Article 14.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 15.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 16.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 17.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 18.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 19.

1. Failing any provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable should be heard.

3. The Commission for its part shall be entitled to request oral explanations from the agents, counsel and experts of the two parties as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 20.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 21.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 22.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.
Article 23.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognizance of the dispute.

Article 24.

The Commission’s procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 25.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Article 8.

Chapter IV. — General Provisions.

Article 26.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission the latter may recommend to the parties the adoption of such provisional measure as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 27.

Should a dispute arise between more than two States parties to the present Convention, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions:

(a) In the case of conciliation procedure, a special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 13 and the following articles of the present Convention.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.

Article 28.

1. The present Convention shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.
2. In conciliation procedure the parties may agree to call upon such third State; the latter shall be free not to intervene.

3. In judicial or arbitral procedure a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun. It shall be bound to comply with this request if it is a party to the present Convention.

**Article 29.**

1. The acceptance of the present Convention may be made conditional upon reservations which must be indicated either at the time of signature or at the time of accession.

2. These reservations may be such as to exclude from all or part of the obligations laid down in the present Convention:
   
   (a) Disputes arising out of facts prior to the signature or accession;
   
   (b) Disputes concerning questions which, by international law, are solely within the domestic jurisdiction of States;
   
   (c) Disputes concerning questions which affect the principles of the constitution of the State;
   
   (d) Disputes concerning particular clearly specified subject-matters, such as territorial status.

3. The operation of the reservations is to be deemed to be conditional upon reciprocity.

4. Disputes, which as the result of reservations are not subject to arbitration or judicial settlement, still remain subject to the procedure for conciliation in the absence of any provision to the contrary.

**Article 30.**

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

**Article 31.**

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take at any time, notwithstanding any conciliation or arbitration procedure, whatever action may be deemed wise and effectual to safeguard the peace of the world.

**Article 32.**

1. The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date; it may, until one year after the adoption of the Convention by the Assembly, be signed on behalf of any Member of the League of Nations, or of any non-Member State to which the Council of the League of Nations shall communicate a copy of the said Convention for this purpose.

2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-Member States referred to in the preceding paragraph.

**Article 33.**

As from the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-Member State mentioned in Article 32.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-Member States mentioned in Article 32.

**Article 34.**

The present Convention shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the ratification or accession of not less than two contracting parties.

**Article 35.**

Ratifications or accessions received after the entry into force of the Convention, in accordance with Article 34, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

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1 Date of adoption by the Assembly.
2 One year after the adoption of the Convention by the Assembly.
3 The day following the date mentioned in footnote 2.
Article 36.

1. The present Convention shall be concluded for a period of five years, dating from its entry into force.

2. It shall remain in force for further successive periods of five years in the case of high contracting parties which do not denounce it at least six months before the expiration of the current period.

3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-Member States mentioned in Article 32.

4. Notwithstanding denunciation by one of the high contracting parties concerned in a dispute, all forms of procedure pending at the term of the expiration of the period of the Convention shall be duly completed.

Article 37.

The present Convention shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

IN FAITH WHEREOF, the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at . . . . . . . . . . . . . in a single copy, which shall be kept in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-Member States referred to in Article 32.

DRAFT GENERAL CONCILIATION CONVENTION.

(Convention C)

(List of Heads of States)

Being sincerely desirous of developing mutual confidence and consolidating international peace by endeavouring to bring about, by the pacific procedure of conciliation, the settlement of all disputes which may arise between their respective countries and which may be capable of being the object of an amicable arrangement:

Highly appreciating the recommendation of the Assembly of the League of Nations contained in its resolution of . . . that all States should conclude a general conciliation convention:

Have decided to achieve their common aim by means of a Convention and have appointed as their plenipotentiaries:

(List of Plenipotentiaries)

who, having deposited their full powers, found in good and due form, have agreed on the following provisions:

Article 1.

Disputes of every kind which may arise between two or more of the high contracting parties which it has not been possible to settle by diplomacy shall be submitted to a procedure of conciliation as laid down hereinafter.

Article 2.

Disputes for the settlement of which a procedure by judicial settlement, arbitration or conciliation is laid down in other Conventions in force between the parties to the dispute shall be settled in conformity with the provisions of such Conventions.

Article 3.

If a dispute which one of the parties has laid before the Commission is brought by the other party, in conformity with the Conventions in force between the parties, before the Permanent Court of International Justice or an arbitral tribunal, the Commission shall defer consideration of the dispute until the Court or the arbitral tribunal has pronounced upon its competence.
Article 4.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Convention until a decision with final effect has been pronounced within a reasonable time by the competent authority.

2. In such a case, the party which desires to resort to the procedure laid down in the present Convention must notify the other party of its intention within a period of one year from the date of the aforesaid decision.

Article 5.

The disputes referred to in Article 1 shall be submitted to a permanent or special conciliation commission constituted by the parties to the dispute.

Article 6.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 7.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:

1. The Commission shall be composed of five members. The parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 8.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission appointed in the manner laid down in the preceding article shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 9.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute or to fill vacancies on a Permanent Conciliation Commission or a special Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 10.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President of the two parties acting in agreement, or in default thereof by one or other of the parties.

2. The application, after giving a summary account of the subject in dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it of the fact.

Article 11.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner for the examination of the particular dispute by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party of the fact; the latter shall, in such case, be entitled to take similar action within fifteen days from the date on which it received the notification.
Article 12.

1. In the absence of any agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it its assistance.

Article 13.

The work of the Permanent Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 14.

1. Failing any provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable should be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 15.

Unless otherwise agreed between the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 16.

The parties undertake to facilitate the work of the Conciliation Commission and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 17.

1. During the proceedings of the Commission, each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 18.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in the minority, accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 19.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 20.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Conciliation Commission, when given cognisance of the dispute, may recommend to the parties the adoption of such provisional measures as it may consider desirable.
2. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the arrangements proposed by the Conciliation Commission, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 21.

Should a dispute arise between more than two States parties to the present Convention, the following rules shall be observed for the application of conciliation procedure:

A special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case, the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 8 and the following articles of the present Convention.

Article 22.

1. The present Convention shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. The parties may agree to call upon such third State; the latter shall be free not to intervene.

Article 23.

1. The acceptance of the present Convention may be made conditional upon reservations, which must be indicated either at the time of signature or at the time of accession.

2. These reservations may be such as to exclude from all or part of the obligations laid down in the present Convention:

(a) Disputes arising out of facts prior to the signature or accession;
(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States;
(c) Disputes concerning questions which affect the principles of the constitution of the State;
(d) Disputes concerning particular clearly defined subject-matters, such as territorial status.

3. The operation of the reservations is to be deemed to be conditional upon reciprocity.

Article 24.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

Article 25.

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 26.

1. The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date; it may, until . . . , be signed on behalf of any Member of the League of Nations, or of any non-Member State to which the Council of the League of Nations shall communicate a copy of the said Convention for this purpose.

2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-Member States referred to in the preceding paragraph.

Article 27.

As from . . . the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-Member State mentioned in Article 26.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States mentioned in Article 26.

1 Date of adoption by the Assembly.
2 One year after the adoption of the Convention by the Assembly.
3 One day following the date mentioned in footnote 2,
The present Convention shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the ratification or accession of not less than two contracting parties.

Article 29.

Ratifications or accessions received after the entry into force of the Convention, in accordance with Article 28, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

Article 30.

1. The present Convention shall be concluded for a period of five years, dating from its entry into force.
2. It shall remain in force for further successive periods of five years in the case of high contracting parties which do not denounce it at least six months before the expiration of the current period.
3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-Member States mentioned in Article 26.
4. Notwithstanding denunciation by one of the high contracting parties concerned in a dispute, all forms of procedure pending at the term of the expiration of the period of the Convention shall be duly completed.

Article 31.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of its entry into force.

In faith whereof, the above-mentioned Plenipotentiaries have signed the present Convention.

Done at . . . . . . . . . . in a single copy, which shall be kept in the archives of the Secretary of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-Member States referred to in Article 26.

(c) Resolution on the Submission and Recommendation of Model General Conventions on Conciliation, Arbitration and Judicial Settlement.

The Committee on Arbitration and Security recommends that the following draft resolution be submitted for the approval of the Assembly:

"The Assembly:

"Having noted with satisfaction the model general conventions prepared by the Committee on Arbitration and Security regarding conciliation, arbitration and judicial settlement;

"Fully appreciating the value of these model general conventions;

"And convinced that their adoption by the largest possible number of States would contribute towards strengthening the guarantees of security;

"Recommends them for consideration by all States Members or non-Members of the League of Nations;

"Hopes that they may serve as a basis for States desiring to conclude conventions of this sort;

"Draws the attention of Governments which might find it impossible to assume general undertakings to the fact that they would be free to accept the rules established by these model conventions by means of private agreements or by a simple exchange of notes with States of their own choosing;

"In view of this possibility, invites the Council to issue to the Secretariat of the League of Nations the necessary instructions for the keeping of a register, in which would be entered the separate undertakings given within the framework of the general conventions, in order that States Members or non-Members of the League of Nations may be rapidly informed of the progress made in the extension of this indirect effect of the general conventions."
(d) RESOLUTION REGARDING THE GOOD OFFICES OF THE COUNCIL.

ARBITRATION.

The Committee on Arbitration and Security recommends that the following draft resolution be submitted for the approval of the next Assembly:

"The Assembly:"

"In view of the resolution adopted by the Assembly on September 26th, 1926, requesting the Council to offer its good offices to States Members of the League for the conclusion of suitable agreements likely to establish confidence and security;"

"Recognising that the development of procedures for the pacific settlement of any disputes which may arise between States is an essential factor in the prevention of wars;"

"Expresses its appreciation of the progress achieved in concluding treaties of this kind, and its desire to see the application of the principle of the pacific settlement of all disputes extended as far as possible, and"

"Invites the Council,"

"To inform all States Members of the League that, should States feel the need of reinforcing the general security conferred by the Covenant and of concluding for this purpose a treaty to ensure the pacific settlement of any disputes which may arise between them, and should negotiations in connection therewith meet with difficulties, the Council would, if requested—after it has examined the political situation and taken account of the general interests of peace—be prepared to place at the disposal of the States concerned its good offices, which, being voluntarily accepted by them, would be calculated to bring the negotiations to a happy issue."

(e) RESOLUTION CONCERNING THE OPTIONAL CLAUSE OF ARTICLE 36 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Committee on Arbitration and Security recommends that the Preparatory Commission request the Council to submit the following draft resolution for the approval of the next Assembly:

"The Assembly:"

"Referring to the resolution of October 2nd, 1924, in which the Assembly, considering that the terms of Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice are sufficiently wide to permit States to adhere to the special Protocol opened for signature in virtue of that article, with the reservations which they regard as indispensable, and convinced that it is in the interest of the progress of international justice that the greatest possible number of States should, to the widest possible extent, accept as compulsory the jurisdiction of the Court, recommends States to accede to the said Protocol at the earliest possible date;"

"Noting that this recommendation has not so far produced all the effect that is to be desired;"

"Being of opinion that, in order to facilitate effectively the acceptance of the clause in question, it is expedient to diminish the obstacles which prevent States from committing themselves;"

"Being convinced that the efforts now being made through progressive codification to diminish the uncertainties and supply the deficiencies of international law will greatly facilitate the acceptance of the optional clause of Article 36 of the Statute of the Court, and that meanwhile attention should once more be drawn to the possibility offered by the terms of that clause to States which do not see their way to accede to it without qualification to do so subject to appropriate reservations limiting the extent of their commitments, both as regards duration and as regards scope;"

"Noting in this latter connection that the reservations conceivable may relate, either generally to certain aspects of any kind of dispute, or specifically to certain classes or lists of disputes, and that these different kinds of reservation can be legitimately combined;"

"Recommends that States which have not yet acceded to the optional clause of Article 36 of the Statute of the Permanent Court of International Justice should, failing accession pure and simple, consider, with due regard to their interests, whether they can accede on the conditions above indicated;"

"Requests the Council to communicate the text of this resolution to those States as soon as possible, desiring them to notify it of their intentions in the matter; and"

"Asks the Council to inform them at the next session of the Assembly of the replies it has by then received."
IV. Security Treaties

(a) INTRODUCTORY NOTE TO THE MODEL COLLECTIVE TREATIES OF MUTUAL ASSISTANCE AND OF COLLECTIVE AND BILATERAL TREATIES OF NON-AGGRESSION.

The Committee thought it advisable to prepare three model treaties which are of unequal scope as regards the degree of security they might afford to States seeking fresh guarantees.

I. MODEL TREATY OF MUTUAL ASSISTANCE.

The draft having the widest scope is clearly that which combines the three elements: non-aggression, peaceful settlement of disputes and mutual assistance.

This draft differs from the Rhine Pact of Locarno in several respects:

(a) It contains no clause guaranteeing the maintenance of the territorial status quo.

(b) It provides for no guarantee by third States.

(c) On the other hand, it contains, with regard to the peaceful settlement of disputes, a certain number of clauses which, in the Locarno Agreements, do not figure in the Rhine Pact but in annexed Conventions.

These differences are due, in the model treaty recommended, to the following reasons:

(a) The individual and collective guarantee of the maintenance of the territorial status quo would clearly constitute a very important factor of security in the model treaty proposed: but the fact that certain Powers, when negotiating such a treaty, would not feel able to accept such a clause should not, in the Committee’s opinion, prevent the negotiations from being successful. For the clause in question is not essential, and it is understood that, being concluded under the auspices of the League of Nations and within the scope of its Covenant, the treaty assumes the full maintenance of the fundamental principle of Article 10 and all other provisions of the Covenant in relations between the high contracting parties. It is therefore quite possible to be content with the three essential factors of the treaty: non-aggression, the peaceful settlement of disputes and mutual assistance. By their close combination they signify that the high contracting parties, renouncing the use of force to back up their claims, will be guided by a respect for legality in their relations with each other, and that whichever of them breaks its engagements will expose itself, apart from the possible application of the collective sanctions provided for in Article 16 of the Covenant, to the particular sanctions organised by the system of mutual assistance provided for in the treaty.

(b) Similarly, while the guarantee of third States can greatly add to the effectiveness of a treaty of mutual assistance, clearly its absence must not constitute an obstacle to the conclusion of the treaty. The Committee has therefore not thought it advisable to include a clause of this nature in the model treaty it recommends. In the event of the high contracting parties being able to rely on the guarantee of third States, the details of this guarantee might either figure in the treaty itself, according to the precedent of the Rhine Pact of Locarno, or be dealt with in separate conventions.

(c) The Committee thought it advisable to insert in the model treaty it recommends a certain number of clauses relating to the peaceful settlement of disputes. This does not mean that the parties will not be free to apply among themselves the clauses of wider scope which may have been stipulated in the arbitration conventions they have previously concluded or which they may subsequently conclude; but the Committee desired to indicate that a certain minimum of explicit rules is necessary owing to the interdependence of the elements of non-aggression, of the peaceful settlement of disputes and of mutual assistance.

Since it is assuming obligations in regard to mutual assistance, each of the high contracting parties must know that the other parties are accepting sufficiently extensive obligations in regard to the peaceful settlement of disputes.

The draft treaty recommended consists of a preamble and a series of articles. In the Committee’s view, these texts are not unalterable. The high contracting parties may make any modification they consider useful, provided they respect the interdependence and equilibrium of the three essential factors to which we have referred.

Since it is assuming obligations in regard to mutual assistance, each of the high contracting parties must know that the other parties are accepting sufficiently extensive obligations in regard to the peaceful settlement of disputes.

Preamble. — The preamble might be limited to a single paragraph, omitting those which have been borrowed from some of the Locarno Conventions. The Committee thinks, however, that it would be well to retain these additional paragraphs. They would serve to create that confidence between the high contracting parties by which their relations should be governed. They would mark the respect for legality by which the high contracting parties would agree to be guided in their relations, and the absence of all chicanery and moral or political pressure.

1 See Minutes of Second Meeting of Fifth Session of the Preparatory Commission, Section 4, Part II, page 227.
Article 1. — The formula by which "each of the high contracting parties undertakes not to . . . resort to war against another contracting party" must, in the opinion of the Committee, be understood to mean that the parties, which undertake by the treaty of mutual assistance to settle all their disputes by forms of pacific procedure, in every case exclude recourse to force in any form whatever, apart from the exceptions formally reserved in the text.

Article 3. — It might be possible and desirable in certain cases to add stipulations regarding flagrant aggression.

Parties could insert in their treaty of mutual assistance a clause similar to that in paragraph 3, Article 4, of the Rhine Pact of Locarno.

The parties might further stipulate that, should the Council prescribe an armistice, they undertake to carry out its conditions. Such a formula would have the twofold advantage of not anticipating any measures that the Council might take in the case of hostilities which had started, and of facilitating the designation of the aggressor, if the Council decided to prescribe an armistice. But this is a difficult point, and the Committee thought it best to make no mention of it in the model treaty.

Subjects which might be dealt with in Special Clauses.

(a) Preventive and Provisional Measures. — The clause inserted in the general provisions with regard to the provisional measures which might be indicated by an international court, or recommended by a Conciliation Commission, could be supplemented in accordance with the indications contained in the proposals which the German delegation submitted on this subject and which will later be examined in detail by the Committee on Arbitration and Security.

(b) Re-establishment of Peace after an Aggression. — The Committee had to consider, in pursuance of the proposal made by some of its members, whether the model treaty of mutual assistance should not include stipulations concerning the action to be taken by the Council in connection with the cessation of mutual assistance, the re-establishment of normal relations and the reparations to be claimed from the aggressor.

After consideration, the Committee decided that it would not be expedient to insert such detailed provisions. It would always be open to the parties to decide whether or not to include in their treaty the inclusion of clauses of this kind.

(c) Establishment of Demilitarised Zones. — The establishment of demilitarised zones, as long experience has shown — in particular the naval demilitarisation of the Great Lakes of North America or of the frontier between Norway and Sweden — tends to give nations a feeling of greater security. This is not always the case, however. Here again all depends on circumstances. If the high contracting parties or certain of them wished to establish such zones along their frontiers they could do so by separate conventions.

(d) Accession of Third States. — The Committee decided not to insert a clause stipulating that collective treaties of mutual assistance should remain open for the accession of third States. Such accessions are only conceivable with the consent of the contracting parties.

(e) Co-ordination of Treaties of Mutual Assistance with the Covenant of the League of Nations and any separate Agreements which the Contracting Parties may have concluded previously. — The Committee considers that the provisions of the draft harmonise with those of the League Covenant. The parties will have to see that no clauses are introduced the application of which would conflict with the operation of the Covenant. Otherwise they will risk weakening the general guarantee given to Members of the League by Article 16 of the Covenant.

In any case the parties will do well to retain in their treaty the clause by which they reserve their rights and obligations as Members of the League of Nations. The parties will also have to co-ordinate with the treaty of mutual assistance any separate agreements which they may have concluded previously.

(i) Duration of Treaties of Mutual Assistance. — The Committee did not feel called upon to decide between the various systems which could be adopted with regard to the duration of the treaty. It had in mind three main systems: the first, on the lines of the Rhine Pact of Locarno, without indication as to duration but expiring as a result of a decision by the Council; the second, providing for a duration of ten or twenty years with the possibility of re-negotiation at the end of these periods after one year's notice, or, failing denunciation, renewal of the treaty by tacit consent for a similar period; the third system would be a combination of the other two; it would provide for a short trial period after which the parties could free themselves from their contract subject to one year's notice. If not denounced, the treaty would remain in force indefinitely, but it might be brought to an end by a decision of the Council.

The Committee has felt that none of these systems could be definitely selected without going very deeply into the question — a course which the shortness of the session has made it impossible to follow.

(g) Aggression by a Third State. — The Committee has not felt called upon to refer to the mutual assistance to be afforded by contracting parties in the case of aggression by third States. The discussion showed that some States hold that such a guarantee is necessary in view of certain definite contingencies, particularly where certain other States refuse to conclude with them a collective treaty, including non-aggression, the pacific settlement of disputes and mutual assistance. On the other hand, it may be held that it is not for the League of Nations,
whose object it is to promote sincere co-operation between all its Members with a view to maintaining and consolidating peace, to recommend in a treaty of its own framing provisions which might lead to the formation of rival groups of nations. In this connection it has been pointed out in the course of discussion that treaties of mutual assistance will be the more valuable and will more certainly merit the support of the League of Nations if they are, in accordance with the precedent of the Rhine Pact of Locarno, concluded between States which only a short time ago belonged to rival groups, or States whose differences might endanger the peace of the world.

It is equally clear that the high contracting parties could not in any case afford any assistance to a third State which ventured to attack one of them in violation of the Covenant of the League of Nations. The insertion of a special clause to this effect is useless, since it cannot be presumed that a Power which agrees to become party to a treaty of security would be disloyal to any of its co-signatories. It would even be dangerous to insert such a clause, for it might well weaken the force of Articles 16 and 17 of the Covenant: the undertaking not to afford assistance to a third aggressor State would not, for States Members of the League of Nations, be an adequate guarantee. The Covenant provides not for negative but for positive action against any State resorting to war in violation of the engagements subscribed to in Articles 12, 13 and 15.

(h) Linking up of Treaties of Mutual Assistance with Disarmament. — As pointed out above, in the paragraph which deals with the duration of treaties of mutual assistance, the latter are calculated to facilitate the successful issue of a general Conference on the Reduction and Limitation of Armaments. The Committee on Security, not unmindful of the fact that it owes its origin to a 1927 Assembly resolution on the question of disarmament, feels bound to lay special stress on this consideration, which has influenced all its deliberations. But it would be premature, at the present juncture, to attempt to define the connection which should exist between treaties of mutual assistance and the limitation and reduction of armaments.

(i) Recommendation with a View to the Conclusion of Collective Treaties of Mutual Assistance. — Conceived as they are in the spirit of the League, and therefore meriting the League's full support, the conclusion of collective treaties of mutual assistance should, in the opinion of the Committee, be facilitated if necessary. The Committee therefore proposes to recommend a draft resolution defining the conditions under which the Council of the League might, in this connection, lend its good offices. In these cases the Council's task would obviously be a very delicate one, but we may be sure that it would, as ever, act with the greatest prudence, and that if it took action in such a matter it would be likely to prove successful.

The conclusion of a collective treaty of mutual assistance, as conceived by the Committee, naturally presupposes a long effort of political preparation and endeavours to bring about a better understanding between the countries destined to conclude reciprocal agreements.

II. MODELS OF COLLECTIVE AND BILATERAL TREATIES OF NON-AGGRESSION.

States anxious to obtain better guarantees of security but unwilling for some reason or another to bind themselves by a treaty of mutual assistance will find various model treaties under which they can enter into obligations with other States as regards non-aggression and the pacific settlement of disputes only. The provisions of these treaties on these two latter points are the same as those embodied in the draft collective treaty of mutual assistance.

(b) MODEL TREATIES.

DRAFT COLLECTIVE TREATY OF MUTUAL ASSISTANCE.

(Treaty D)

(List of Heads of States)

Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;

Recognising that the rights of the several States cannot be modified except with their own consent;

Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure allows of the settlement of all international disputes;
Desirous of establishing on a firm basis relations of frank co-operation between their respective countries and of securing additional guarantees for peace within the framework of the Covenant of the League of Nations:

Have resolved to conclude a Treaty for these purposes and have appointed as their Plenipotentiaries

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I. — NON-AGGRESSION AND MUTUAL ASSISTANCE.

Article 1.

Each of the high contracting parties undertakes, in regard to each of the other parties, not to attack or invade the territory of another contracting party, and in no case to resort to war against another contracting party.

This stipulation shall not, however, apply in the case of:

(i) The exercise of the right of legitimate defence—that is to say, resistance to a violation of the undertaking contained in the first paragraph;
(ii) Action in pursuance of Article 16 of the Covenant of the League of Nations;
(iii) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

Each of the high contracting parties undertakes, in regard to each of the others, to submit to a procedure of pacific settlement, in the manner provided for in the present Treaty, all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

Article 3.

Should any one of the high contracting parties consider that a violation of Article 1 of the present Treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

As soon as the Council of the League of Nations has ascertained that such a violation has taken place, it shall at once advise the Powers which have signed the present Treaty, and each of these Powers undertakes in such a case to give assistance forthwith to the Power against which the act complained of has been directed.

Article 4.

1. Should one of the high contracting parties refuse to accept the methods of pacific settlement provided for in the present Treaty or to execute an arbitral award or judicial decision and be guilty of a violation of Article 1 of the present Treaty, the provisions of Article 3 shall apply.

2. Should one of the high contracting parties, without being guilty of a violation of Article 1 of the present Treaty, refuse to accept the methods of pacific settlement or to execute an arbitral award or judicial decision, the other party shall inform the Council of the League of Nations, which shall propose the measures to be adopted; the high contracting parties shall accept these proposals.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 5.

1. The following provisions shall apply to the settlement of disputes between the parties, subject to any wider undertakings which may result from other agreements between them.

2. The said provisions do not apply to disputes arising out of facts prior to the present Treaty and belonging to the past.

Article 6.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. Nevertheless, if these conventions only provide for a procedure of conciliation, after this procedure has been employed without result, the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.
Section I. — Judicial or Arbitral Settlement.

Article 7.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

Article 8.

If the parties agree to submit their dispute to an arbitral tribunal they shall draw up a special agreement; unless the parties agree to adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, the aforesaid special agreement shall determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the rules in regard to the substance of the dispute to be applied by the arbitrators.

Article 9.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by a simple application directly before the Permanent Court of International Justice.

Article 10.

If in a judicial sentence or arbitral award it is stated that a decision, or a measure enjoined by a court of law or other authority of one of the parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction.

Section II. — Conciliation.

Article 11.

1. Before any resort is made to arbitral procedure or to proceedings before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted to the conciliation procedure laid down in the present Treaty.

2. In the case of the conciliation procedure failing, and after the expiration of the period of one month provided for in Article 28, the dispute may be submitted to the Permanent Court of International Justice or to the arbitral tribunal, as the case may be.

Article 12.

All disputes the settlement of which cannot, under the terms of the present Treaty, be attained by means of a judicial or arbitral award, shall be submitted to a procedure of conciliation.

Article 13.

The disputes referred to in the preceding article shall be submitted to a permanent or special conciliation commission constituted by the parties.

Article 14.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 15.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:

1. The Commission shall be composed of five members. The contracting parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.
Article 16.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding article, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 17.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute or to fill vacancies on a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 18.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 19.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 20.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by the President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 21.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 22.

1. Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable should be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 23.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 24.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.
Article 25.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 26.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it and lay down the period within which they are to make their decision.

2. At the close of its proceedings the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority, accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 27.

The Commission’s procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 28.

If the two parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Article 11.

Chapter III. — General Provisions.

Article 29.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 30.

Should a dispute arise between more than two States parties to the present Treaty, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions:

(a) In the case of conciliation procedure, a special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 16 and the following articles of the present Treaty.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.
Article 31.
1. The present Treaty shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.
2. In conciliation procedure the parties may agree to call upon such third State; the latter shall be free not to intervene.
3. In judicial or arbitral procedure a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun. It shall be bound to comply with this request if it is a party to the present Treaty. It may refuse if it is not a party to the present Treaty.

Article 32.
Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 33.
The present Treaty, which is intended to ensure the maintenance of peace and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take at any time, and notwithstanding any procedure of conciliation or arbitration, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 34.
The present Treaty, of which the French and English texts shall both be authentic, shall bear to-day's date; it shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League.

Article 35.
The present Treaty shall be ratified and the ratification shall be deposited at Geneva in the archives of the League of Nations as soon as possible. It shall come into force as soon as all the ratifications have been deposited.
The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations, and the Secretary-General of the League shall be requested to transmit certified true copies to each of the high contracting parties.

Article 36 (Duration of Treaty).
The present Treaty shall be concluded for a period of ... years as from its entry into force.
Notwithstanding that the Treaty ceases to be in force all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.
(As regards the duration of the Treaty, the Committee did not consider it its duty to decide between the various possible systems. It recommends three principal systems:
(The first, on the model of the Locarno-Rhine Pact, not specifying any period but providing for expiry in virtue of a decision taken by the Council;
(The second, providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period;
(The third system would be a mixed system, providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice; failing denunciation, the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council.)

Article 37.
The present Treaty shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Treaty.

DONE at ... on ... .

DRAFT COLLECTIVE TREATY OF NON-AGGRESSION.
(Treaty E)

(List of Heads of States)

Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;
Recognising that the rights of the several States cannot be modified except with their own consent;

¹ Date of signature.
Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure allows of the settlement of all international disputes; Desirous of establishing, on a firm basis, relations of frank co-operation between their respective countries and of securing additional guarantees for peace within the framework of the Covenant of the League of Nations; Have resolved to conclude a treaty for these purposes and have appointed as their plenipotentiaries: who, having exchanged their full powers found in good and due form, have agreed on the following provisions:

CHAPTER I. — NON-AGGRESSION.

Article 1.

Each of the high contracting parties undertakes, in regard to each of the other parties, not to attack or invade the territory of another contracting party, and in no case to resort to war against another contracting party. This stipulation shall not, however, apply in the case of:

1. The exercise of the right of legitimate defence—that is to say, resistance to a violation of the undertaking contained in the first paragraph;
2. Action in pursuance of Article 16 of the Covenant of the League of Nations;
3. Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

Each of the high contracting parties undertakes, in regard to each of the others, to submit to a procedure of pacific settlement, in the manner provided for in the present Treaty, all questions whatsoever on which they may differ, and which it has not been possible to settle by the normal methods of diplomacy.

Article 3.

Should any one of the high contracting parties consider that a violation of Article 1 of the present Treaty has taken place, or is taking place, it shall immediately bring the question before the Council of the League of Nations.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 4.

1. The following provisions shall apply to the settlement of disputes between the parties, subject to any wider undertakings which may result from other agreements between them.
2. These provisions shall not apply to disputes arising out of events prior to the present Treaty and belonging to the past.

Article 5.

1. Disputes for the settlement of which a special procedure is laid down in other Conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those Conventions.
2. Nevertheless, if these Conventions only provide for a procedure of conciliation, after this procedure has been employed without result the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement.

Article 6.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

Article 7.

If the parties agree to submit their dispute to an arbitral tribunal, they shall draw up a special agreement; unless the parties agree to adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, the aforesaid special agreement shall determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the fundamental rules to be applied by the arbitrators.
Article 8.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute, by a simple application, directly before the Permanent Court of International Justice.

Article 9.

If in a judicial sentence or arbitral award it is stated that a decision, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction.

Section II. — Conciliation.

Article 10.

1. Before any resort is made to arbitral procedure or to proceedings before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted to the conciliation procedure laid down in the present Treaty.

2. In the case of the conciliation procedure failing, and after the expiration of the period of one month provided for in Article 27, the dispute may be submitted to the Permanent Court of International Justice, or to the arbitral tribunal as the case may be.

Article 11.

All questions the settlement of which cannot, under the terms of the present Treaty, be attained by means of a judicial or arbitral award shall be submitted to a procedure of conciliation.

Article 12.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 13.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within a period of three months.

Article 14.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:

1. The Commission shall be composed of five members. The contracting parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory, nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 15.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding article, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 16.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute or complete a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.
Article 17.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.

Article 18.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 19.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by the President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 20.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 21.

1. Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them useful should be heard.

3. The Commission for its part shall be entitled to request oral explanations from the agents, counsel and experts of the two parties as well as from all persons it may think useful to summon with the consent of their Governments.

Article 22.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 23.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 24.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 25.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The procès-verbal shall contain the opinion of any members of the Commission who are in a minority, accompanied by a statement of the reasons on which that opinion is based.
4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 26.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 27.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the League Covenant. This provision shall not apply in the case provided for in Article 10.

Chapter III. — General Provisions.

Article 28.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties of the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 29.

Should a dispute arise between more than two States parties to the present Treaty, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions:

(a) In the case of conciliation procedure, a special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties have all separate interests or two or more of their number act together.

In the former case, the parties shall each appoint one Commissioner and shall jointly appoint Commissioners, nationals of third States, whose number shall always exceed by one the number of Commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their Commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third Commissioners.

In either event the parties shall, unless they agree otherwise, act in accordance with Article 16 and the following articles of the present Treaty.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.

Article 30.

1. The present Treaty shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. In conciliation procedure, the parties may agree to call upon such third State; the latter shall be free not to intervene.

3. In judicial or arbitral procedure, a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun. It shall be bound to comply with this request if it is a party to the present Treaty.

Article 31.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice,
Article 32.

The present Treaty, which is intended to ensure the maintenance of peace and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take at any time, and notwithstanding any procedure of conciliation or arbitration, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 33.

The present Treaty, of which the French and English texts shall both be authentic, shall bear to-day's date; it shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League.

Article 34.

The present Treaty shall be ratified and the ratification shall be deposited at Geneva in the archives of the League of Nations as soon as possible. It shall come into force as soon as all the ratifications have been deposited.

The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations, and the Secretary-General of the League shall be requested to transmit certified true copies to each of the high contracting parties.

Article 35. (Duration of Treaty).

The present Treaty shall be concluded for a period of years dating from its entry into force.

Notwithstanding that the Treaty ceases to be in force, all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Committee did not consider it its duty to decide between the various possible systems. It recommends three principal systems: (The first, on the model of the Locarno-Rhine Pact, not specifying any period but providing for expiry in virtue of a decision taken by the Council; (The second, providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period; (The third system would be a mixed system, providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice; failing denunciation, the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council.)

Article 36.

As from the present Treaty may be acceded to in the name of any Member of the League of Nations or of any non-Member State adjacent to or in the neighbourhood of the signatory or acceding States.

The instruments of accession shall be forwarded to the Secretary-General of the League of Nations, who shall notify receipt thereof to all the Members of the League of Nations.

Article 37.

The present Treaty shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at on.

DRAFT BILateral TREATY OF NON-AGGRESSION.

(Treaty F)

(List of Heads of States)

Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;

Recognising that the rights of the several States cannot be modified except with their own consent;

Considering that the faithful observance, under the auspices of the League of Nations, of forms of peaceful procedure allows of the settlement of all international disputes;

1 Date of signature.
Desirous of establishing on a firm basis relations of frank co-operation between their respective countries, and of securing additional guarantees of peace within the framework of the Covenant of the League of Nations:

Have resolved to conclude a Treaty for these purposes and have appointed as their Plenipotentiaries:

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

**Chapter I. — Non-Aggression.**

**Article 1.**

The high contracting parties mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of:

1. The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph;
2. Action in pursuance of Article 16 of the Covenant of the League of Nations;
3. Action as the result of a decision taken by the Assembly or by the Council of the League of Nations, or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

**Article 2.**

The high contracting parties undertake to settle by peaceful means and in the manner laid down in the present Treaty all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy.

**Article 3.**

If one of the high contracting parties considers that a violation of Article 1 of the present Treaty has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

**Chapter II. — Pacific Settlement of Disputes.**

**Article 4.**

1. The provisions which follow shall apply to the settlement of disputes between the parties, without prejudice to any more comprehensive engagements which may derive from other agreements between them.
2. These provisions do not apply to disputes arising out of events prior to the present Treaty and belonging to the past.

**Article 5.**

1. Disputes for the settlement of which a special procedure is laid down in other Conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those Conventions.
2. Nevertheless, if these Conventions only provide for a procedure of conciliation, after this procedure has been employed without result the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

**Section I. — Judicial or Arbitral Settlement.**

**Article 6.**

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have recourse to a special arbitral tribunal.

**Article 7.**

If the parties agree to submit their dispute to an arbitral tribunal, they shall draw up a special agreement; unless they adopt as they stand the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, they shall in the special agreement determine, in addition to the arbitrators and the subject of the dispute, the details of the procedure and the rules to be applied by the arbitrators.

**Article 8.**

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute directly before the Permanent Court of International Justice by making an application.
Article 9.

If in a judicial sentence or arbitral award it is stated that decision delivered or a measure enjoined by a court of law or other authority of one of the parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that State does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction of another kind.

Section II. — Conciliation.

Article 10.

1. Before any resort is made to arbitral procedure or to proceedings before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted to the conciliation procedure laid down in the present Treaty.

2. Should the attempt at conciliation fail, the dispute may, after the expiration of the period of one month provided for in Article 27, be submitted to the Permanent Court of International Justice, or to the arbitral tribunal as the case may be.

Article 11.

All disputes which cannot, under the terms of the present Treaty, be settled by judicial or arbitral award shall be submitted to a procedure of conciliation.

Article 12.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 13.

On a request to that effect being sent by one of the contracting parties to another contracting party, a Permanent Conciliation Commission shall be constituted within three months.

Article 14.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:

1. The Commission shall be composed of five members. The contracting parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The other three Commissioners shall be appointed by agreement from among the nationals of third Powers. These three Commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The contracting parties shall appoint the President of the Commission from among them.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. The Commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace the Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 15.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special Commission, appointed in the manner laid down in the preceding articles, shall, unless the parties decide otherwise, be constituted for the examination of the dispute.

Article 16.

If the appointment of the Commissioners to be designated jointly is not made within a period of three months from the date on which one of the parties requested the other party to constitute a permanent or a special Conciliation Commission, the President of the Swiss Confederation shall, failing some other agreement, be requested to make the necessary appointments.

Article 17.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in the absence of such agreement by one or other of the parties.

2. The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take any necessary measures with a view to arriving at an amicable settlement.

3. If the application emanates from only one of the parties, notification thereof shall be made by such party without delay to the other party.
Article 18.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a Permanent Conciliation Commission, either party may replace its own Commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 19.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it its assistance.

Article 20.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 21.

1. Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that, all persons whose evidence appears to them useful should be heard.

3. The Commission for its part shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Governments.

Article 22.

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority.

Article 23.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 24.

1. During the proceedings of the Commission each of the Commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same way.

Article 25.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings the Commission shall draw up a proces-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

3. The proces-verbal shall contain the opinion of any members of the Commission who are in a minority, accompanied by a statement of the reasons on which that opinion is based.

4. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 26.

The Commission's proces-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.
Article 27.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Article 10.

CHAPTER III. — GENERAL PROVISIONS.

Article 28.

1. In all cases, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall indicate, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties to the dispute undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 29.

1. The present Treaty shall be applicable as between the high contracting parties, whether or no a third State has an interest in the dispute.

2. In conciliation procedure the parties may agree to call upon such third State ; the latter shall be free not to intervene.

3. In judicial or arbitral procedure, a third State having an interest in the dispute shall always be requested to take part in the procedure which has been begun.

Article 30.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 31.

The present Treaty, which is intended to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations shall not in any way affect the rights and obligations of the Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take at any time, and notwithstanding any procedure of conciliation and arbitration, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 32.

The present Treaty shall be ratified, and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible. It shall come into force as soon as the ratifications have been deposited.

The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations and the Secretary-General shall be requested to deliver certified true copies to each of the high contracting parties.

Article 33.

(Duration of Treaty.)

The present Treaty shall be concluded for a period of . . . years as from its entry into force.

Notwithstanding that the treaty ceases to be in force all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Committee did not consider it its duty to decide between the various possible systems. It recommends three principal systems:

(The first, on the model of the Locarno-Rhine Pact, not specifying any period but providing for expiry in virtue of a decision taken by the Council;

(The second providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year’s notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period;

(The third system would be a mixed system, providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year’s notice; failing denunciation the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council.)

DONE at . . . on . . . . . . . . . . . . . . . . . . . . . .
(c) RESOLUTION ON THE SUBMISSION AND RECOMMENDATION
OF MODEL TREATIES OF NON-AGGRESSION AND MUTUAL ASSISTANCE.

The Committee on Arbitration and Security recommends that the following draft resolution
be submitted for the approval of the Assembly:

"The Assembly;
"Having noted with satisfaction the model treaties of non-aggression and mutual
assistance prepared by the Committee on Arbitration and Security;
"Fully appreciating the value of these model treaties;
"And convinced that their adoption by the States concerned would contribute
towards strengthening the guarantees of security:
"Recommends them for consideration by States Members or non-Members of the
League of Nations; and
"Hopes that they may serve as a basis for States desiring to conclude treaties of
this sort."

(d) RESOLUTION CONCERNING THE GOOD OFFICES OF THE COUNCIL.

The Committee on Arbitration and Security recommends that the following draft resolution
be submitted for approval to the next Assembly:

"In view of the resolution adopted by the Assembly on September 26th, 1926,
requesting the Council to offer its good offices to States Members of the League for the
conclusion of suitable agreements likely to establish confidence and security,
"The Assembly,
"Convinced that the conclusion between States in the same geographical area of
security pacts providing for conciliation, arbitration and mutual guarantees against
aggression by any one of them constitutes one of the most practical means that can now
be recommended to States anxious to secure more effective guarantees of security;
"Being of opinion that the good offices of the Council if freely accepted by all the
parties concerned, might facilitate the conclusion of such security pacts;
"Invites the Council:
"To inform all the States Members of the League of Nations that should States feel
the need of reinforcing the general security conferred by the Covenant and of concluding
a security pact for this purpose, and should the negotiations relating thereto meet with
difficulties, the Council would, if request—after it has examined the political situation
and taken account of the general interests of peace—be prepared to place at the disposal
of the States concerned its good offices which, being voluntarily accepted, would be
calculated to bring the negotiations to a happy issue."

V. Articles of the Covenant.

(a) RESOLUTION CONCERNING M. RUTGERS' MEMORANDUM ON ARTICLES 10, 11 AND 16 OF THE COVENANT.

The Committee on Arbitration and Security,

Having taken note of the memorandum on Articles 10, 11 and 16 of the Covenant,
Appreciates the great importance of the work accomplished in regard to the application
of these provisions;
Considers that the data regarding the criteria of aggression collected in this memorandum
constitute a useful summary of the Assembly's and the Council's work in regard to this matter
and of the provisions of certain treaties;
Draws particular attention to the fact that the action which the Council, under Article
11 and the other articles of the Covenant, is called upon to take in case of conflict will provide
it with valuable indications to enable it to form an opinion and decide who is the aggressor if
war breaks out in spite of all endeavours to prevent it;
Considers that the examination of Article II of the Covenant, which lays down that the League ‘shall take any action that may be deemed wise and effectual to safeguard the peace of nations’, forms a useful corollary to the enquiry undertaken by the Committee of the Council and approved by the Council on December 6th, 1927, on the recommendation of the Assembly, and at the same time clearly demonstrates — without in any way detracting from the force of the other articles of the Covenant — that the League must in the first place endeavour to prevent war, and that in all cases of armed conflict or threat of armed conflict of any kind the League should take action to prevent hostilities or to bring hostilities to a standstill if they have already begun;

Notes the suggestions contained in the memorandum with regard to Article 16;

Recommends these studies to the Assembly as a valuable contribution in that they do not propose any rigid and detailed procedure to be followed in times of crisis, and do not add to or retract from the rights and duties of the Members of the League, but constitute highly instructive indications of the possibilities inherent in the various articles of the Covenant and the manner in which those articles can be applied without prejudice to the methods of application which an infinite variety of circumstances may demand.

(b) RESOLUTION CONCERNING COMMUNICATIONS OF THE LEAGUE. IN CASE OF EMERGENCY

The Committee on Arbitration and Security,

Considering that, in case of emergency, rapidity and security in the matter of communications between the Secretary-General, the Members of the Council, the States concerned or the special missions of the Council are of particular importance with a view to ensuring efficacious action by the League;

Noting that the importance of this was recognised by the last Assembly in Resolution No. III, adopted on September 26th, 1927, on the proposal of the Third Committee;

While gratified at the results of the initial efforts of the Committee for Communications and Transit to make the best possible use of existing means of communication;

Directs attention to the following passage in the Report of the Committee for Communications and Transit, dated March 1927, which was submitted to the Council and the Assembly:

‘... that at a time of general emergency—for example, immediately before mobilisation and, above all, during the actual period of mobilisation—the total or partial taking over by the State of the means of communication must inevitably mean that, in many cases, communications of importance to the League might be rendered less rapid or less certain despite the successful application of the measures laid down in the report approved by the Council at its December session, unless some special means, independent of the general system of national communications, ...’

Considers that the systematic study of the means to be employed by the organs of the League to enable Members to carry out the obligations devolving upon them in virtue of the different articles of the Covenant requires that communications for the purposes of League action in case of emergency should have every guarantee of independence and should be as little affected as possible by the disturbance which a state of emergency will necessarily produce in the regular working of the communications controlled by the different Governments;

Trusts that the supplementary technical studies undertaken by the Transit Committee, at the request of the Council and in conjunction with all the authorities concerned, with a view to providing the League of Nations with independent air communications and a radiotelegraphic station enabling it to communicate direct with as many Members of the League as possible, may be rapidly completed;

And emphasises the desirability of enabling the next Assembly to take steps to put these schemes into effect, more particularly as regards the establishment of a radio-telegraphic station.

(c) DRAFT RESOLUTION REGARDING FINANCIAL ASSISTANCE.

The Committee on Arbitration and Security,

Noting that the Joint Committee responsible for examining the scheme of financial assistance to States victims of aggression and which consists of members of the Committee on Arbitration and Security and members of the Financial Committee, has thought it advisable to refer the technical consideration of this scheme to the Financial Committee;

Considering that a report cannot be submitted to it by the Joint Committee until its next session;

Decides to postpone the examination of the question until that session.
VI. Resolution regarding the German Delegation’s Suggestions. ¹

The Committee on Arbitration and Security,
Having taken note of the suggestions submitted to it by the German delegation with a view to reinforcing the methods of preventing war; and
Appreciating the great importance of these suggestions:
Considers that they should be thoroughly examined and that Governments should be enabled to study them in detail; and
Decides to place them on the agenda of its next session and to appoint a Rapporteur, who will report to the Committee in the light of the Committee’s discussion and of any observations which may be forwarded by Governments.

VII. Resolution concerning the Future Work of the Committee.

The Committee on Arbitration and Security, on the conclusion of the work of its second session, decides:

(1) To authorise its Chairman to convene it for its third session not later than the end of June 1928;
(2) To proceed, at its third session, with the second reading of the model treaties drawn up at its second session;
(3) To examine at its third session the suggestions of the German Delegation on the basis of the memorandum prepared by M. Rolin-Jaequemyns;
(4) To study at the same session draft model bilateral treaties;
(5) To continue the examination of the Articles of the Covenant in accordance with the resolution of the Assembly of 1927.

The Committee on Arbitration and Security further expresses the hope that the results of its second session will be communicated to all the States in time to be discussed at the next Assembly.

Appendix.

SUGGESTIONS OF THE GERMAN DELEGATION

With a view to preventing war the Committee on Arbitration and Security might examine the following possibilities:

I.
In case of a dispute being submitted to the Council the States might undertake in advance to accept and execute provisional recommendations of the Council for the purpose of preventing any aggravation or extension of the dispute and impeding any measures which might be taken by the parties and which might have an unfavourable effect on the execution of the settlement to be proposed by the Council.

II.
In case of threat of war the States might undertake in advance to accept and to execute the recommendations of the Council to the effect of maintaining or re-establishing the military status quo normally existing in time of peace.

III.
In the case of hostilities of any kind having broken out without, in the Council’s opinion, all possibilities of a pacific settlement having been exhausted, the States might undertake in advance to accept, on the Council’s proposal, an armistice on land and sea and in the air, including especially the obligation for the two parties in dispute to withdraw any forces which might have penetrated into foreign territory and to respect the sovereignty of the other State.

IV.
The question should be considered whether the above obligations should be undertaken only in case of a unanimous vote of the Council (the votes of the parties to the dispute not being counted), or whether the majority, simple or qualified, might suffice in the matter. Furthermore, it should be considered in what form the obligations would have to be drawn up in order to bring them into conformity with the Covenant.

V.
These obligations might constitute the subject of an agreement or of a protocol which would be open for signature by all States Members and non-Members of the League of Nations, and which might come into force separately for the several continents, in a way similar to that provided for in the draft Treaty of Mutual Assistance of 1923.

¹ See Appendix.
II.

MINUTES OF THE FIFTH SESSION
OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE

Held at Geneva from March 15th to 24th, 1928.

(With Annexes.)
CONTENTS OF THE MINUTES OF THE FIFTH SESSION OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE.

LIST OF MEMBERS ............................................................. 230

AGENDA ................................................................. 230

FIRST MEETING, March 15th, 1928, at 11 a.m.:
1. Opening of the Session .............................................. 231
2. Adoption of the Agenda .............................................. 232
3. Order of Work .......................................................... 232

SECOND MEETING, March 16th, 1928, at 4 p.m.:
4. Progress of the Work of the Committee on Arbitration and Security 233
5. Order of Work .......................................................... 237

THIRD MEETING, March 19th, 1928, at 3.30 p.m.:
6. Turkish Delegation Welcomed ...................................... 237
7. Adoption of the Draft Resolution regarding the Work of the Committee on Arbitration and Security and Participation of Turkey in the Committee on Arbitration and Security ........................................... 237

FOURTH MEETING, March 20th, 1928, at 4 p.m.:

FIFTH MEETING, March 21st, 1928, at 10.30 a.m.:

SIXTH MEETING, March, 21st, 1928, at 4 p.m.:
12. Communication by General de Marinis with regard to the Protocol concerning Chemical and Bacteriological Warfare .................................................................................... 267

SEVENTH MEETING, March 22nd, 1928, at 4 p.m.:
14. Question of Procedure .................................................. 278

EIGHTH MEETING, March 23rd, 1928, at 10.30 a.m.:
15. Statement by the American Delegation on Item 3 of the Agenda ......................................................... 278

NINTH MEETING, March 23rd, 1928, at 4 p.m.:
17. Progress of the Work of the Preparatory Commission for the Disarmament Conference : Point 3 of the Agenda : General Discussion ......................................................... 285

TENTH MEETING, March 24th, 1928, at 11 a.m.:
18. Progress of the Work of the Preparatory Commission for the Disarmament Conference : Point 3 of the Agenda : General Discussion (continued) ......................................................... 297

ELEVENTH MEETING, March 24th, 1928, at 3.30 p.m.:
19. Progress of the Work of the Preparatory Commission for the Disarmament Conference : Point 3 of the Agenda : General Discussion (continued) ......................................................... 306
21. Close of the Session ..................................................... 313

ANNEXES ................................................................. 315
LIST OF MEMBERS OF THE PREPARATORY COMMISSION
FOR THE DISARMAMENT CONFERENCE.

Argentina.................................................. His Excellency M. Pérez.
Belgium..................................................... His Excellency Baron Moncheur.
Brazil....................................................... The Right Honourable Lord Cushendun.
British Empire............................................ The Right Honourable Lord Cushendun.
Bulgaria.................................................... His Excellency M. Bogdan Morfoff.
Canada...................................................... Dr. W. A. Riddell, M.A., Ph.D.
Chile........................................................ His Excellency M. J. Valdés-Mendeville.
China....................................................... M. Chuan Chao.
Colombia.................................................... Dr. Efrain Gaitan-Hurtado.
Cuba.......................................................... Major D. Whitmarsh.
Czechoslovakia............................................ His Excellency Dr. F. Veverka.
Finland..................................................... His Excellency M. R. Holsti.
France...................................................... His Excellency Count Clauzel.
Germany..................................................... His Excellency Count Bernstorff.
Greece....................................................... His Excellency M. N. Politis.
Italy........................................................ His Excellency General A. de Marinis Stendardo di Ricigliano.
Japan....................................................... His Excellency M. N. Sato.
Netherlands.............................................. Dr. V. H. Rutgers.
Poland...................................................... His Excellency M. Sokal.
Roumania.................................................. His Excellency M. C. Antoniade.
Kingdom of the Serbs, Croats and Slovenes........ His Excellency M. L. Markovitch.
Spain........................................................ His Excellency M. Einar Hennings.
Sweden..................................................... His Excellency Dr. Tewfik Rouchdi Bey.
Turkey...................................................... His Excellency Dr. Tewfik Rouchdi Bey.
Union of Socialist Soviet Republics................. M. M. Litvinoff.
United States of America............................ The Honourable Hugh Gibson.
Uruguay.....................................................

PROVISIONAL AGENDA.


2. Examination of the Proposals submitted by the Delegation of the Union of Socialist Soviet Republics on November 30th, 1927 (see Minutes of the Fourth Session of the Preparatory Commission).

FIRST MEETING (PUBLIC).

Held on Thursday, March 15th, 1928, at 11 a.m.

President: M. LOUDON (Netherlands).

1. Opening of the Session.

The President. — I am very glad to be back among you and to find that the number of States represented has been increased by the presence of a new delegation, namely, that of the Turkish Republic, which was invited by the Council and is provisionally represented by the Turkish Minister at Berne. It is both an honour and a pleasure for me to bid him welcome to our proceedings.

I am also glad to be able to state that some work of considerable importance has been accomplished since our last session, not indeed by the Preparatory Commission itself, but by the Committee on Arbitration and Security, which was created by our Commission and includes the majority of its members.

The results of the Committee's work were, as its Chairman, M. Benes, stated at the end of its proceedings, of a very satisfactory nature. No fewer than six model treaties were drawn up in addition to several draft resolutions. These texts were adopted at the first reading. On the occasion of the second reading, which is expected to take place in June, it will be necessary to decide whether these model treaties shall be submitted, as M. Politis has proposed, to the States for such action as they may think suitable, or whether they shall take the form of conventions, drawn up in the name of the League of Nations, and opened immediately for the signature of the different States.

Three of these model treaties deal with the pacific procedure for the settlement of disputes—in other words, arbitration and conciliation. They are characterised by their flexibility, and particularly by the latitude which they allow for reservations, a feature which will render them if not more effective, at any rate more adaptable to the different situations which they are designed to meet.

Three other model treaties deal more especially with security, and are on the lines of the Locarno Agreements. The most complete of them is the Treaty for Mutual Assistance, which reproduces—subject to certain exceptions which again were introduced for the sake of flexibility—the principles of the Rhineland Agreement. In drawing up these model bilateral or plurilateral treaties, the greatest care was taken to avoid giving them the character of collective measures of protection against other States Members of the League not parties to the treaties, for this would have placed them in the same category as the unhappy alliances of past times, or of those partial treaties which the draft Treaty of Mutual Guarantee of 1923 mistakenly recommended.

The Committee realised that, in the present situation of the League of Nations, it was not possible to fill the gap in paragraph 7 of Article 15 of the Covenant, which leaves the parties to a dispute free to take such action as they deem necessary if the Council fails to arrive at a unanimous recommendation for the solution of the dispute. Obligatory arbitration would manifestly be the best means of filling that gap; but certain countries which are convinced supporters of arbitration and which have practised it in a number of cases are nevertheless unable to undertake a general and formal engagement of that kind, for reasons which we are bound to respect.

The aim of the Committee on Arbitration and Security was not to seek to impose measures which would make for security but to recommend their application, and to open the path to the establishment of that security, which plays so important a part in the problem of the reduction of armaments.

M. Benes has emphasised the political importance of the work of the Committee, and indeed it has marked out the course in which the Governments must shape their policy with a view to progressive disarmament.

The detailed study of the problems of security and arbitration, as it has been undertaken by the Committee, its effort to draw up definite rules and to find means, not of a theoretical but of a practical character, for the maintenance of security, and the prestige which the authority of the Assembly will confer upon this work, constitute so many guarantees for the gradual and progressive application of the rules and means which the Committee has recommended.

The Committee has furnished us with a review of its work, but it is not a final report, since the first stage is not yet concluded, and it proposes at its next session, in June, not only to give a second reading to the six model treaties to which I referred just now but to give its opinion regarding the suggestions of the German delegation for strengthening the machinery to prevent war, and also regarding the scheme for financial assistance to States victims of aggression, which, as you are aware, has been referred to a Joint Committee. The result of its two or three sessions will then be communicated to all the Governments in order that they may be discussed at the next Assembly.

I am sure that you will all agree that it behoves us to pay a sincere tribute of gratitude to the Committee of Arbitration and Security for the valuable work which it has just accomplished and for the energy which it has displayed. And this tribute, not only of gratitude but of admiration, is specially due to the Chairman and the three Rapporteurs of the Committee.
M. Benes is unfortunately not among us, but I am sure that M. Politis, M. Holsti and M. Rutgers will be most willing to furnish any information you may require regarding the work of the Committee.

The second item on our agenda is the examination of the proposals submitted on November 30th by the delegation of the Union of Socialist Soviet Republics.

Our Commission will be called upon, with that sense of realities which is one of its characteristics, to consider whether the proposals of the Soviet delegation pay sufficient regard to existing circumstances and to the psychology of human society to be capable of application in practice. But, apart from the question of how far they fulfil that condition, it will be very desirable in regard to the third point on our agenda—the progress of the work of the Preparatory Commission—I have no fresh information to give you. I deeply regret that it should be so, for I would have wished to be able to say that we are in a position to continue our work effectively. I am faced with this difficulty, that I do not know whether the Governments—which I fervently appealed to more than once at our previous meetings to seek to reconcile their different standpoints in regard to certain questions of primary importance to our draft Convention—have been engaged in conversations or what may have been the result of such conversations. I shall be grateful if the representatives of those Governments are able to give us some information on that matter.

I hope that these brief observations on the three headings of our agenda may serve as an introduction to your discussions, which I now have the honour to declare open.

MUNIR Bey (Turkey). — Mr. President,—I desire to express my sincere thanks to you for the cordial welcome which you have extended to the Turkish delegation.

The Turkish Republic, which is following a sincere policy of peace, attaches the greatest value to every effort and every action which may help to bring about the consolidation of a general peace. For that reason, the Turkish Republic is very glad to be able to participate in the work of the Preparatory Commission for the Disarmament Conference.

May I add that, owing to the very short time which the Turkish Government had at its disposal after receiving the telegram of invitation from the Council of the League of Nations, the chief Turkish delegate and his experts will not be able to arrive at Geneva until midnight on Sunday, and will be unable to attend the meetings of your Commission until Monday. I trust that, in view of the great importance of the questions on your agenda, which will certainly require careful examination and considerable discussion, you will be able to give the Turkish delegation an opportunity of addressing the Commission and presenting its observations on each of these questions.

Count BERNSTORFF (Germany). — The delegate of the Turkish Republic has just told us that the Turkish Minister for Foreign Affairs cannot be present at our meetings until Monday. I warmly support the Turkish delegate’s request, and would urge that we should give the Turkish delegation every opportunity of discussing all political questions with us, and that we should therefore adjourn these discussions until Monday. As this is the first time that we have had the pleasure of seeing a Turkish representative among us, I think it is our duty to show the Turkish delegation this courtesy.

M. Litvinoff (Union of Socialist Soviet Republics). — I should like to second the proposal made by Count Bernstorff, the first delegate of Germany. It is owing to the initiative of the Soviet delegation that we have the pleasure of seeing the Turkish delegation among us to-day.

We attach the greatest importance to the question of disarmament, which is the chief question before the Preparatory Commission, and we think it necessary that as many countries as possible should take part in its discussion. I therefore wish to propose to the Commission that the discussion on disarmament should not be undertaken until the chief Turkish delegate arrives in Geneva.

M. Sokal (Poland). — I need not say how cordially the Polish delegation welcomes the presence of the Turkish delegation among us. As you are aware, it was on the proposal of the Polish representative, M. Zaleski, that the Council decided to invite the Turkish Republic to be represented on the Preparatory Commission. In these circumstances, we see no objection to the proposal that any political discussion in which Turkey is interested should be adjourned until the chief Turkish delegate arrives at Geneva. We are therefore glad to second the proposal which has just been made, more particularly the case, besides the Turkish representative, there are, we think, other delegations, such as that of the United States of America, which also have not participated in the work of the Committee on Arbitration and Security, and which, therefore, may not have had time to examine the documentation.

2. Adoption of the Agenda.

The President. — The agenda before the Commission is a provisional one. As no new proposal has been received by the Bureau, I propose that we regard the agenda as definitive.

The agenda was adopted.

3. Order of Work.

The President. — I think it is very desirable to meet the wish expressed by the last speakers. Indeed, it is, I think, only a matter of courtesy that we should accede to the Turkish Minister’s request and postpone till Monday the discussion of the principal items of our agenda.
That need not prevent us, however, from beginning as soon as possible a discussion of the first item, i.e., "Position of the Work of the Committee on Arbitration and Security". I understand, however, that some of the delegates desire to examine more fully the document circulated this morning containing an account of the work of the Committee from its first establishment until the end of its second session, and the texts which it has drawn up.

In these circumstances, I propose that the discussion should begin to-morrow afternoon.

Count Bernstorff (Germany). — I, for my part, quite agree that the discussion of the question of security should be held to-morrow afternoon.

I should like, however, to raise one point. The third item on our agenda is "Progress of the Work of the Preparatory Commission". I think I am right in assuming that on this third point any question connected with disarmament may be discussed. I should like to be certain on this point, because I am submitting to the Commission a proposal regarding publicity which is about to be circulated (Annex 1).

The President. — I can reply at once to Count Bernstorff that there is no objection to the discussion of any question relating to disarmament in connection with the progress of our work on disarmament.

The Commission rose at 11.55 a.m.

SECOND MEETING (PUBLIC).

He1 on Friday, March 16th, 1928, at 4 p.m.

President: M. Loudon (Netherlands).


The President. — Gentlemen,—You have all had an opportunity since yesterday of studying the report of the Committee on Arbitration and Security (Annex 7 to Minutes of the second session of the Committee).

I desire to know whether anyone wishes to speak or to ask for explanations which the Rapporteur will be ready to furnish.

M. Holsti (Finland). — I should like to suggest that during this discussion M. Politis, who was one of the Rapporteurs, should be appointed as a Rapporteur-general. He was a member not only of the full Committee and the Drafting Committee but also of the Committee of Three, and, consequently, I think he would be the most suitable person to furnish any further information that may be required.

M. Politis (Greece). — I am really overcome by this honour, which carries with it such heavy a responsibility; but I should be loath to encroach upon the special province of any of my colleagues, so that I trust that, if any very special point were raised, my colleagues, with whom it has been a pleasure to collaborate, would be ready to support me.

The President. — I will not venture to ask M. Politis to make a general statement, as he has already done so at the last meeting of the Committee on Arbitration and Security. I think that it would be preferable to wait for questions, which M. Politis and, if necessary, his colleagues will be prepared to answer.

Dr. Riddell (Canada). — During the last session of the Committee on Arbitration and Security I proposed that the words "Treaties of Non-Aggression and Mutual Assistance" should be substituted for the words "Security Treaties", and I understood that this suggestion was accepted by the Rapporteur, as well as being supported by the representatives of the British Empire and Germany and approved unanimously by the Committee. I see, however, that the general heading of Section IV is "Security Treaties". At that time I pointed out that all the treaties were security treaties, that it was the opinion of the Canadian Government that treaties of arbitration, conciliation, investigation and of judicial settlement were just as much treaties of security as those involving non-aggression and mutual assistance, and I understood clearly that the Rapporteur accepted my amendment. I should be glad, therefore, if this Commission would agree to substitute the words "Treaties of Non-Aggression and Mutual Assistance" for "Security Treaties", which, as Lord Cushendun said, had a more general application.

Count Bernstorff (Germany).— Mr. President,—As my friend and colleague, M. von Simson, supported Dr. Riddell's proposal the other day, I may perhaps be allowed to add a few words on the subject.

It would, in my view, be a very great mistake to allow it to be thought that pacific procedures for the settlement of disputes bear no relation to security. Germany has always been of opinion that arbitration and conciliation are among the most efficacious means of increasing security. In consequence, treaties bearing on these questions come under the category of "Security Treaties" just as much as treaties of mutual assistance or non-aggression.
This view was approved by the Committee on Arbitration and Security at one of its last meetings. If, then, in the Committee's report, only the three Conventions on Mutual Assistance and Non-Aggression are included under "Security Treaties", this must be due to an error which it is essential to remedy.

M. POLITIS (Greece). — Mr. President,—I think that there can be no difficulty in complying with the request of the delegate for Canada. It is perfectly true that, during the discussions of the Committee, it was observed that all the treaties drawn up, including the Treaties of Arbitration and Conciliation, constitute, though in different degrees, a guarantee of security. It was no doubt owing to some error in copying that the heading of Chapter IV was kept as "Security Treaties", for it would be more correct to have "Treaties of Non-Aggression and Mutual Assistance".

What I wanted to say, however, was that, while all the treaties in varying degrees possess the character of security treaties, in the current language of the League the term "security treaties" has hitherto been used more particularly for treaties providing for mutual assistance and non-aggression. These, if I may say so, are security treaties \textit{par excellence}.

However, in view of what was agreed to in the Committee on Arbitration and Security, I think there can be no objection to altering the title of Section IV or amending the text of the draft resolutions proposing that the Assembly should recommend the States to adopt the models drawn up.

The President. — I think that the Commission is prepared to accept this proposed modification. The simplest method would be to attach the Minutes of this meeting to the document which the Secretariat is to send to the different Governments. In this way, the necessary explanation will be given and the correction can be made without its being necessary to reprint the document.

M. LITVINOFF (Union of Socialist Soviet Republics). — The Soviet delegation has already expressed its opinion at the fourth session of the Preparatory Commission as regards the bearing of the questions considered by the Committee on Arbitration and Security upon the problem of disarmament. The findings of this Committee are before the Preparatory Commission, in which the Soviet delegation is taking an active part.

I should like to say a few words lest our silence should be construed as signifying agreement with the decisions and report of the Committee on Arbitration and Security. Without entering into a detailed discussion of the Committee's proposals, I will confine myself to a very short summary of our previous statements on this subject.

We still believe that the problem of peace cannot be solved, or its realisation brought any nearer, by solving the questions now before the Committee on Arbitration and Security. We believe that the path which this Committee is following cannot result in general security, but would merely increase the security of individual countries or groups of countries, while involving a menace to the independent existence and territorial inviolability of other countries or groups of countries. Moreover, owing to the lack of exact criteria as to what constitutes an offensive and what a defensive war, the system of regional guarantee pacts based upon mutual assistance, as proposed by the Committee, may end in something perilously akin to the pre-war system of alliances and other military and political combinations.

That very system, which was one of the causes of the great world war, itself may be a menace to peace. Nourishing and supporting, as it does, the aggressive temper of bellicose and quarrelsome Governments, this system may turn any local war into an Armageddon. In the opinion of the Soviet delegation, the decisions of the Committee on Arbitration and Security, without diminishing the likelihood of future wars, are calculated to extend the arena of future wars and aggravate their terrible consequences.

At the last session of the Preparatory Commission, the discussion on disarmament was adjourned in the expectation that the findings of the Committee on Arbitration and Security would create some degree of security for individual countries and thus establish the preliminary conditions for disarmament. The Soviet delegation at the time opposed the adjournment. If other delegations now consider the decisions of the Committee satisfactory and the questions of security of particular moment to them as more or less settled, we, for our part, while maintaining our former attitude towards the Committee, can only express our satisfaction at the removal of an illusory or artificial obstacle to the realisation of the chief work of the Disarmament Commission.

The Soviet delegation regards complete and speedy disarmament as the most solid guarantee of security for all countries and all peoples, and the most effective means of preventing war. It therefore appeals to the Preparatory Commission to proceed as soon as possible with its main task, the discussion and adoption of resolutions on disarmament, without further delay.

M. POLITIS (Greece). — I must ask permission to intervene in this discussion, as the remarks which we have just heard appear to me to involve some doubt and confusion as regards the painstaking work of the Committee on Arbitration and Security.

There is room for very different points of view and everyone is free to maintain his own ideas of what is meant by security. I should like to point out, however, that the two main conceptions which came into conflict before the Committee were finally reconciled in a formula which appeared to be satisfactory to all parties. The supporters of the first theory are of opinion that disarmament should precede security, while those who maintain the second consider, on the contrary, that security should come before disarmament. A formula was found whereby these two theories were reconciled: no one, I think, who took part in the discussions of the Committee on Arbitration and Security will question this. It was agreed...
that the two conceptions should keep pace with one another; any steps taken with a view to disarmament, or rather the reduction of armaments, should be commensurate with the existing feeling of security. As this feeling increases, disarmament must also proceed. This point, I think, was established beyond all question during the recent discussions in the Committee on Arbitration and Security.

There is a second point that I wish to emphasise. I am afraid that M. Litvinoff has not been able to study the report now before you quite as carefully as it deserves, because otherwise I cannot understand how he can say that security pacts—or rather the pacts of non-aggression and mutual assistance drawn up by the Committee—tend to restore the old system of alliances and that, if they constitute a guarantee for certain States, they are at the same time a menace to others.

On the contrary, what our report makes abundantly clear is that the type of regional pact recommended by the Committee on Arbitration and Security provides no guarantee against aggression by third parties. It is simply the system of the Locarno Pact adapted to the particular circumstances that may arise in the different parts of the world. As in the Locarno Pact, the models which we have framed provide for mutual assistance only against reciprocal aggression by the contracting parties. We thought that it was not unduly optimistic to hope that all the States in one particular region might agree to conclude such treaties among themselves. Accordingly, we decided to leave out the contingency of aggression by a third party involving mutual assistance. It was in order as far as possible to facilitate the conclusion of such treaties, which we were entirely in keeping with the spirit of the League, that we framed the draft resolution providing that the Council should use its good offices in assisting States desirous of concluding them. This doubt meant imposing a very difficult and very delicate task upon the Council, but we thought it essential because the conclusion of such treaties will often require careful political preparation and necessitate the moral rapprochement of the States which are to become contracting parties. It is therefore incorrect to state that our model treaties for mutual assistance bear a close or even a distant resemblance to the old alliances. On the contrary, we endeavoured to adopt a form as different as possible from those former types and to produce something which would be really in harmony with the true spirit of the League of Nations.

Finally, gentlemen, there is a third point which requires to be emphasised. M. Litvinoff said just now that there are some countries which believe that the inadequacy of their security constitutes an obstacle to disarmament, that the Soviet delegation considers that obstacle artificial, but nevertheless rejoices that it should have been eliminated now that the Committee on Arbitration and Security has drawn up these model treaties.

Personally, I do not think that any member of the Committee on Arbitration and Security was so artless as to imagine that this obstacle could be removed by the mere fact of our having drawn up these treaties. That obstacle will only be eliminated when these treaties have received the approval of all the organs of the League of Nations, when they have been sanctioned by the States and have been given effect by the conclusion of conventions, freely signed and freely put in force. It is only then that we shall be able to say that this obstacle—which the Soviet delegation considers artificial but which other delegations regard as very real indeed—will have been really eliminated.

These, gentlemen, are the three observations which I thought it incumbent upon me to make as Rapporteur, in order that the work of the Committee should regain its rightful value and its true complexion.

Count CLAUZEL (France).—Mr. President and gentlemen,—In the absence of M. Paul-Boncour, who, to his deep regret, is unable to come to Geneva or to take a personal share in the work of this session, I feel that I should be failing in my duty if I did not state very briefly and very simply the reasons which lead the French delegation to declare itself well satisfied with the results obtained by the Committee on Arbitration and Security.

I will only draw your attention to two points. In the first place, no matter what criticisms may have been levelled at the League of Nations, these results are of an essentially practical character. I certainly will not venture, after M. Politis's statement, to add any comments; they would be wholly superfluous and out of place. But I desire to state that these model treaties are not intended to enrich the library of the League of Nations. I repeat: they are of an extremely practical character, because it was found possible, if I may use the expression, to implement them with the help of the two resolutions which were referred to just now by M. Politis, recommending these treaties for adoption and, more important still, inviting the Council to offer its good offices. It is the latter resolution which more especially constitutes a new fact of the highest importance. You know the value which M. Paul-Boncour attached to it, and I desire, as he is absent, to emphasise the importance of this first result.

There is another point which I also desire to urge upon your attention, namely, the link which exists between the results obtained by the Committee on Arbitration and Security and the earlier work of the League. This remark may also serve as a reply to some very interesting observations which were made just now by M. Litvinoff.

Indeed, it may be said that our presence here is the fruit of many years of previous work, carried out within these very walls. We have often heard witticisms in which the labours of the League of Nations were compared to the work of a famous countrywoman of M. Politis, I mean to the web of Penelope. It is true that these methods have the disadvantage of expending, not in this case much wool, but a great deal of paper, besides involving prolonged efforts. But neither the paper nor the efforts have been thrown away, because they have enabled us to reach the conclusions which are now the subject of our congratulations. I would remind you
of Resolution XIV of the third session of the Assembly, which was adopted on the initiative of Lord Cecil and my friend M. Henri de Jouvenel. I would also refer to the Protocol of 1924, which had already laid down the principles which the Committee on Arbitration and Security has at length been able to establish.

Finally, I would point out that it was a resolution of the sixth session of the Assembly, moved by the Spanish delegation, which for the first time established a link between all the so-called security pacts and the preparatory work for disarmament; and, lastly, that a resolution of the last Assembly created the Committee on Arbitration and Security, which has just concluded its session.

Throughout this work it has always been pointed out that arbitration and security must prepare the way for and precede disarmament. That is the reply to M. Litvinoff’s observations, and will explain why we attach so much importance to the results which have just been obtained in the direction of arbitration and security.

In conclusion, I will not conceal my regret that the stage which we have just accomplished is not more complete and is not a final stage. The French delegation would have been well satisfied had it been possible—as had, indeed, been expected—for the Preparatory Commission to respect, it was thought preferable first to obtain the views of the Governments; but we are members of this Commission, have displayed in their work and the spirit of accommodation which was so conspicuous in their proceedings are, I trust, a useful example for our present labours. I trust that our Commission will display the same resolution to work to a successful conclusion.

In the first speech which my friend and colleague Herr von Simson made at the second meeting of the Committee on Arbitration and Security, he did not fail to emphasise the great importance which my Government attaches to the development of means for the pacific settlement of international disputes. I will not, therefore, lose time in restating the point of view of my Government in all its details, and I think I may refer you to the explanations furnished by Herr von Simson, especially as regards the governing ideas and general principles by which Germany is guided in her policy of active co-operation.

I am glad to note, moreover, that the Committee on Arbitration and Security has in a large measure paid regard to these ideas.

I must particularly express my satisfaction at finding that the Committee has not failed to appreciate the great value of the pacific settlement of international disputes as an important element of security. I congratulate the Committee for having emphasised the immense importance of preventing the outbreak of war and for having drawn attention once more to the very valuable part which can be played by preventive measures.

In connection with this point the German Government has submitted some suggestions which, in its view, would greatly enhance security if they should be accepted in some form or other. It attaches great importance to the further examination of these suggestions, which the Committee has decided to undertake.

In its resolution relating to the Introduction and to the memoranda drawn up at Prague, the Committee has drawn attention to the very considerable measure of security which already exists in virtue of the Covenant of the League of Nations. I think that is a very important point. I draw your attention to it because it brings out once more the great value of the political instrument which we possess in the Covenant and of the effective guarantees of peace which we already enjoy.

This affirmation of the considerable measure of security provided for us by the Covenant—and, in this connection, we must not forget the supplementary security which is furnished by the Locarno Agreements and other treaties of security—must be a fresh encouragement for us all to resume our work and to achieve at length the first stage on the path towards the reduction of armaments.

I must add one remark in regard to the observations made just now by M. Politis. I was very glad to hear him say, as a result of the work of the Committee on Arbitration and Security, that security and disarmament must progress hand in hand. In that connection, I must point out that this has not been the case up to the present time and that the first step on the road towards disarmament has not yet been taken. I trust that it will be taken before long.

The President. — I propose to close the general discussion on the first point on our agenda.

I think that, on the conclusion of this discussion, the Commission would wish to adopt a resolution couched in the following general terms:

The Commission takes note of the progress made by the Committee on Arbitration and Security and of its decisions concerning the continuation of its work. The Commission expresses its satisfaction with the results achieved and its approbation of the general spirit in which the work was carried out.