. H. REINHARDT (appointed by the Government of Austria), former Ministerial Counsellor, Chairman.

M. ARENDT, Ministerial Counsellor in the Ministry of Posts of the Reich.

M. ETIENNE, Director of the International Bureau of the Telegraphic Union.

M. GNEME, Head of Division in the Telegraph Department of the Italian Ministry of Communications.

Mr. LOUDEN, Head of Division in the General Post Office of Great Britain.

M. FOULAINS, Deputy Director of Telegraphic Communications in the French Department of Posts and Telegraphs.
must obviously be established with reference to commercial conditions, and communications with the League cannot have priority over such requirements. It would be expedient, however, in order to promote all reasonable improvements in time-tables, to develop the cooperation already existing between the League Organisation for Communications and Transit and the International Time-Table Conference. It might be possible to consider the appointment of a representative of the Technical Organisation to attend in an advisory capacity meetings of the International Time-Table Conference.

2. At times of emergency, special measures might undoubtedly be taken in many cases to improve railway communications of importance to the League (special changes in time-tables, special trains, special connections with other means of transport, such as air transport, motor services, etc.). In view of the extreme variety of the cases to be considered and the fact that, as regards the movements of members of the Council and the despatching of missions by the League, communications cannot be considered in any one country alone but must be studied in all the countries Members of the League, no plan can be drawn up in advance. At the same time, under normal conditions, two measures might be considered for minimising delays at times of emergency: first, all the States Members of the League might be requested to declare their readiness immediately on being notified by the Secretary-General of the existence of a state of emergency, to take all possible measures to help the journeys of members of the Council and missions appointed by the League; second, each State might be requested to designate a central service in possession of the necessary instructions and powers, with which Members of the Council and the Secretary-General of the League could get into direct touch upon notification of a state of emergency, in order to ensure that rapid means of transport are made available at once. It would naturally be understood that all extra costs arising out of exceptional conditions would be met out of League funds.

B. — Transport by Air.

The considerations advanced in regard to transport by rail at times of emergency also apply, mutatis mutandis, to transport by air. It would be even simpler than in the case of railway transport to take special measures at such times to improve air communications of importance to the League (as regards the lines in use: special changes in time-tables, organisation of special services over those lines; apart from lines already open, general permission for aircraft other than those belonging to a regular line when carrying members of the Council or agents of the League whose names had previously been communicated, irrespective of the nationality of such aircraft).

No plan can be established in advance, but it is expedient, here again, that States Members of the League should declare their readiness in such circumstances to take all measures within their power and should designate in advance a central service with the necessary instructions and powers.

C. — Telegraphic and Radio-telegraphic Questions.

1. All messages sent with a view to the application of Article 15 or Article 16 of the Covenant and addressed to the President of the Council of the League or to the Secretary-General by a Government, a member of the Council, or a member of a mission despatched by the Council; all messages sent by the President of the Council or by the Secretary-General to a Government, a member of the Council, or a member of a mission despatched by the Council, might, if the sender considered that these messages were of extreme urgency, bear the special note "Priorité Nations". If desirous of making use of this note, the sender would write before the address "PCD Priorité Nations"; this will be charged as three words. In transmitting the telegram, the service concerned would place the service instruction "S Priorité Nations" at the head of the text. Messages preceded by these indications could only be sent by the President and the members of the Council in person, the acting Secretary-General in person, and members of missions whose names had been notified in advance by the Secretary-General to all Governments interested.

2. All messages preceded by these conventional signs and notes would enjoy priority over all other communications, and the service despatching them would, in due course, forward the sender an acknowledgment of receipt, to be transmitted as urgent.

3. Any sender who might consider, in view of the general gravity of the occasion, that special arrangements should be made for the safe transmission of his telegram, and that his telegram should therefore be transmitted both by the ordinary line and by one or more additional routes, either telegraphic or radio-telegraphic, might make copies of his-telegram and
request the transmitting service to send these copies by routes specified by him; the telegraph service would follow out such instructions unless this were for material reasons impossible.

To ensure the satisfactory working of these arrangements, a schedule of the principal telegraphic and radio-telegraphic routes available might be drawn up, with the assistance of the best-qualified technical body. The Secretary-General of the League would keep himself and those concerned informed of the various routes available for transmitting and, where necessary, duplicating communications between capitals. In most cases, of course, several routes would be available, so that the risk of certain telegraphic and radio-telegraphic services being interrupted at times of emergency would be reduced to a minimum.

4. In special cases, the Council of the League of Nations might request the Governments concerned to arrange, if possible, for direct connection between specified points. No advance proposals can be made on this matter.

The Committee is of opinion that a formal inter-Governmental agreement, or even an inter-departmental arrangement in the proper sense of the term, would be not merely a slow and difficult but also a useless method for putting into effect these measures for telegraphy or other communications. If, when requested by the Council, the Governments of the States Members were willing to follow out such a plan so far as it concerned them individually, and to give facilities for the execution of these measures, the telegraph departments would naturally concur and would be prepared to issue, and from time to time repeat, the necessary instructions to their officials, and to seek the assistance of the competent international technical organisation.

D. — Telephonic Questions.

As regards telephonic questions, in view of the extreme rapidity with which urgent State communications are forwarded under the newly revised telegraph regulations, and of the difference between messages sent by this means and by telegraph, it appears to be unnecessary to consider special arrangements for times of emergency, though the permanent improvement of the European telephone system is naturally of great importance to the League, especially in times of crisis. The Assembly has already passed a recommendation urging that, under the new European telephone system, communications with the League should be treated on the same footing as communications between the chief capitals. This question, which does not concern only times of emergency and therefore exceeds the scope of the present report, was submitted to the International Advisory Committee on Long-Distance Telephony, which includes most of the European telephone administrations; this Committee is to examine the question at its next meeting at the beginning of December. The Council will be duly informed of its conclusions.

* * *

The Advisory and Technical Committee, in submitting this general plan to the Council, is of opinion that if, at the request of the Council, States Members of the League or a sufficient number of such States were to declare their readiness to accept the plan as a whole and to help to carry it out, the Secretary-General of the League, with the assistance of the Committee of the services mentioned in paragraphs A and B and of the telegraph administrations and their agents, would have no difficulty in working out the detailed plan for these practical improvements.

5. REPORT OF THE COMMITTEE OF THE COUNCIL ON THE WORK OF ITS FIFTH SESSION

_Held at Geneva from December 1st to 4th, 1926._

The Committee of the Council examined the French, Polish and Finnish proposals (including the Finnish memorandum on financial assistance) which were referred to it by the Council resolution of September 4th, 1926.

I.

As regards point 1(a) of the French proposal, the Committee has the honour to submit to the Council the following report of M. van Karnebeek which the Committee has itself adopted.

"INVESTIGATION OF THE METHODS OR REGULATIONS WHICH WOULD FACILITATE THE MEETING OF THE COUNCIL AT VERY BRIEF NOTICE IN CASE OF WAR OR THREAT OF WAR.

"The Committee of the Council sent a list of questions on this subject to the Secretary-General. The Secretary-General's reply is given in Annex 1 above. The Committee
has also received a report from the Advisory and Technical Committee for Communications and Transit placed at its disposal by the President of the Council (Annex 4 above).

"The Committee considers that this question is of the very greatest importance not only as regards the application of Articles 15 and 16 but especially also as regards the application of Article 11. It has been proved that the maintenance of international peace may depend upon the rapid and effective intervention of the organs of the League of Nations, and the importance of preventive action under Articles 11 and 15 cannot be exaggerated.

"In this connection, the Committee considers that the Governments Members of the League of Nations ought to assume a formal obligation to facilitate by all the means in their power the meeting of the Council in case of crisis and recommends that the Assembly should adopt to this end a general resolution embodying the principle of this obligation and constituting the basis of the practical measures of application to be taken in the future.

"The Committee considers that a programme of these measures should be studied and that this task should be entrusted to the Secretary-General, who would be asked to get into touch with the administrations of the States Members and with the international institutions and organisations which would have to be consulted. This investigation, pending the adoption of the Assembly resolution, might be undertaken immediately and the final result should be submitted to the different Governments, which would then be called upon to take the necessary measures to ensure application.

"With regard to the Secretary-General's memorandum and the Transit Committee's report, the Committee makes the following observations:

"A. General Measures.

"Admitting that the organisation of transport by rail and by air must necessarily be based in normal circumstances on commercial interests, the attention of the International Time-Table Conference should be drawn to the special importance, from the point of view of international peace, of organising the means of communication between Geneva, as seat of the League of Nations, and the different capitals; the importance of this justifies every possible effort to make these communications as rapid and as elastic as is compatible with commercial interests. The Committee strongly supports the Transit Committee's proposal that the Organisation for Communications and Transit of the League of Nations should be represented at the meetings of the International Time-Table Conference.

"For similar reasons, the Committee recommends that the necessary measures should be taken to apply the priority system proposed for telegraphic and telephonic communications of the League by the Transit Committee and to carry out its suggestion that the Council of the League should be able in special cases to apply to the Governments concerned to organise direct communication between specified points. It attaches great importance to measures which would confer on the States, the Secretary-General and the members of the Council and of other organisations of the League the right to use several telegraphic or telephonic routes simultaneously, simply on request and on their own responsibility.

"The Committee recommends to the Council that it should give its Technical Transit Organisation a permanent mandate to see that continual improvements are effected in communications of all kinds between Geneva and the different capitals on the lines specified above.

"B. Measures to be taken by States.

"The Committee strongly supports the Transit Committee's proposal that each State should appoint a central service with the necessary powers to facilitate the urgent convening of the Council of the League, the urgent transmission of messages sent in the name of the Council and the rapid transport of such missions as the Council might decide to despatch. It is of opinion, however, that this precaution should not be confined to States which happen to be Members of the Council, since effective and rapid co-operation would be no less valuable on the part of States whose territory members of the Council might have to cross when proceeding to Geneva, and whose transport services (railway, air, telegraphic, telephonic, etc.) would be required for the purpose of communicating with the Governments Members of the Council.

"This central service, which should be on duty continuously (day and night, and on holidays) would have to be given power to proceed immediately to take the measures necessary for the organisation of special trains, requisitioning of aircraft, etc., and to arrange with other services possessing similar powers in States whose assistance might be required as described above.

"The Committee proposes that the Council should direct the attention of the Governments of the States represented on the Council to the importance of taking such measures as may be necessary to enable their representatives to attend urgent meetings of the Council with the least possible delay.
C. Measures to be taken by the Secretariat.

"The Committee warmly approves the statement of the Secretary-General, who regards it as his duty to summon members of the Council urgently and without delay in case of serious emergency as laid down in paragraph 1 of Article 11.

"The Committee supports the conclusions which the Secretary-General formulated in his reply to the questionnaire addressed to him. It notes the following passage in his memorandum: 'It is conceivable that the Report of the Committee of Experts referred to in the answer to the second part of this question might necessitate the taking of certain measures by the Secretariat.' (See Annex 1, page 91.) The Committee ventures to recommend that, if measures have to be taken, they should form the subject of consideration as soon as possible.

"The Committee recommends that the Secretariat should act upon the Transit Committee's proposal that a schedule be drawn up of the principal telegraphic, telephonic and radiotelegraphic routes available, in order that the Secretariat may obtain for its own use and, if necessary, for the use of those concerned information concerning communications between the different capitals.

"The Committee has devoted special attention to the position of the League in the matter of wireless telegraphy; this would seem to be inherently and eminently suitable for promoting rapid and uninterrupted communication between the Secretariat and the Members of the League. The Committee considers it desirable to recommend that all possible improvements should be made without delay but regards it further as highly desirable that the necessary work of preparation should be begun immediately in order that the League may have radio-telegraphic means of communication which would give it the highest degree of independence and universality compatible with technical progress. Accordingly, the Committee recommends to the Council that the Technical Transit Organisation should study this question with a view to submitting a report to the Council at the earliest possible date."

II.

As regards point 1(b) of the French proposal, the Committee examined a report submitted at its request by M. de Brouckère. This report raises three groups of questions:

1. Questions concerning the application of Article 11, in regard to which the Committee will submit a detailed study to the Council at a later date.

2. Questions concerning Article 16, in regard to which the Committee, while also deciding to submit a report to the Council at a later date, passed the following resolution:

"The Committee directs the Council's attention to the advisability of collecting all the documents on the studies carried out by the League in regard to Article 16 of the Covenant, in order that this information may be placed at the disposal of the next Assembly of the League."

The suggestion put forward by the Committee of the Council is that all the resolutions passed by the different organs of the League concerning Article 16 should be collected in a convenient document, that they should be followed by a list of the texts to be consulted for the purposes of a more exhaustive study of the subject, and that they should be preceded by an objective summary of the work done by the League in this matter.

3. A certain number of concrete proposals with the object of facilitating the study of the methods or regulations which would enable the Council to take such decisions as may be necessary to enforce the obligations of the Covenant. These proposals, of which one in particular also refers to the memorandum submitted by the Finnish delegation on financial assistance, form the subject of the following recommendations which the Committee of the Council ventures to submit to the Council:

"(a) 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.

"(b) 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 to the establishment of a common scheme of financial assistance in support of a State which is the victim of aggression.

"(c) The Legal Section might be instructed to study the legal position brought about by enforcing in time of peace the measures of economic pressure indicated in Article 16, particularly by a maritime blockade."
“(d) 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, States might be asked to draw up beforehand lists of military and civilian experts from among whom the Council of the League could appoint commissioners.

“(e) The Legal Section of the Secretariat might be instructed to prepare a study on the legislation calculated to make it easier for States to apply the economic sanction based on the experience of countries which have already done something in this direction.”

III.

The Committee examined the Polish proposal. At the suggestion of the Polish delegate on the Committee of the Council, the Committee decided to adjourn the examination of this proposal until the Preparatory Commission and its technical organs have completed their studies in the matter of regional disarmament.

IV.

As regards the Finnish proposals, the Committee decided to recommend that the Council should refer it without discussion to the Preparatory Commission.

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1 The Preparatory Commission proposes that the Council should consider whether a special organisation for regional assistance within the framework of the Covenant of the League would be calculated efficaciously to aid the League's organs in their task of assistance and thus facilitate and expedite the application of the articles of the Covenant in question (study of the mechanism, form and procedure to be adopted in the matter of regional assistance).

2 The Preparatory Commission proposes that the Council should undertake the examination of special arrangements whereby a reduction of armaments agreed to by States unfavourably placed, owing to geographical or other exceptional circumstances, might be compensated in order to meet their requirements for security.