MUNIR BEY (Turkey). — The Turkish delegation had the honour of briefly stating its point of view in regard to arbitration and security, in a statement made on March 19th, 1928, before the Preparatory Commission for Disarmament, the examination of this point of view being reserved for the present meeting of this Committee.

It results from this declaration that, as regards the pacific settlement of international disputes, Turkey gives her preference to compulsory arbitration, with the option of making certain reservations whenever conciliation which is to be the first phase of the settlement, has proved unsuccessful, and without making any distinction between juridical and non-juridical disputes.

This point of view is very similar to that which has inspired draft Convention A already prepared by the Committee. That Convention submits finally to judicial or arbitral settlement every sort of dispute and lays down as a first stage that conciliation is compulsory for non-juridical disputes and optional for those which are of a juridical character.

Having regard to the fact that States see no objection to submitting to judicial or arbitral settlement their disputes of every character which have not been resolved by previous conciliation and that they preferred to have recourse to the Permanent Court of International Justice, if they have not agreed on any special arbitral tribunal, a draft general convention on the lines laid down by the Turkish delegation might constitute an intermediary type between Conventions A and B. The Treaty signed between Turkey and Italy on May 30th, 1928, and of which I have just handed a copy to the Bureau, together with a copy of the Turco-Russian Treaty, represents a bilateral form of treaty of this type.

As regards Treaties of Security, in the strict sense of the word, the question to which the Turkish delegation attaches very great importance is the insertion of a neutrality clause into those treaties. This suggestion appears to have caused certain misgivings in some circles, first of all with regard to the nature of such neutrality and, secondly, with regard to its compatibility with the general system of treaties of mutual assistance and non-aggression and also with the obligations devolving upon States Members of the League of Nations under the Covenant. The Turkish delegation thinks itself bound, therefore, to offer a few explanations in regard to that point.

It is perhaps unnecessary to add that the neutrality in question is in principle that which international law recognises in regard to the situation of a country which remains apart from a war which has occurred between two or more States.

In the treaties of security, such a neutrality would be the result of a mutual engagement undertaken in advance by the contracting States. Nevertheless, in order that, in a possible war between one of those States and some third State, this obligation might produce the necessary effect, it would be essential that the first-named State had been attacked by the second State, in spite of having maintained a pacific attitude.

Accordingly, when the State in regard to which the obligation of neutrality has been assumed itself attacks a third State, there would be no obligation limiting the freedom of action of its fellow contracting parties.

In the collective treaties of mutual assistance and non-aggression, this clause of conditional neutrality would be conceivable only in wars which have broken out between one or other of the States parties to the treaty and one or more third States, since any war between the contracting States must necessarily involve the assistance of the other contracting parties who would come to the help of the victim of the aggression.

The same applies to bilateral treaties of non-aggression.

As regards the collective treaty of non-aggression, the neutrality clause might also come into play in relations between the contracting parties and in relations between the contracting parties and third States for indeed, as the obligation for mutual assistance does not exist in this type of collective treaty, if the parties are not under an obligation to render assistance to the victim of the attack, they will be found to have undertaken at least to remain neutral in the conflict in regard to the State in question.

This neutrality clause can be adapted without any difficulty to the three types of treaties of security, D, E and F, and is not incompatible with the obligations of the Covenant.

Without referring to the precedents which are already furnished by three treaties of neutrality to which three States, two of whom are permanent Members of the Council, are parties and without basing any arguments on the Articles of the Covenant or on the different interpretations which have been given to them by the qualified organs of the League of Nations, it will suffice for my present purpose to draw attention to the following points:

(1) The neutrality in question is a conditional neutrality in this sense that it only exists so long as the belligerent which claims to take advantage of it is not itself the author of the attack;

(2) It may be reduced, speaking generally, to an obligation not to afford assistance to the author of the attack;

(3) If the conditional obligation to observe neutrality, that is to say, to refrain from giving assistance to the author of the attack, is contrary to the provisions of the Covenant, this conditional obligation not to be the author of an aggression (i.e., the whole system of treaties of non-aggression) appears all the more incompatible with the Covenant; in fact, it is almost inconceivable that the Covenant of the League should forbid aggression, invasion, recourse to war, and should yet authorise assistance to the author of those prohibited acts.
Moreover, it may be affirmed without hesitation that the ideal which is laid down by the Covenant of the League of Nations and indeed the \textit{raison d’être} of any other combination which has in view the same pacific ideal including the system which will, we hope, shortly come into force as the result of the Kellogg Agreement, would not allow us logically to hold any other view.

There is no necessity to speak any longer of the advantage of neutrality, which is an indispensable complement of any scheme of non-aggression. It is almost the only factor which can produce that localisation which, in the case of armed conflict between nations, may do so much to prevent an extension of the dispute. This localisation will be all the more effective as the number of States which are thus bound by an obligation of neutrality is larger.

Lastly, since conditional neutrality reduces itself ultimately to an undertaking not to assist third-party aggressors, I cannot do better than quote the very judicious observations in the memorandum on security:


\textit{“In any case”}, says the distinguished Rapporteur, \textit{“failing an extension of the mutual guarantee in the event of aggression by a third State, it should be clearly specified in the regional pact that the contracting parties are bound towards any one of their number which may be attacked by a third State in no circumstances to assist the aggressor.”} (Document C.A.S.10, page 20.)

This negative undertaking which is necessary, not only in treaties of mutual assistance and non-aggression, but equally in all three types of treaty, is practically equivalent to the clause proposed by the Turkish delegation and its absence would be seriously felt.

Before concluding, I desire to make two reservations.

The statement I have just made originates in my country’s sincere desire to co-operate in the efforts which are being made in common here to find suitable ways of increasing international security. In this connection, I need hardly say that the arguments I have offered in no way bind my Government in regard to the interpretation of any treaty which it may have signed or in regard to its special position as a non-Member of the League.

The second of these reservations excuses my abstention from voting on the resolutions relating to certain articles of the Covenant and on the resolutions tending to enlarge or supplement certain other provisions of the Covenant.

The CHAIRMAN. — You have just heard, gentlemen, the interesting and in many respects highly important statements made by our colleague of the Turkish delegation. These questions had already been mentioned yesterday. I have no doubt that more than one delegation will take a different view of the matter.

We have already discussed in the Drafting Committee the principle which is now put forward here, and we decided that, at the present stage of our work, we could not undertake a thorough examination of these grave problems, which affects essential points in the Covenant. We accordingly thought that, in the first place, we ought to endeavour to give the Turkish delegation and its absence would be seriously felt.

The CHAIRMAN. — You have just heard, gentlemen, the interesting and in many respects highly important statements made by our colleague of the Turkish delegation. These questions had already been mentioned yesterday. I have no doubt that more than one delegation will take a different view of the matter.

We have already discussed in the Drafting Committee the principle which is now put forward here, and we decided that, at the present stage of our work, we could not undertake a thorough examination of these grave problems, which affect essential points in the Covenant. We accordingly thought that, in the first place, we ought to endeavour to give the Turkish delegation satisfaction wherever it could be done at once, while the questions raised to-day in our colleague’s speech might be reserved for subsequent consideration. The Turkish delegate has agreed to this. We shall therefore take note of these statements, which will appear in the Minutes.

M. RUTGERS (Netherlands). — Although I represent a country which is not very likely to find any reason for concluding a Treaty on model D, I should like to make a few brief remarks on this model.

It was revealed in the discussions in the Drafting Committee that one of the greatest difficulties encountered in drawing up such a treaty is that of co-ordinating it with the Covenant. It was one of the Committee’s main preoccupations to keep the draft completely co-ordinated with the system of the Covenant and its various Articles. The Treaty deals with matters that are already regulated by the Covenant. That regulation is by no means satisfactory to all concerned, but, on the other hand, we must realise that any arrangements supplementary to the Covenant may not be compatible with the Covenant system. I shall not give you an instance for the moment, but it seems to me somewhat desirable to point out that, if the Covenant were weakened by Conventions of which certain details were in conflict with its system, that would be an extremely serious matter. If we wish to make any changes in the model we have adopted, we shall always have to bear carefully in mind in doing so that the possible loss caused to all the Members of the League by such a weakening of the Covenant could scarcely be compensated for by the possible advantages of a regional pact departing from the model and inconsistent with the Covenant.
M. Paul-Boncour (France). The very brief observations I have to offer refer to those made just now by our colleague M. Fotitch, by which I must admit I was greatly impressed.

Of course, I am not dreaming for a moment of going back upon the text before us, which is the outcome of extremely serious deliberations on the part of the Drafting Committee. My foremost idea throughout is to bring our work to a successful conclusion.

At the same time, I must say frankly that I am rather sorry that no express reference has been made in the text to the case of a flagrant aggression. I hate hypotheses, but it is our business to work on them and to try to prevent them from becoming facts; and so far as hypotheses are justified I think that, if ever treaties of mutual assistance are brought into operation by force of circumstances, it will very often, I am sorry to say, be in the event of a flagrant aggression.

Yesterday, General de Marinis said certain things upon which I at least have meditated profoundly. His remarks were backed by the weight both of the experience he has gained by constant participation in our work and of his experience as a soldier. What he said to us was that, at the present juncture, after the terrible experience of the last war and in view of the complex of conciliation and arbitration procedures which is represented by the League of Nations and that international mentality which we are glad to say does beyond all question exist and which would rise up against the aggressor — in view of all these things, no Government will commit itself to war without having prepared public opinion in its country as carefully as it prepares its material resources. We may assume that the aggressor will be familiar with our procedures and all the delays they entail. His principal aim will be to evade those procedures by confronting the League with a fait accompli.

For that reason I am afraid that, of the various hypotheses which it is our business to exclude, the most probable is the very hypothesis that is not expressly mentioned in the model Treaty we are proposing to Governments for adoption.

I am afraid that, with the specific object of evading the procedure and the normal operation of the machinery of the League, the aggressor would be likely to strike surprise blows calculated to confront the League with a fait accompli.

The reason why I do not ask for any amendment — it is natural enough that I should associate myself with the work of the Drafting Committee, in which my delegation has been so well represented — is that I find several reassuring circumstances. One is that the report makes explicit reference to the possibility and indeed the expediency of inserting a clause regarding flagrant aggression in treaties of this kind. Another is that — as M. Politis very rightly observed in the explanations he gave us with all his accustomed lucidity — there is a difference between Conventions A, B and C and the other treaties. The former can be signed as they stand by the Powers; the latter are put forward as models in which variations may be made so long as they follow the general principle of mutual guarantee. Nothing is so effective as a concrete example; and I am grateful to the Rapporteur because, while admitting the possibility of such variations, he has inserted the actual text of the treaty we are taking as a model (though we are quite legitimately trying to improve it). I refer to the Locarno Agreements, which have proved their worth, not indeed in the contingencies they are designed to cover but by contributing to the reconciliation of two peoples, the consequences of which have not yet, I sincerely trust, been exhausted. I am glad, I repeat, that the report clearly points out the expediency of taking the Locarno Agreements as a guide in many circumstances.

Another thing that reassures me is that, as I sincerely hope, we are about to find a text that will preserve the whole value of the third German suggestion in the form in which the British delegation has proposed that we should adopt it. I think this contains an excellent idea and amounts to a resumption of what I regard as one of the best conceptions in the Protocol of 1924; moreover, it disposes of the apprehensions to which I gave expression just now. I refer to the undertaking on the part of States to obey an order to cease hostilities made just now by our colleague M. Fotitch, by which I must admit I was greatly impressed.

This is what allays my fears and this is why I am so delighted with the suggestion taken up again by the British delegation in the form I mentioned. I am referring to a case in which the Council of the League is notified of a dispute and hostilities have already begun, owing to the aggressor’s anxiety to seize vital points or points in dispute which have some political, economic, or military value. The Council would deliberate; then there would be a conciliation procedure; and months would pass while the aggressor was still occupying the points he desired. That is contrary to commonsense and international morality. The only criticism that could be passed on the model undertaking which I hope we are going to propose is that there should be any need for a special undertaking. The Council cannot be allowed to do its work under such conditions.

It is much better, however, to be definite. I am glad that we have an opportunity to put such a felicitous suggestion into a final form, and for that reason I accept the texts now before us.

(The text of Treaty D was discussed article by article.)

The CHAIRMAN. — In accordance with the Turkish delegation’s proposal, the second paragraph of Article 11 has been amended. In the last line instead of: “ the dispute may be submitted ” read “ the dispute shall be submitted ”.

The Treaty was adopted without comment.

(The text was discussed article by article.)

The Treaty was adopted without comment.


(The text was discussed article by article.)

The Treaty was adopted without comment.


The CHAIRMAN. — The text has been drafted so as to take account of Lord Cushendun’s observations at the last meeting.

M. PAUL-BONCOUR (France). — Does the resolution adopted at the last session regarding the good offices of the Council still exist?

The CHAIRMAN. — Certainly. The resolutions adopted in March do not call for revision, except those relating to the treaties to which we decided to give a second reading.

The resolution was adopted.

20. Adoption of the Introductory Note as to the Model Collective Treaties of Mutual Assistance and Collective and Bilateral Treaties of Non-Aggression (Annex 8, III, a).

The CHAIRMAN. — The amendments which have been made to the original text are based on the observations of the Serb-Croat-Slovene delegation, the Polish delegation and the Turkish delegation.

(The text was discussed page by page.)

M. UNDEN (Sweden). — The passage “(a) Reservations”, under the heading “Subjects which might be dealt with in special clauses”, was inserted after a short discussion in the Drafting Committee, but, on more careful consideration, I think this passage is not entirely consistent with the end of paragraph (d) of Chapter I, which reads:

“... 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.”

Moreover, provision is made in the paragraph “Reservations”, which I pointed out, for the possibility of making reservations, but these reservations might render the system of peaceful settlement inadequate by limiting the obligations of the parties. I therefore venture to propose that the whole of this paragraph “Reservations” be omitted.

M. SOKAL (Poland). — The Swedish representative seems to think that there is a contradiction, although it is suggested that the parties might “agree to insert certain reservations”. This means that the matter is left entirely to the judgment of the parties. It is for them to decide whether the obligations in regard to the pacific settlement of disputes are sufficiently extensive. If such a situation should arise, it would be in no way contrary to the intention of the model. I therefore urge that this passage be retained.

M. UNDEN (Sweden). — I entirely agree with M. Sokal that, if the parties agreed to insert certain reservations, this paragraph would obviously come into operation. On the other hand, I do not think it is logical for the Committee to suggest reservations after what has been said in Chapter I.

I shall not press for the omission of this passage provided my comment is reproduced in the Minutes.

The CHAIRMAN. — I think both speakers are right. The insertion of this clause is not a matter of very great importance, since we have always left the contracting parties complete latitude in regard to treaties of this kind.

As, however, M. Undén will be satisfied if his remark is reproduced in the Minutes, we can keep the text as it stands.

I propose to leave blank in the same chapter paragraph (b), “Preventive and Provisional Measures”, until the Committee has taken a decision with regard to the German delegation’s suggestions.

M. FOTITCH (Kingdom of the Serbs, Croats and Slovenes). — Is the introductory note going to be joined to Treaties D, E and F, or submitted as a separate document?
The CHAIRMAN: The introductory note will be placed at the head of Treaties D, E and F and they will all form one document.

The introductory note was adopted.


The CHAIRMAN. - At its next meeting the Drafting Committee will consider the German suggestions, taking into account the observations that have been made and the decisions reached in plenary session. We do not know how long this first reading and the final drafting of the draft Collective Treaty will take. I fancy we shall need a meeting this afternoon and another meeting to-morrow morning. The Committee on Arbitration will hold a plenary meeting either to-morrow afternoon or on Thursday morning, according to the progress made by the Drafting Committee.

Lord CUSHENDUN (British Empire). - May I ask a question with regard to procedure? I understand that, after the Drafting Committee has done its work, we shall then have a plenary meeting to give a first reading to the German suggestions. What are we to call the reading we have just given if the next is to be the first? We have already had a considerable discussion in detail on the four propositions of the German delegation. I should have thought that that was a very ample first reading and that we certainly should not be called upon to give the proposals more than one further consideration.

I understand that the Drafting Committee is to meet this afternoon and again to-morrow; but is it conceivable that the Drafting Committee can take more than an hour to do its work. There are four comparatively simple suggestions which have been discussed almost ad nauseam already. I should say that in any businesslike Committee we could get through the whole business before lunch, but I do not wish to press that view. I am only calling attention to what I take the liberty of considering a very inefficient procedure. Even if it is not possible to finish this morning, surely we might at least decide that, as the Drafting Committee is meeting this afternoon, we could have a plenary meeting to-morrow morning and dispose of this matter in another quarter of an hour.

The CHAIRMAN. - I am very glad to hear Lord Cushendun's statement, and I hope the members of the Drafting Committee will agree with him. As Chairman, I did not want to be accused of rushing the discussion of questions of this kind. I hope, however, to have the pleasure of calling the final plenary meeting to-morrow.

The meeting rose at 12.40 p.m.

SIXTH MEETING.

Held on Wednesday, July 4th, 1928, at 5 p.m.

Chairman: M. Beneš (Czechoslovakia).


The CHAIRMAN. - The Drafting Committee, I am glad to say, has completed its work, and now submits the results of its work to the Committee on Arbitration and Security.

M. Veverka's report was read (Annex 8, IV, d).

M. VEVERKA (Rapporteur). - You will see that this report is an analysis of what has been done. It sets forth the need of a reply to two definite questions:

(1) Is the obligation of the contracting parties to extend to the case of a threat of war, or is the application of the Treaty to be limited to an act of aggression already committed, that is to say, is it to remain strictly within the limits of Article 16?

(2) Is the bringing into operation of financial assistance to depend upon a unanimous decision by the Council, minus the votes of the parties to the dispute?

We were informed by the members of the Financial Committee that they could not submit a more detailed report until they had received a clear and definite reply to these two questions, and therefore, if the Committee on Arbitration and Security is unable to pronounce definitely, these questions must be brought before the Assembly.

M. VALDEZ-MENDEVILLE (Chile). - While highly appreciating M. Veverka's remarkable report, I should like to make observations on two points.

In the last paragraph but one I find the following words: "... consider that the Financial Committee should continue its work on the basis of the results already obtained ". If this refers to the directions given by the Assembly, I agree, but the wording does not make this clear. I consider that the Financial Committee cannot continue its work without
taking into account the opinion of the Assembly, and the results obtained up to the present moment do not seem to me to enable the Financial Committee to continue its work. I therefore propose that we should say: "... on the basis of the results obtained after the session of the Assembly ".

I have a second observation to make, regarding the last paragraph in the third part of the report:

"Very varied opinions were expressed in the Joint Committee, in particular on the question of the guarantors, that of the application of Article 4, paragraph 5, of the Covenant and of the character of the decisions of the Council (qu’il conviendrait de donner aux décisions du Conseil)."

Although this observation concerns the substance of the problem, I do not wish to prolong the discussion by enlarging upon it now. I shall only say that this last expression seems to me incorrect, and I propose that it should be replaced by the words: "... et sur le caractère qu’auraient les décisions du Conseil ".

The CHAIRMAN. — M. Valdés-Mendeville's remarks are to the point and merit approval. The Secretariat will amend the text in the light of what he has said.

M. HOLSTI (Finland). — I would like to compliment the Rapporteur, M. Veverka, on his admirable report. It is worthy of all praise and, after the very practical amendments by the representative of Chile, is now in order. It only remains to hope that Governments will give their delegates to the next Assembly the fullest instructions, so that this Committee, in collaboration with the Financial Committee, may continue its work and arrive at concrete results.

The CHAIRMAN. — I consider, then, that the report is adopted.

23. Adoption of the Resolution on Financial Assistance to States Victims of Aggression (Annex 8, IV, c).

The CHAIRMAN. — The resolution will be amended in the light of M. Valdés-Mendeville's observations as regards the results already obtained.

The resolution was adopted.

24. Adoption of the Bilateral Conventions a, b and c (Annex 8, II, b).

The CHAIRMAN. — I do not think there is any need to read these three Conventions, as their text is the same as that of the multilateral Conventions A, B, and C, upon which we have already voted.

The three model Conventions were adopted.

25. Adoption of the Model Treaty to strengthen the Means of preventing War (Annex 8, V, b).

The CHAIRMAN. — After detailed discussion, the Drafting Committee submits the text of a treaty to strengthen the means of preventing war. This Treaty has already been sent to delegations, who have been able to examine it.

M. DENDRAMIS (Greece). — I have a statement to make which I should like included in the Minutes. In order to facilitate the Committee's work, I do not oppose the adoption of this model Treaty. But, as I consider that the Covenant, according to circumstances, confers far wider powers upon the Council, I reserve the right of my Government to examine this text in the light of the Covenant and to express its opinion on the second reading by the League Assembly.

The CHAIRMAN. — I must point out that, as regards all delegations, this draft is a first-reading text. Certain delegations have reserved the right to revert to certain Articles, and they are submitting this first draft to their Governments without feeling themselves bound by the fact that they have provisionally accepted it. M. Dendramis' statement is therefore perfectly in order and will be included in the Minutes.

(The Treaty was then examined article by article.)

M. MROZOWSKI (Poland). — I should like to propose an amendment to the Preamble of the Treaty, so as to bring it into line with the introductory note. Let us read: "... by previous voluntary undertakings to be given by the States", instead of "voluntary undertakings on the part of States ".

Adopted.

The model Treaty to strengthen the Means of preventing War was adopted as a whole.

26. Adoption of the Draft Resolution on the Suggestions submitted by the German Delegation with a view to strengthening the Means of preventing War (Annex 8, V, c).

The resolution was adopted.
27. Adoption of the Introductory Note to the Model Treaty to strengthen the Means of Preventing War (Annex 8, V, a).

The CHAIRMAN. — The purpose of this note is to give expression to certain differences of view which became apparent in the Drafting Committee and in plenary session. As it was difficult to find a formula to satisfy everyone, certain delegations, when finally accepting a compromise text, desired that their various points should be mentioned in this introductory note, especially in reference to the most important points, namely, suggestion No. II and the question of control.

After very thorough examination, the Drafting Committee agreed upon the text now before you.

(The text of the introductory note was then read.)

M. VALDÉS-MENDEVILLE (Chile). — I have no remarks to make on the substance mainly because I did not receive this note until shortly before the meeting and I have therefore not had the time to examine it carefully.

As regards the form, I shall make the following suggestion: I think it would be well to take account in the introductory note of the Chairman’s reply to the statement just made by the honourable representative of Greece with regard to the opportunity for Governments to study this text, by mentioning that this Treaty has only been adopted on the first reading.

The CHAIRMAN. — I would draw M. Valdés-Mendeville’s attention to the fact that the resolution mentions that the Treaty is submitted to Governments in order that the latter may give instructions to their delegates to the Assembly. This same idea is contained in paragraph 2 of the introductory note. In order, however, to satisfy M. Valdés-Mendeville, we might add, in this same paragraph 2, after “the Committee on Arbitration and Security” the words “on first reading”.

M. VALDÉS-MENDEVILLE (Chile). — I must thank the Chairman for meeting my wishes.

The introductory note was adopted.

M. VON SIMSON (Germany). — The German delegation has endeavoured to co-operate in the work of increasing security by means of practical proposals mainly designed to strengthen the means of preventing war. The German suggestions have not been adopted in their entirety. Nevertheless, the model Treaty which we have drawn up after lengthy discussion does, in my opinion, constitute a considerable advance in the direction of providing means for the prevention of any possible conflict.

I regret that a valuable part of the German suggestions has been rejected for the moment. I refer to the provisional measures for the maintenance of the military status quo normally existing in time of peace. It is true that, as was stated the other day, the practical application of this part of our suggestions depends to some extent on concrete results being achieved in the matter of disarmament. I do not think, however, that any definite objection can be made to our suggestion on these grounds. It should, I think, constitute an additional reason for pushing forward the work of disarmament as vigorously as possible.

In order to emphasise the close connection between disarmament and security, I cannot do better than quote the passage contained in the German memorandum submitted at the Prague meeting, which states that general disarmament is in itself one of the most essential factors of security.

28. Introductory Note to the Model Collective Treaty of Mutual Assistance and of Collective and Bilateral Treaties of Non-Aggression: Adoption of the Paragraph relating to the German Suggestions

The CHAIRMAN. — In this connection, I would recall that, in the introductory note to Treaties D, E and F (Annex 8, III, a), in the section headed: “Subjects which might be dealt with in special clauses”, we left blank paragraph (b) regarding the suggestions submitted by the German delegation. I propose that paragraph (b) should be drafted as follows so as to make it clear that proposals have now been adopted by the Committee and not merely suggested by the German delegation:

“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 by the relevant provisions of the model Treaty to strengthen the means of preventing war.”

This text was adopted.

29. Adoption of the Survey of the Work of the Committee since its Formation to the End of its Third Session (Annex 8, I).

The CHAIRMAN. — The Bureau has deemed it advisable to give us a survey of the work accomplished by the Committee since its formation.
We do not know whether the Assembly will entrust other work to us, but in any case we have completed the task which we were asked to perform. In pursuance of the Council's decision, the result of our work is now to be submitted to the Assembly. This will be done in a series of documents to be attached to this survey.

These documents will be sent at the same time to the Chairman of the Preparatory Commission, since the Committee on Arbitration and Security is an offshoot of the Preparatory Commission for the Disarmament Conference.

The survey was then read and adopted.

30. Close of the Session.

The CHAIRMAN. — It is usual on these occasions for the Chairman to deliver a final speech summarising the work done. I would ask my colleagues to allow me to refrain from inflicting upon them to-day the torture of a Chairman's speech. The heat which we have had to bear during the whole of our week's work at Geneva is still sufficiently overpowering to form an excellent reason for ending this meeting. Besides, the best thing I could say would be to mention the results achieved, and I think I can assert that, notwithstanding all the difficulties which we have encountered, this session has fully confirmed the results obtained at the previous session, and others have been added to them. I referred to the importance of our work at the close of our Committee's second session and it is therefore unnecessary for me to return to it. I should, however, like to emphasise the fact that we have had fresh questions to deal with — I refer to the German delegation's suggestions. In submitting their proposals, the German delegation's object was to assist in increasing security, for which I thank them on behalf of us all. Although it was not possible to adopt M. von Simson's proposals in their entirety, the results obtained are most satisfactory.

Before closing this session, I consider it my duty to thank my colleagues for the goodwill with which they have all co-operated in this common task. I also desire to thank the services of the Secretariat, and in particular M. Sugimura and all his colleagues, whose valuable assistance has, as usual, greatly facilitated our task.

I likewise desire to pay a special tribute to M. Rolin Jaequemyns, the Rapporteur for the German suggestions, whose work in this connection has been of the highest value. (Applause.)

Lord CUSHENDUN (British Empire). — Before we separate, I would like to be allowed to move a most hearty vote of thanks to you, Sir, for your presidency of our proceedings. I do not suppose there is anyone in this Committee who has had a longer experience than I have of committees of all sorts and of public business of all sorts, and I can truthfully say that I have never known, in any committee upon which I have ever served, a more efficient Chairman than Dr. Beneš. He has never spared himself the utmost labour, and both in this plenary Committee and in the Drafting Committee we know that the labours which he has imposed upon himself have been extremely onerous. Not only that. In presiding over our proceedings here, his continual good humour, his constant and unfailing courtesy and his quick and ready efficiency have won the admiration of us all. I am quite certain that there is no one here who would not feel that, if we left this room without giving him our hearty thanks, we should be failing in a duty which is also one of our greatest pleasures. (Applause.)

M. VON SIMSON (Germany). — I fully endorse Lord Cushendun's words in regard to our Chairman. Lord Cushendun has expressed the feelings of all the members so well and so fully that I have nothing to add to his remarks. (Applause.)

The CHAIRMAN. — I heartily thank Lord Cushendun for the kind words he has addressed to me on behalf of the Committee and also M. von Simson for endorsing those words, which are highly encouraging for our future work. I hope that time will show that we have contributed successfully to the work of peace.

I declare the third session of the Committee on Arbitration and Security closed.

The meeting rose at 6.30 p.m.
REPORT ON THE WORK OF THE COMMITTEE ON ARBITRATION AND SECURITY.

Submitted by M. AntoniaDE, Representative of Roumania, and adopted by the Council on June 4th, 1928.

The Preparatory Commission for the Disarmament Conference established, at its meeting on November 30th, 1927, the Committee on Arbitration and Security.

This Committee, at its first meeting in December 1927, fixed its programme of work and asked three Rapporteurs, M. Holsti, M. Politis and M. Rutgers, to prepare memoranda on arbitration, security and on certain Articles of the Covenant.

These memoranda, submitted by Dr. Beneš, Chairman of the Committee and by the Rapporteurs, served as a basis for very useful discussions at the Committee's second session held from February 20th to March 7th, 1928, at Geneva.

During this second session, the Committee drafted a certain number of model treaties, for conciliation, arbitration, non-aggression and mutual assistance, whose second reading will take place at the third session in June. The Committee will also consider at this meeting a memorandum by M. Rolin Jaequemyns on preventive measures.

The Committee further discussed and drew up a series of draft resolutions for submission to the Assembly: resolutions with regard to the recommendation for the model treaties, the good offices of the Council, accession to the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice, the Articles of the Covenant, rapid communications with the League in cases of emergency, etc.

The Security Committee recommended that the results of its second session should be communicated to all States early enough for their discussion at the next Assembly.

The Preparatory Commission for the Disarmament Conference supported this recommendation in the following terms:

"The Commission expresses its satisfaction with the results achieved and its approbation of the general spirit in which the Committee carried out the work."

"According to precedent, the report of the Committee on Arbitration and Security on the work of its second session, together with the Minutes of that session, will be communicated to all Governments. The Commission seconds the recommendation adopted by the Committee that these documents should be forwarded in sufficient time to allow of their discussion at the next session of the Assembly."

I think it important that the Council should at once decide to insert the question of the work of the Committee on Arbitration on the Assembly agenda.

I therefore propose that the Council should adopt the following resolution:

"The Council,

"Having taken note of the work already done by the Committee on Arbitration and Security and of the programme for its future work:

"Instructs the Secretary-General to insert on the supplementary Assembly agenda the question of the work and the proposals of the Committee on Arbitration and Security.

"The Secretary-General is also requested to forward the Minutes of the present meeting to the Chairman of the Preparatory Commission for Disarmament and the Chairman of the Committee on Arbitration and Security."
ANNEX 2.

OBSERVATIONS OF THE FINNISH GOVERNMENT CONCERNING THE REPORT OF THE COMMITTEE ON ARBITRATION AND SECURITY ON THE WORK OF ITS SECOND SESSION.

(See document C.165.M.50.1928.IX, pages 185-225.)

Letter from the Finnish Ministry of Foreign Affairs to the Secretary-General of the League of Nations.

Helsingfors, June 6th, 1928.

[Translation.]

In accordance with the recommendation of the Committee on Arbitration and Security, the results of the Committee's second session were communicated to all the Members of the League of Nations with a view to their discussion at the next Assembly.

Similarly, the suggestions submitted by the German delegation during the second session of the Committee were communicated to Governments to enable the latter, in due course, to forward to the Secretary-General of the League any observations they might have to make.

The Finnish Government, having examined the results so far obtained and recognising the great importance of the work of the Committee on Arbitration and Security and of the suggestions submitted by the German delegation, has the honour to forward to you herewith a few observations thereon.

For the Minister:

(Signed) A. S. Yrjö-Koskinen,
Secretary-General.

OBSERVATIONS BY THE FINNISH GOVERNMENT.

CONVENTION A.

Article 25.

[Translation.]

In view of the fact that the reservations mentioned in Article 36 are such as to limit recourse both to arbitration and judicial settlement — since the latter also may be preceded by a recourse to conciliation — it is desirable to add, in paragraph 2 of Article 25, after the words "recourse to arbitration" the words "or judicial settlement".

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission have to be taken by a majority. If, in spite of the elasticity of this provision, the Commission's efforts are of no avail, there is not much hope that recourse to the Council will be successful unless the parties can be allowed to agree upon certain modifications for the purpose of relaxing the rigidity of this procedure.

There appear to be two alternatives which might be offered to the parties by means of special agreements. In the first place, they might agree that, if the report of the Council is accepted by a majority, simple or qualified (the votes of the parties to the dispute not being counted), the Members of the League will none the less be under an obligation not to resort to war against a party which complies with the conclusions of the report. In the second place, the parties might agree to empower the Council to decide upon the dispute — even if only by a unanimous decision — within the limits of a special agreement drafted by the parties.

Article 32.

It is important to remember that in Chapter IV we are concerned with disputes other than those with regard to which the parties are in conflict as to their respective rights (cf. Articles 4, 9 and 25); accordingly, the phrase "if the dispute cannot be settled by the application of the rules of law alone" is not quite appropriate, since the main characteristic of the disputes in question is their non-juridical element. Moreover, the alternatives of "the application of the rules of law alone" and "the functions of a friendly mediator" are placed too strongly in contrast, since there are, so to speak, intermediate or transitional stages (solutions ex a quo et bono, conclusions by analogy). For these reasons, a formula such as the following might be preferable:

"In so far as the dispute cannot suitably be dealt with by the application of a rule of law or some other of the guiding principles laid down in the said clause (Article 38 of the Statute), the tribunal shall exercise the functions of a friendly mediator."

Article 36.

The reservations contained in this article are open to serious objections. The Finnish Government ventures to indicate these briefly.

(a) Questions relating to the facts which actually caused a dispute may sometimes give rise to interminable differences of opinion.
(b) For many reasons it would be better to admit the exception, relating to competence laid down in paragraph 8 of Article 15 of the Covenant, only in the procedure before the Council. As regards the competence of the Permanent Court, a general limitation is provided by Article 14 of the Covenant, which lays down that the Court shall be competent to hear and determine any dispute of an international character. With regard to arbitral tribunals, the subject of the dispute is limited by the special agreement. It is therefore questionable whether there are adequate reasons for inviting States to employ a formula of this kind.

(c) A reservation covering questions which affect the principles of the Constitution of the State may have the effect of limiting treaty obligations in a manner which is as grave as it is incalculable. Each State is the judge of its own Constitution. The general statements of principle frequently found in Constitutions are vague and may be interpreted very freely; special enactments and the judgments of the courts are often the deciding factors. In view of the wide differences between Constitutions in this respect, the reciprocity of the reservations, which is stipulated in Article 36, could be only of a formal and not of a substantial character. Another very obvious difference is that some Constitutions expressly attribute to the general principles of international law the same force and value as pertain to constitutional provisions, whereas others contain no such statement; the consequences are very complicated. It should also be mentioned that, according to the Covenant itself, the extent and nature of the reparation to be made for the breach of any international obligation is declared generally suitable for arbitral or judicial settlement. But on the strength of reservation (c), a State might in certain circumstances evade the application of this very just principle by declaring that for constitutional reasons, budgetary or other, it could not recognise an obligation of this kind.

The Finnish Government is of opinion that, for the reasons summarised above, the reservations mentioned in Article 36 should be reconsidered.

**Article 37.**

If we compare paragraph 2 of Article 25, Article 36 and Article 37, we are led to an important conclusion. Suppose that a party has pleaded the reservation of the exclusive jurisdiction of States before the arbitral tribunal, and the tribunal has admitted this plea, the question will, according to Article 25, be brought before the Council. If the party concerned pleads the same exception before the Council, the latter will first examine the plea, but any party to the dispute will always have the right under Article 37 to apply for a decision by the Court with regard to this question of jurisdiction. On the other hand, if the dispute in question has been brought directly before the Council without an arbitral tribunal having pronounced upon the scope of the reservation, the parties will not be entitled to apply to the Court in regard to this question of interpretation; the decision to be taken by the Council, in virtue of paragraph 8 of Article 15 of the Covenant, will be final, except for the right of the Council to ask for an opinion of the Court. In these circumstances, it might be expedient to consider what could be done to remove this inconsistency between the two methods of procedure.

**Convention B.**

The foregoing observations with regard to Convention A apply also to a great extent to the provisions of Convention B.

**Convention C.**

Whereas Conventions A and B (Articles 36 and 29) lay down that, in the absence of any provision to the contrary, the reservations (the bearing of which we have examined above) shall only apply to arbitration and judicial settlement, Convention C, which refers to conciliation, seeks to apply exactly the same reservations to conciliation. Whether the dispute is primarily of a juridical or political nature, the employment of conciliation, which is the least drastic procedure, would be subject to the operation of all the important reservations mentioned in Article 23 notwithstanding the general principle proclaimed in Article 1 ("disputes of every kind"). We may well ask whether there are adequate reasons for so largely extending the effect of these reservations, especially when it is considered that the more the obligation to resort to judicial or arbitral proceedings is limited, the more must conciliation predominate as the means of settling international disputes.

In Article 25 of Conventions A and B, provision has been made for the actions of the Council under Article 15 of the Covenant. Although the duties of the Council remain the same in any case, it would perhaps be well to insert in Convention C some such clause as the following:

"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.

"The same shall apply if, as the result of one of the reservations laid down in Article 23, the Conciliation Commission has declared itself incompetent, or if the Permanent Court of International Justice, in accordance with Article 24, has stated that the dispute is not subject to the obligations laid down in the present Convention."
It is in any case important that the terms of the Convention should show clearly that, if the Conciliation Commission admits the operation of one of the reservations mentioned in Article 23, this in no way excludes recourse to the Court in accordance with Article 24; it is, naturally, understood that the findings of the Court will be binding upon the Commission.

TREATY D.

It may be doubted whether the replacement of the term "aggression" as employed in the Covenant by the words "attack or invade", as in paragraph 1 of Article 1, makes for clearness. The words "attack" and "invade" point to a flagrant and premeditated act. Actually, however, the outbreak of a war is the result of a very complex series of events, and everybody admits that it is frequently very difficult to determine the aggressor.

In making this observation, which relates perhaps rather to a matter of phraseology, the Finnish Government notes with satisfaction the force and importance with which the Council's finding is invested by Article 3: each of the signatory Powers undertakes to give assistance to the victim forthwith.

Article 4, as at present drafted, contains an obvious redundancy. If, under Article 3, a violation of Article I is sufficient to oblige the other signatory Powers to intervene, it is wholly unnecessary — as is done in paragraph i of Article 4 — to combine a refusal to accept pacific settlement or to execute a judicial decision with the violation of Article I, unless the specific reference to this case indicates a particular conclusion, namely, that an express finding by the Council is superfluous or that the finding can be arrived at by easier methods.

TREATY E.

An undertaking of pure and simple non-aggression does no more than emphasise certain obligations incumbent upon the parties in virtue of the Covenant itself. As regards arbitration and conciliation, States can, of course — as is clear from the preceding draft conventions — bind themselves to have recourse thereto, without concluding any special agreement regarding non-aggression. A treaty of this kind might suggest that there are other provisions in the Covenant in particular Articles 10, 16 and 17 to which the contracting parties do not necessarily attribute the same binding force as to those whose practical importance they seek to emphasise. For this reason, it would seem desirable to give prominence to the fact that the treaty does not in any way affect the rights and obligations of the Members of the League of Nations.

If, for special reasons, it seems expedient to make particular mention of a more or less negative obligation, namely, the obligation to abstain from all aggression, it is permissible to enquire whether, from the practical point of view, it would not be well to mention another obligation, which also presupposes no active intervention, that is to say, the obligation not to recognise as final or valid any change of political or territorial status made to the detriment of another signatory State as the result of an act of aggression committed against it.

The foregoing observations refer to the case in which the contracting States are all Members of the League of Nations. If in this case a treaty of non-aggression has a somewhat restricted scope, it is quite otherwise if the signatories include one or more States which are not Members of the League. In this case the undertaking of non-aggression, combined with obligations relating to pacific settlement of disputes, may be regarded as a genuine additional guarantee of security. But when we are concerned with States which are not Members of the League of Nations, we must always bear in mind that the jurisdiction necessarily conferred by the Convention upon the Council of the League and upon the Permanent Court of International Justice might cause those States to refuse to take any part in the Convention. In these circumstances, the value of this type of convention would be questionable. The practical value of the Locarno Agreements resides in the fact that there is, on the one hand, the Rhine Pact, in which a clause of mutual assistance is implicit — mere non-aggression would not be worth much — and, on the other hand, a number of treaties of arbitration and conciliation.

TREATY F.

If the practical value of a collective treaty of non-aggression appears problematical, how much more so is a bilateral treaty of this kind. For Members of the League of Nations the utility of arbitration and conciliation treaties is evident; the guarantees provided by a convention including non-aggression and mutual assistance and concluded between a group of States, some of whose interests are concordant and some otherwise, may be of considerable importance. A mere undertaking of non-aggression, in however elementary a form, may also have a certain value in the relations between Members of the League, in cases when it binds a group of States; in the bilateral form of treaty, on the other hand, an undertaking of non-aggression would only be of real value if one of the parties were not a Member of the League of Nations, and in this case we are faced with the difficulties we have already mentioned.
The Finnish Government is of opinion that the important points suggested in the German memorandum should be most carefully examined. For the moment it will only submit the following observations:

1. When considering the various provisional arrangements which may be employed, it is perhaps desirable to point out that the Covenant, more particularly in Articles 10, 11, 13 and 17, has laid down a large number of measures, mostly provisional, which the Council will have to take, independently of any previous obligations undertaken by the States especially concerned. It is important to distinguish between these measures and those which, according to the German suggestions, would presuppose a special undertaking by the parties. Nevertheless, the questions mentioned under IV (unanimity or a majority vote) may assume great importance, even in connection with measures based directly upon the Covenant.

2. The German memorandum considers three cases of undertakings to be given in advance by the States concerned. Number V suggests that the obligations mentioned might constitute the object of an agreement. We will ask whether, in this case, the German delegation had in view only obligations assumed before a dispute arises or whether the words “in advance” also include a supplementary undertaking assumed in casu, that is to say, when a dispute or danger of war already exists or after hostilities have broken out. It must be remembered that Conventions A, B and C (Articles 33, 26, 20) already specify certain provisional measures which have to be taken by the Council, and to which the parties will have to submit if the case arises.

In any circumstances, it is highly desirable to consider all possible undertakings, both general and particular, which might be of practical value. The Finnish Government especially emphasises the fact that the measures which have to be taken by the Council in case of a dispute (particularly in virtue of Articles 11 and 17) and which can be extended by special undertakings may be expected to supply it with important material from which it may satisfy itself as to the innocence of a State whose case has been laid before it.

3. When, in the case of an imminent danger of war or of hostilities which have already started, the parties are requested to suspend military measures—for example, mobilisation or acts of war already in progress—it is important to obtain guarantees that none of the parties shall profit by the occasion to improve its military position. Without such guarantees, the military situation of the party which alone followed the Council’s recommendations might be affected in a manner disastrous to that party and incompatible with the measures by which the League of Nations might seek to re-establish the normal situation.

We may call attention to a passage in a speech made by M. Paul-Boncour before the Security Committee on February 29th, 1928, when he urged that “provision should be made for the necessary corresponding measure of control by the League of Nations over the execution of the conservatory measures which it prescribes”.

It should also be mentioned that, as long as there is no effective control by the Council of the League, the question as to which of the parties has violated the Covenant or its other international obligations remains very difficult to answer.

4. With regard to the question dealt with under IV, it should be pointed out that there is nothing to prevent the parties from agreeing beforehand to comply with a recommendation by the Council, even when that recommendation is only taken by a majority vote, simple or qualified. It is, however, exceedingly desirable to examine later the form to be given to these undertakings, whose purpose it is to facilitate action by the Council and render it more effective.

The interpretation of Article 5 of the Covenant raises certain differences of opinion regarding unanimity as a necessary condition of any decision. Without entering here into a more detailed examination of this question, the Finnish Government would only note that the stricter the interpretation of the Covenant in this matter, the more important it is to qualify this rigid interpretation by separate agreements whose importance will increase in proportion to the number of States adhering to them.

ANNEX 3.

OBSERVATIONS SUBMITTED BY THE NETHERLANDS DELEGATION CONCERNING CONVENTIONS A, B AND C.

1. Should not certain provisions be inserted to determine the relations which, in certain contingencies, will exist between Conventions A, B and C?

Should a State which has signed Convention A be bound by the obligations of smaller scope contained in Conventions B and C in its relations with States which have signed Conventions B...
and C, but have not acceded to Convention A? Or, for a State which has signed Convention A to be bound in its relations with a State which has only ratified Convention B, must it also be a party to Convention B?

The same question arises in the case of two States, parties to a dispute, one of which has only signed Convention A and the other Convention C.

For States which have ratified the three Conventions, A, B and C, there will be a certain contradiction between Article 2, paragraphs 2 and 3, of Convention A and Article 2 of Convention C. Clearly, in drafting Articles and maintaining the Conventions in force, Conventions C and A were forgotten.

2. The possibility of making reservations regarding obligations under the Conventions in cases of disputes affecting the constitutional principles of a State would hardly seem advisable. Such a clause would lack precision and might therefore give rise to serious difficulties of interpretation.

3. The question whether the enumeration of the reservations in Article 36 of Convention A (Article 29 of Convention B and Article 33 of Convention C) is limitative or not must be settled beyond dispute.

4. Would it not be better to replace in Article 36, paragraph 3, of Convention A (Article 29 of Convention B and Article 23 of Convention C) the words: "The operation of the reservations is to be deemed to be conditional upon reciprocity", by "If a Party makes a reservation, the other High Contracting Parties shall, for their part, be entitled to avail themselves of the same reservation in their relations with that Party."

5. The provisions of Article 35, paragraph 3, of Convention A (Article 25, paragraph 3, of Convention B) would not appear to fulfil the purpose for which they were included. The existence of a possibly remote interest of a third State cannot in every circumstance render that State's participation in the procedure necessary. Who is to decide whether such an interest exists? Would it not be better to be guided by the much simpler wording of Articles 62 and 63 of the Statute of the Permanent Court of International Justice?

Article 62. — "Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party. It will be for the Court to decide upon this request."

Article 63. — "Whenever the construction of a Convention to which States other than those concerned in the case are Parties is in question, the Registrar shall notify all such States forthwith. Every State so notified has the right to intervene in the proceedings: but if it uses this right the construction given by the judgment will be binding upon it."

ANNEX 4.

OBSERVATIONS OF THE SWEDISH DELEGATION CONCERNING THE MEMORANDUM ON THE GERMAN DELEGATION'S SUGGESTIONS FOR THE PREVENTION OF WAR SUBMITTED BY M. ROLIN JAEQUEMYNS, RAPPORTEUR.

Suggestion No. I.

Conservatory measures should be left to the full discretion of the Council. Any limitation of the Council's powers in this matter would be likely to cause the parties to the dispute to deny the Council's competence, and the Council might thus easily be faced with a preliminary question of a juridical nature at the very moment when its prompt intervention was necessary in order to avoid an extension of the conflict.

Suggestion No. III.

When the Council calls upon the parties to agree to an armistice, it should as a rule also offer to undertake, as soon as possible, an impartial enquiry into the origin and causes of the hostilities. Such a procedure would encourage the pacific tendencies of which evidence will be found among the general public, more especially in the countries directly concerned, and would often make the parties to the dispute more willing to accept an armistice. It would have this effect more especially in cases in which both parties, in all good faith, consider themselves victims of aggression and are consequently anxious that this fact should be brought to light by an impartial enquiry.
ANNEX 5.

OBSERVATIONS SUBMITTED BY THE TURKISH DELEGATION ON THE DRAFT CONVENTIONS AND TREATIES DRAWN UP BY THE COMMITTEE ON ARBITRATION AND SECURITY AT ITS SECOND SESSION.

Progress in the pacific settlement of disputes between countries, the conclusion of an increasing number of treaties of mutual assistance and non-aggression — in short, all measures likely to create security — are regarded throughout almost the whole world as being the essential conditions on which the limitation of armaments depends. Certain countries non-members of the League, such as the United States of America, the Union of Socialist Soviet Republics and Turkey, are taking an active part in the work of the Preparatory Commission for the Disarmament Conference. It is recognised that these States must take part in the measures of disarmament; this implies that it would also be desirable for them to be able to avail themselves of the means of establishing security, which the Committee is now considering.

The draft Conventions and Treaties, however, which have already been prepared by the Committee seem to have been drafted exclusively from the point of view of the position of States Members of the League. In these circumstances, it would be very desirable to revise the drafts so that they may meet the requirements both of States Members and States non-members.

The Finnish Government touched on this point in its communication to the Secretary-General, dated June 6th, 1928 (Annex 2), when discussing the value of treaties of non-aggression. In the opinion of the Turkish delegation, these criticisms do not warrant the rejection of this type of treaty; they rather prove that the difficulties raised by these draft Treaties or draft Conventions for the Pacific Settlement of International Disputes, as regards relations with or between States non-members, must be overcome.

In the case of Conventions A and B, the jurisdiction of the Permanent Court of International Justice and the Council of the League should first of all be examined in this light.

Since the contracting parties are allowed the option of laying their case either before the Permanent Court of International Justice or before a court of arbitration of their own choice, the freedom of States non-members has been respected as far as possible, although the latter may sometimes be obliged — for instance, when it has been found impossible to reach an agreement regarding the selection of the court of arbitration — to undertake to accept the jurisdiction of the Court or allow the Council to appoint arbitrators.

The latter could equally well be appointed, on a request to this effect expressed by the parties, either in conformity with Article 45 of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or by the President of the Swiss Confederation, as provided for in Article 9 of Convention C concerning the appointment of members of Conciliation Commissions. Any compulsory jurisdiction of the Council of the League would however be an obligation to which — if only as a matter of principle — States non-members could not subscribe.

For these reasons, in the event of the failure of conciliation proceedings, Conventions A and B might, with advantage, be brought into line with Convention C, which is deliberately silent in regard to cases such as that referred to and is therefore more flexible and more readily applicable to all situations. If conciliation proceedings have failed, and if both parties are Members of the League of Nations, in the absence of any provision for a subsequent procedure, an application by one of the parties to the Council of the League of Nations might automatically bring Article 15 of the Covenant into play with the same effect as if this procedure had been laid down in the above-mentioned Convention. As regards the contingency of one of the parties or both parties not being Members of the League of Nations, Article 17 of the Covenant provides for the possibility of intervention by the Council, leaving the parties free to accept such intervention or to reject it with the consequences resulting therefrom in accordance with the same Article.

One of the two following alternatives might therefore safely be adopted:

(1) Either the compulsory jurisdiction of the Council in the event of the failure of conciliation proceedings should not be explicitly laid down;

(2) Or, if importance is attached to such an explicit clause, a stipulation might be added that, if one or both of the parties are not members of the League of Nations, the intervention of the Council might be resorted to within the limits of Article 17 of the Covenant.

As regards the Treaties of Mutual Assistance and Non-Aggression, it would appear opportune, in the same connection, to omit the exceptions allowed under Article 1; at the same time, it should be stipulated that aggression by one of the contracting parties against a third State or another contracting party would involve, in the first case, release from the obligation of neutrality (which in the Turkish delegation's opinion should be introduced in the treaties under consideration as an independent article) and, in the second case, the annulment of the whole Convention.
Moreover, and for the same reasons, it would be desirable to add to Article 3 that, if States non-members of the League are parties to the dispute, the determination of the aggressor will upon their submitting a request to this effect, be referred to an international commission of enquiry.

ANNEX 6.

MODIFICATION PROPOSED BY THE SERB-CROAT-SLOVENE DELEGATION IN THE COLLECTIVE TREATY OF MUTUAL ASSISTANCE (TREATY D).

In Article 3 of the draft Collective Treaty of Mutual Assistance (Treaty D), after the second paragraph, add a new paragraph worded as follows:

"In case of a flagrant violation of Article 1 of the present Treaty by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that, by reason either of the crossing of the frontier or of the outbreak of hostilities, immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this article, will issue its findings, and the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the members other than the representatives of the Parties which have engaged in hostilities."

This text reproduces paragraph 3 of Article 4 of the Treaty of Mutual Guarantee concluded at Locarno on October 16th, 1925, slightly modified by the omission of the two passages which refer specifically to the Rhine Agreement. In its introductory note to the model Collective Treaty for Mutual Assistance, the Drafting Committee has already referred to this clause, stating that it may be useful and practicable in certain cases. The Serb-Croat-Slovene Government feels, however, that the inclusion of this clause in the suggested model Treaty for Mutual Assistance would afford a further valuable guarantee to the signatories of this Treaty.

ANNEX 7.

OBSERVATIONS OF THE POLISH DELEGATION CONCERNING THE COLLECTIVE TREATY OF MUTUAL ASSISTANCE (TREATY D).

I. With regard to Article 1, the Polish delegation is of opinion that, apart from action in pursuance of Article 16 of the Covenant, action can be taken in virtue of Article 10, the guarantee of which still holds good. Mention of Article 10 should therefore be made in paragraph 2, which would read as follows:

"2. Action in pursuance of Article 10 or Article 16 of the Covenant of the League of Nations."

II. As regards Article 3, the Polish delegation proposes to add a third paragraph as follows:

"If, owing to unanimity not being secured, the Council is unable to pronounce upon the question of violation, each Contracting Party shall decide for itself whether an act of aggression has been committed and whether it should therefore give assistance to the victim."

III. Article 28. The Polish delegation proposes to add to this Article a second paragraph as follows:

"In the circumstances contemplated in paragraphs 7 and 8 of Article 15 of the Covenant of the League of Nations, the prohibition to resort to force laid down in Article 1 of the present Treaty shall hold good."

IV. The Polish delegation proposes to insert, between Article 31 and Article 32, a new article corresponding in its terms to Article 36 of Convention A, but adding that, even in the case of the disputes excluded, the prohibition to resort to force shall hold good.
# ANNEX 8.

REPORT OF THE COMMITTEE ON APBITRATION AND SECURITY.

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I. Account of the Committee's Work from its Creation up to the End of its Third Session.

The Committee on Arbitration and Security, which was appointed by the Preparatory Commission for the Disarmament Conference on November 30th, 1927, in pursuance of a resolution of the last Assembly, has the honour to submit herewith the results of the work of the three sessions held at Geneva in 1927 and 1928.

At its first session, in December 1927, the Committee fixed its programme of work, and asked M. Holsti, M. Politis and M. Rutgers to prepare three memoranda dealing respectively with arbitration, in the broader sense of the term; security; and Articles 10, 11 and 16 of the Covenant (including the questions of communications of the League in case of emergency and of financial assistance to States victims of aggression).

These memoranda, submitted by M. Beneš, Chairman of the Committee, and by the Rapporteurs, were discussed at the second session, held from February 20th to March 7th, 1928, at Geneva.

Following this discussion, the Committee instructed a Drafting Committee to prepare a certain number of model treaties of conciliation, arbitration, non-aggression and mutual assistance, as well as a series of draft resolutions.

The model treaties submitted by the Drafting Committee were approved on first reading, and the Committee decided to proceed with the second reading, at its third session, during which it would also examine, on the basis of a memorandum to be prepared by M. Rolin-Jaequemyns, certain new suggestions presented by the German delegation with a view to strengthening the means of preventing war. It also referred the plan of financial assistance to States victims of aggression to a joint committee of members of the Financial Committee and members of the Committee on Arbitration and Security for consideration.

The Committee having, at the end of its second session, expressed the hope that the results would be communicated to all the States in time to be discussed at the next Assembly, the Preparatory Commission for the Disarmament Conference endorsed this recommendation in the following terms:

"The Commission...
"Expresses its satisfaction with the results achieved and its approbation of the general spirit in which the Committee carried out the work.

"According to precedent, the report of the Committee on Arbitration and Security on the work of its second session, together with the Minutes of that session, will be communicated to all Governments. The Commission seconds the recommendation adopted by the Committee that these documents should be transmitted in sufficient time to allow of their discussion at the next Assembly."

At its meeting on June 4th, 1928, the Council, acting on the motion of the Roumanian representative, adopted the following resolution:

"The Council, having taken note of the work already done by the Committee on Arbitration and Security and of the programme for its future work, instructs the Secretary-General to insert on the supplementary Assembly Agenda the question of the work and the proposals of the Committee on Arbitration and Security."

The Committee held its third session at Geneva from June 27th to July 4th, 1928. It proceeded to the second reading of the texts prepared during the previous session. It added to these three model bilateral conventions for the pacific settlement of disputes, and adopted a model treaty embodying the German suggestions, and a report on the question of financial assistance.

The following list sets forth the texts which have been prepared by the Committee on Arbitration and Security:

(1) Model Arbitration and Conciliation Conventions, accompanied by an introductory note and two resolutions, one submitting and recommending these model conventions, the other relating to the good offices of the Council.
(2) Resolution on the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice.
(3) Model Treaties of non-Aggression and Mutual Assistance, accompanied by an introductory note and two resolutions, one submitting and recommending these model treaties, the other relating to the good offices of the Council.
(4) Resolution concerning the memorandum on Articles 10, 11 and 16 of the Covenant.
(5) Resolution concerning communications of the League in case of emergency.
(6) Resolution and report on financial assistance to States victims of aggression.
(7) Model Treaty with a View to strengthening the Means of preventing War, accompanied by an introductory note and a resolution.
II. Pacific Settlement of International Disputes.

(a) INTRODUCTORY NOTE TO THE CONVENTIONS ON CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT.

I. PRINCIPLES FOLLOWED BY THE COMMITTEE ON ARBITRATION AND SECURITY.

The Committee has the honour to submit three model general conventions (A, B, C) and three model bilateral conventions (a, b, c) drawn up on the same plan. The texts of the general and bilateral conventions are similar in principle excepting that certain necessary adjustments have been made in the texts of the bilateral conventions in view of their special character. During the second reading the Committee advisedly decided to use only the word "model" to denote the different Conventions, since this term appeared to be the more appropriate in view of the conditions under which these texts will be submitted to the Assembly.

The first two conventions (Conventions A and B) provide for arbitration and conciliation; the third (Convention C) provides exclusively for conciliation procedure.

In drafting these conventions, the Committee has been guided by a certain number of main principles:

1. It is necessary to take into account the particular situations of the different States and the objections which some of them would feel to the conclusion of extensive arbitration undertakings.

In these circumstances, it would be useless to attempt to bring forward a single and rigid type of arbitration and conciliation convention which would fall short of what some States are prepared to accept and go beyond what others might be able to accept. The three Conventions A, B and C provide sufficient variety to meet the desires and conditions of the different Governments.

The operation of the reservations authorised by these various conventions increases their plasticity — a feature which has been regarded as essential.

It should be noted that the general conventions contemplated do not affect the general or special obligations with regard to arbitration or judicial settlement which States have assumed or may assume between themselves. The general conventions will only be applied subsidiarily, and will only govern disputes not already covered by other conventions.

2. While the freedom of States must be fully respected, and no pressure, even if it is only moral pressure, be exerted on Governments to induce them to contract undertakings which they do not consider themselves able to perform, it is nevertheless essential that the undertakings entered into, however restricted they may be, should be of concrete value.

To that end, provisions already adopted in numerous separate conventions and ensuring the observance of undertakings assumed have been inserted in the Conventions. Hence the absence of an agreement with regard to the submission to arbitration or to the constitution of the tribunal or Conciliation Commission will not prevent the procedure of peaceful settlement from taking its course. Thus all reservations of a vague and indefinite character have been avoided.

3. The Committee has endeavoured to make as few innovations as possible. It has been guided by past experience, taking as a basis the numerous separate arbitration and conciliation conventions already concluded between large and small States in all parts of the world.

Thus, the draft distinction between disputes of a legal and of a non-legal nature constitutes the fundamental principle of Conventions A and B.

4. At the second reading, the Committee made the necessary improvements and additions to the text previously drawn up, and at the same time endeavoured to give all possible consideration to the observations submitted to it by various Governments.

5. The Committee, faithful to the principles by which it has so far been guided, did not feel that it could establish any order of preference as between Conventions A, B and C. Certain members of the Committee thought that it would have been desirable to do so, but, since opinion was divided, the Committee refrained from adopting any definite attitude in this respect. It therefore placed all the conventions on the same footing, leaving States free to accede to one or more of them as they see fit. The difficulties arising from the order of application of the various conventions by States which have acceded to more than one of them will in practice be capable of easy settlement by the parties themselves. Failing this, the application of the final clauses of the conventions providing for an appeal to the Permanent Court of International Justice would furnish a solution.

II. THE CHARACTER OF THE THREE MODELS.

Convention A. — The structure of Convention A is as follows:

1. Disputes of a legal nature are submitted compulsorily to a judicial or arbitral settlement, and optionally to a preliminary procedure of conciliation.

If the parties do not decide to resort to a special tribunal or, having decided to resort thereto, fail to agree on the terms of the special agreement (compromis), the dispute is brought, by means of an application, before the Permanent Court of International Justice.

2. Disputes of a non-legal nature are submitted compulsorily to a procedure of conciliation.

The composition of the Conciliation Commission and the selection of its members, its mode of operation and the part it plays, are the same in all three conventions; they will be dealt with in the commentary on Convention C.

In the event of the failure of conciliation, the dispute must be brought before an arbitration tribunal composed of five members.
3. If the parties fail to agree regarding the selection of members of the tribunal to be appointed jointly or if they fail to choose the members whom they must appoint severally, the draft adopted at the first reading provided that the Acting President of the Council should make the necessary appointments.

The Committee, considering it advisable to separate as far as possible the legal and political considerations and desiring to adopt a method more likely to meet the wishes of States non-Members of the League, provided at the second reading for another method of appointment. This procedure is based on the provisions of the Hague Convention of October 18th, 1907, concerning the Peaceful Settlement of International Disputes.

**Convention B.** — Convention B is conceived on the same lines as the Arbitration and Conciliation Conventions concluded at Locarno.

1. Disputes of a legal nature are brought before the Permanent Court of International Justice unless the parties agree to have recourse to an arbitral tribunal. The rules are the same as in Convention A.

2. Disputes of a non-legal nature are submitted simply to a procedure of conciliation. If this fails, they may be brought before the Council of the League of Nations under Article 15 or Article 17 of the Covenant.

**Convention C.** — The Committee has considered that there are very few States which, finding it impossible to accept the general or restricted obligations to submit to arbitration and judicial settlement contained in Conventions A and B, would refuse to accept Convention C, which simply provides for conciliation procedure.

The composition, mode of operation and duties of the Conciliation Commission laid down by the Convention are, in general, reproduced from the provisions in the Locarno Treaties of Arbitration and Conciliation. The only change is that greater latitude has been granted to the parties; in particular, it is stipulated that the Conciliation Commission may be permanent or specially constituted.

The procedure adopted for the appointment of members of Conciliation Commissions in the case of disagreement between the parties is the same as that laid down in Convention A for the appointment of members of the Arbitral Tribunal. It is also based upon the Hague Conventions.

As regards the mode of operation of the Conciliation Commission, it seemed desirable on a second reading to introduce two new clauses, one providing for the presence of all the members whenever the Commission is called upon to pronounce on questions of substance, the other providing that no mention shall be made in the Minutes as to whether the Commission's decisions were taken by a majority or not.

### III. General Provisions common to the Three Models.

The general provisions which, except for the adaptations required by the three model conventions, are common to all, call for the following explanations:

1. It is stipulated that the parties shall, during the procedure, abstain from any measures which may aggravate the dispute. The Permanent Court of International Justice and the arbitral tribunal may prescribe provisional measures. The Conciliation Commission has only the power to "recommend" such measures.

2. The case of third Powers, parties or not to the Convention, which have an interest in the dispute is specially provided for and settled. After careful study, the Committee, on the second reading, amended the text originally adopted. It provides that a third Power, party to the Convention, shall be invited to take part in the judicial or arbitral procedure, but shall be free to decline the invitation. In certain circumstances, it shall have the right to intervene and whenever it does so shall be bound by the decision given.

3. In spite of the importance of the largest possible number of accessions being given without reservations of any kind, the Committee, which has sought to achieve something practical and to take account of the difficulties peculiar to each State, has made a wide allowance for reservations.

Nevertheless, it has tried to regulate and classify them in order to avoid uncertainty and abuse. Four kinds of reservations have been laid down. The last, which is the widest, refers to "disputes concerning particular clearly defined subject-matters, such as territory status" (see Convention A, Article 36, No. 2 (d)). Thus, any State, when acceding to the Convention, may exclude any question whatever. All that it need do is to make special mention of this question. In this way it has been found possible to get rid of the dangerous and vague reservation of vital interests; if a State considers that certain questions affect its vital interests, it will exclude them by a reservation mentioning these questions.

On the second reading, the Committee desired to indicate by a textual amendment that the reservations enumerated in the provisions of these model conventions were limitative in their character.

Furthermore, the reservations stipulated by the acceding States only apply to arbitration unless it is expressly stated that they shall also apply to conciliation. The Committee is strongly of opinion that reservations, which are in all cases undesirable, should be of a wholly exceptional nature in the case of conciliation.

Finally, the operation of possible reservations has not been left to the discretion of the parties: it is subject to control by the Permanent Court of International Justice.

4. The Drafting Committee, during the second reading, contemplated the insertion of the following paragraphs in Article 36 of Convention A and in Article 29 of Convention B relating to reservations:

"When acceding to the present Convention, a State may make its acceptance conditional upon the disputes referred to in Article 4 being submitted to an Arbitral Tribunal, unless..."
the parties agree to have recourse to the Permanent Court of International Justice. In this case, the Arbitral Tribunal shall be established in conformity with the provisions of Articles 26 et seq. of the present Convention.

"On the other hand, a State may, when acceding to the present Convention, lay down as a condition that, as regards the disputes referred to in Article 4, no change shall be made in the order of the jurisdictions therein mentioned."

These provisions are based on the idea that the system of conventions for the peaceful settlement of disputes worked out by the Committee on Arbitration and Security should be as elastic as possible, so as to give the fullest consideration to the preferences of the different Governments.

Now, it is laid down in Conventions A and B that disputes of a legal nature shall be brought either before the Permanent Court of International Justice or before an arbitral tribunal, but, if the parties disagree, the jurisdiction of the Permanent Court of International Justice is obligatory. Certain States, although desirous of having recourse to arbitration whenever possible, may prefer an arbitral tribunal consisting of judges of their own choice. It would be regrettable should the stipulations on this point in Conventions A and B prevent certain States from acceding. In order to give Governments a wider choice, the two paragraphs mentioned above were accordingly proposed.

According to the first paragraph, a State may specify, when acceding to the Convention, that it is willing to have recourse only to an arbitral tribunal, whereas, according to the second paragraph, another State may indicate that it desires, in the absence of agreement to the contrary, to have recourse only to the Permanent Court of International Justice.

Objections were made to these provisions.

It was pointed out that, as between acceding States which made use of the right contained in the first paragraph and those which exercised the right laid down in the second paragraph, there would no longer be any obligation to have recourse to arbitration.

The Committee considered another procedure. This consisted in framing a new model convention, which would have been a reproduction of Convention B, except that the jurisdiction, provided for the judgment of disputes of a legal nature, was, in the absence of a contrary agreement between the parties, an arbitral tribunal. It was objected that this procedure would encumber the system of model conventions with a further convention. As the Committee could not arrive at a final opinion, the question was left open.

5. Disputes relating to the interpretation or application of the Convention will be submitted to the Permanent Court of International Justice. The object of this provision is to prevent conflicts of interpretation constituting a reason or pretext for any of the parties to bring about the failure of the forms of procedure laid down.

6. In anticipation of accession to the different Conventions by States not members of the League of Nations, the Committee, during the second reading, supplemented the text previously adopted by adding a mention of Article 17 of the League Covenant to every mention made of Article 15.

7. During its third session, the Committee considered that there was no advantage in presenting the model collective Conventions A, B and C as the results of negotiations between Government plenipotentiaries. For this reason, the Committee decided to omit the clauses containing the list of Heads of States parties to the Conventions, as well as the names of plenipotentiaries, and therefore omitted also the provisions establishing a distinction between the procedure of signature and that of accession. The Convention will be submitted to States for their accession only.

8. Duration. — It is stipulated that the Conventions shall have a fixed uniform duration of five years. On the expiration of that period, they shall be renewed for the same period in the case of Powers which have not denounced them in due time.

IV. FACILITIES PROVIDED FOR THE CONCLUSION OF CONVENTIONS ON ARBITRATION AND JUDICIAL SETTLEMENT.

In order better to give effect to the last Assembly’s wish for an increased use of forms of pacific procedure and for a larger number of conventions on arbitration and judicial settlement, the Committee has thought fit to frame a draft resolution defining the conditions on which the Council will be able to lend its good offices to States desiring to conclude such treaties.

V. METHOD OF FACILITATING ACCESIONS TO THE OPTIONAL CLAUSE OF ARTICLE 36 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Committee, realising the obstacles which prevent States from committing themselves, has thought that the only method of reducing them at present possible is to draw attention to the possibilities offered by the terms of the Clause in Article 36 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. Accordingly, the Committee has framed a draft resolution enabling the Council to request those States which have not yet acceded to the clause of Article 36 to consider with due regard to their own interests whether they can do so on the conditions above indicated.
MODEL CONVENTIONS.

GENERAL CONVENTION FOR THE PACIFIC SETTLEMENT OF ALL INTERNATIONAL DISPUTES.

(Convention A.)

The Heads of States and competent authorities of the States parties to the present Convention: Being seriously desirous of developing mutual confidence and of consolidating international peace by assuring, through resort to pacific procedure, the settlement of disputes arising between their respective countries; 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; and Highly appreciating the recommendation of the Assembly of the League of Nations contained in its resolution of .......... that all States should conclude a general Convention for the Pacific Settlement of all International Disputes; Have decided to achieve their common aim by agreeing on the following provisions:

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL.

Article 1.

Disputes of every kind which may arise between two or more of the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Convention, to settlement by judicial means or arbitration, preceded, according to circumstances, as a compulsory or optional measure, by recourse to the procedure of conciliation.

Article 2.

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. The present Convention shall not affect any agreements in force by which conciliation procedure is established between the High Contracting Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present Convention concerning settlement by judicial means or arbitration shall be applied.

Article 3.

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.

CHAPTER II. — JUDICIAL SETTLEMENT.

Article 4.

All disputes with regard to which the parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 36, 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 5.
If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, the procedure to be followed, and, if necessary, the rules in regard to the substance of the dispute to be applied by the arbitrators. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, shall apply automatically.

Article 6.
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 an application direct before the Permanent Court of International Justice.

Article 7.
If, in a judicial sentence or arbitral award, it is stated that a judgment, or a measure enjoined by a court of law or any 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 party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction.

Article 8.
1. In the case of the disputes mentioned in Article 4, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Convention.

2. In the case of the attempt at conciliation failing and, after the expiration of the period of one month from the termination of the proceedings of the Conciliation Commission, the dispute shall be submitted to the Permanent Court of International Justice, or to the arbitral tribunal mentioned in Article 5, as the case may be.

CHAPTER III. — CONCILIATION.

Article 9.
All disputes between the parties other than the disputes mentioned in Article 4 shall be submitted obligatorily to a procedure of conciliation before they can form the subject of a settlement by arbitration.

Article 10.
The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 11.
On a request to that effect being sent by one of the contracting parties to another party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 12.
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 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 13.
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 14.
1. If the appointment of the commissioners to be designated jointly is not made within the period of six months provided for in Article 11, or within a period of three months from the date on which one of the parties requested the other party to constitute a special commission, or to
fill the vacancies on a permanent Conciliation Commission, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointment.

2. If no agreement is reached on this point, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, these two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

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 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 20.
Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority vote and the Commission may only take decisions on the substance of the dispute if all its members are present.

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. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been notified 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.

Chapter IV. — Settlement by Arbitration.

Article 25.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission mentioned in the previous articles, the question shall be brought before an Arbitral Tribunal which, unless the parties agree otherwise, shall be constituted in the manner indicated below.

Article 26.

The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned.

Article 27.

If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute an arbitral tribunal, the necessary appointments shall be made by the method described in Article 14.

Article 28.

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 29.

The parties shall draw up a special agreement determining the subject of the dispute, and, if necessary, the details of procedure and the rules in regard to the substance of the dispute to be applied by the arbitrators.

Article 30.

Failing stipulations to the contrary in the special agreement, the procedure followed by the Arbitral Tribunal shall be that laid down in Part IV, Chapter III, of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 31.

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted, the dispute shall be brought before the Tribunal by an application by one or other party.

Article 32.

If nothing is laid down in the special agreement, the Tribunal shall apply the rules in regard to the substance of the dispute indicated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as the dispute cannot be settled by the application of the rules of law alone, the Tribunal may exercise the functions of a friendly mediator.

Chapter V. — General Provisions.

Article 33.

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 lay down 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 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 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 34.
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 all have separate interests or as 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 Powers, whose numbers 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, be guided by 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 in the case of the disputes mentioned in Article 4, each party shall have the right, by means of an application, to submit the dispute to the Permanent Court of International Justice; in the case of the disputes mentioned in Article 9, Article 26 above shall apply, and each third party having separate interests shall appoint one additional arbitrator.

Article 35.

1. The present Convention shall be applicable as between the High Contracting Parties, even though a third Power, whether a party to the Convention or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

3. In judicial or arbitral procedure, any third Power having an interest on legal grounds in the dispute shall be requested to take part in the procedure. The request shall be made to it by either party, or by both parties jointly. Such third Power, even if not invited, shall be entitled to intervene either if it is a party to the present Convention or if the question concerns the interpretation of a treaty in which it has participated with the parties to the dispute.

4. The judgment or award pronounced shall have binding force on the third Power which has intervened, and the latter shall also be bound by the interpretation of the treaty in which it has participated with the parties to the dispute.

Article 36.

1. In acceding to the present Convention, any State may make its acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

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

(a) Disputes arising out of facts prior to the 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. If one of the parties to the dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

4. Disputes which, as a result of these reservations, are excluded from judicial settlement without being formally excluded from the conciliation procedure shall remain subject to that procedure.

Article 37.

Whenever, as a result of these reservations, none of the procedures established by the present Convention can be put into effect, or if, after the failure of the conciliation procedure, a resort to arbitration is impossible, the dispute remains subject to be dealt with in accordance with the provisions of Article 15 or Article 17 of the Covenant of the League of Nations as the case may be.

Article 38.

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 39.

The present Convention, which 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 conciliation or arbitration procedure, whatever action may be deemed wise and effectual to safeguard the peace of the world.
Article 40.

The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date.

Article 41.

Any Member of the League of Nations and any non-member States to which the Council of the League of Nations shall communicate a copy of the present Convention for this purpose may accede to the said Convention.

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 the preceding paragraph.

Article 42.

1. 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 accession of not less than two contracting parties.

2. Accessions received after the entry into force of the Convention, in accordance with the previous paragraph, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

Article 43.

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 41.

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 44.

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

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 41.

GENERAL CONVENTION FOR JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION.

(Convention B.)

The Heads of States and competent authorities of the States parties to the present Convention:

Being seriously desirous of developing mutual confidence and of consolidating international peace by assuring, through resort to pacific procedure, the settlement of disputes arising between their respective countries;

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; and

Highly appreciating the recommendation of the Assembly of the League of Nations contained in its resolution of ............ that all States should conclude a general Convention for Judicial Settlement, Arbitration and Conciliation;

Have decided to achieve their common aim by agreeing on the following provisions:

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL.

Article 1.

Disputes of every kind which may arise between two or more of the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted to a procedure of

\[\text{Date of adoption by the Assembly.}\]
judicial settlement, arbitration or conciliation under the conditions laid down in the present Convention.

Article 2.

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. The present Convention shall not affect any agreements in force by which conciliation procedure is established between the High Contracting Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present Convention concerning settlement by judicial means or arbitration shall be applied.

Article 3.

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.

CHAPTER II. — JUDICIAL SETTLEMENT.

Article 4.

All disputes with regard to which the parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 29, 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 5.

If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, the procedure to be followed, and, if necessary, the rules in regard to the substance of the dispute to be applied by the arbitrators. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, shall apply automatically.

Article 6.

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 an application direct before the Permanent Court of International Justice.

Article 7.

If, in a judicial sentence or arbitral award, it is stated that a judgment, or a measure enjoined by a court of law or any 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 party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction.

Article 8.

1. In the case of the disputes mentioned in Article 4, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Convention.

2. In the case of the attempt at conciliation failing, and after the expiration of the period of one month from the termination of the proceedings of the Conciliation Commission, the dispute shall be submitted to the Permanent Court of International Justice, or to the arbitral tribunal mentioned in Article 5, as the case may be.

CHAPTER III. — CONCILIATION.

Article 9.

All disputes between the parties other than the disputes mentioned in Article 4 shall be submitted obligatorily to a procedure of conciliation.

Article 10.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.
On a request to that effect being sent by one of the contracting parties to another party, a permanent Conciliation Commission shall be constituted within a period of six months.

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 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.

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.

1. If the appointment of the commissioners to be designated jointly is not made within the period of six months provided for in Article 11, or within a period of three months from the date on which one of the parties requested the other party to constitute a special commission, or to fill the vacancies of a permanent Conciliation Commission, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointment.

2. If no agreement is reached on this point, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, these two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

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.

1. 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.

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

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.

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.

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.

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

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.

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.

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 vote and the Commission may only take decisions on the substance of the dispute if all its members are present.

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. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken by a majority vote.

3. 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 notified 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 dispute remains subject to be dealt with in accordance with Articles 15 or 17 of the Covenant of the League of Nations, as the case may be. 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 lay down 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 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 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 all have separate interests or as 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 Powers, 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, be guided by 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, by means of an application, to submit the dispute to the Permanent Court of International Justice.

Article 28.

1. The present Convention shall be applicable as between the High Contracting Parties, even though a third Power, whether a party to the Convention or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

3. In judicial or arbitral procedure, any third Power having an interest on legal grounds in the dispute shall be requested to take part in the procedure. The request shall be made to it by either party, or by both parties jointly. Such third Power, even if not invited, shall be entitled to intervene either if it is a party to the present Convention or if the question concerns the interpretation of a treaty in which it has participated with the parties to the dispute.

4. The judgment or award pronounced shall have binding force on the third Power which has intervened, and the latter shall also be bound by the interpretation of the treaty in which it has participated with the parties to the dispute.

Article 29.

1. In acceding to the present Convention, any State may make its acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

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

(a) Disputes arising out of facts prior to the 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. If one of the parties to the dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

4. Disputes which, as a result of these reservations, are excluded from judicial settlement without being formally excluded from the conciliation procedure shall remain subject to that procedure.

Article 30.

Whenever, as a result of these reservations, none of the procedures established by the present Convention can be put into effect, the dispute remains subject to be dealt with in accordance with the provisions of Article 15 or Article 17 of the Covenant of the League of Nations, as the case may be.

Article 31.

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 32.

The present Convention, which 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 conciliation or arbitration procedure, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 33.

The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date.

Article 34.

Any Member of the League of Nations and any non-member State to which the Council of the League of Nations shall communicate a copy of the present Convention for this purpose may accede to the said Convention.

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 the preceding paragraph.

1 Date of adoption by the Assembly.
Article 35.

1. 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 accession of not less than two contracting parties.

2. Accessions received after the entry into force of the Convention, in accordance with the previous paragraph, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

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 34.

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.

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 34.

GENERAL CONCILIATION CONVENTION.

(Convention C.)

The Heads of States and competent authorities of the States parties to the present Convention:

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 agreeing on the following provisions:

Article 1.

Disputes of every kind which may arise between two or more of the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Convention, to settlement by recourse to the procedure of conciliation.

Article 2.

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

Article 3.

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 4.

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 5.

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 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 six 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.

1. If the appointment of the commissioners to be designated jointly is not made within the period of six months provided for in Article 11, or within a period of three months from the date on which one of the parties requested the other party to constitute a special commission, or to fill the vacancies of a permanent Conciliation Commission, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointment.

2. If no agreement is reached on this point, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, these two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 10.

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 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 his assistance.

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 by the parties, the decisions of the Conciliation Commission shall be taken by a majority vote and the Commission may only take decisions on the substance of the dispute if all its members are present.

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. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken by a majority vote.

3. 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 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 Powers, 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, even though a third Power, whether a party to the Convention or not, has an interest in the dispute.

2. The parties may agree to invite such third Power to intervene.
1. In acceding to the present Convention, any State may make its acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

2. These reservations may be such as to exclude from the obligations laid down in the present Convention:
   (a) Disputes arising out of facts prior to the 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. If one of the parties to the dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

Article 24.

Whenever, as a result of these reservations, the conciliation procedure is impossible, or when in spite of this procedure the parties have been unable to agree, the dispute remains subject to be dealt with in accordance with the provisions of Article 15 or Article 17 of the Covenant of the League of Nations, as the case may be.

Article 25.

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 26.

The present Convention, which 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 conciliation or arbitration procedure, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 27.

The present Convention, of which the French and English texts shall both be authentic, shall bear to-day’s date

Article 28.

Any Member of the League of Nations and any non-member State to which the Council of the League of Nations shall communicate a copy of the present Convention for this purpose may accede to the said Convention.

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 the preceding paragraph.

Article 29.

1. 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 accession of not less than two contracting parties.

2. Accessions received after the entry into force of the Convention, in accordance with the previous paragraph, 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 28.

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 date of its entry into force.

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 28.
CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL.

Article 1.

Disputes of every kind which may arise between the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Convention, to settlement by judicial means or arbitration, preceded, according to circumstances, as a compulsory or optional measure, by recourse to the procedure of conciliation.

Article 2.

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

2. The present Convention shall not affect any agreements in force by which conciliation procedure is established between the High Contracting Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present Convention concerning settlement by judicial means or arbitration shall be applied.

Article 3.

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.

CHAPTER II. — JUDICIAL SETTLEMENT.

Article 4.

All disputes with regard to which the parties are in conflict as to their respective rights shall (subject to any reservations which may be made under Article¹), 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 5.

If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrator selected, the procedure to be followed and, if necessary, the rules in regard to the substance of the dispute to be applied by the arbitrator. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply automatically.

¹ This provision is only required if the parties make reservations.
Article 6.
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 an application direct before the Permanent Court of International Justice.

Article 7.
If, in a judicial sentence or arbitral award, it is stated that a judgment or a measure enjoined by a court of law or any other authority of one of the parties is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial or arbitral award shall grant the injured party equitable satisfaction.

Article 8.
1. In the case of the disputes mentioned in Article 4, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Convention.
2. In the case of the attempt at conciliation failing, and after the expiration of the period of one month from the termination of the proceedings of the Conciliation Commission, the dispute shall be submitted to the Permanent Court of International Justice, or to the Arbitral Tribunal mentioned in Article 5, as the case may be.

CHAPTER III. — CONCILIATION.

Article 9.
All disputes between the parties other than the disputes mentioned in Article 4 shall be submitted obligatorily to a procedure of conciliation before they can form the subject of a settlement by arbitration.

Article 10.
The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 11.
On a request being sent by one of the Contracting Parties to the other party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 12.
Unless the parties 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. 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 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 13.
1. If a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission, appointed in the manner laid down in the preceding article, shall, unless the parties agree otherwise, be constituted for the examination of the dispute.

Article 14.
1. If the appointment of the commissioners to be designated jointly is not made within the period of six months provided for in Article 11, or within a period of three months from the date on which one of the parties requested the other party to constitute a special commission, or to fill the vacancies of a permanent Conciliation Commission, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointment.
2. If no agreement is reached on this point, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.
3. If, within a period of three months, the parties have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

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 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 20.**

Unless otherwise agreed by the parties, the decisions of the Conciliation Commission shall be taken by a majority vote and the Commission may only take decisions on the substance of the dispute if all its members are present.

**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. No mention shall be made in the procès-verbal of whether the Commission’s decisions were taken by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been notified 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.
CHAPTER IV. — SETTLEMENT BY ARBITRATION.

Article 25.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission mentioned in the previous articles, the question shall be brought before an Arbitral Tribunal which, unless the parties agree otherwise, shall be constituted in the manner indicated below.

Article 26.

The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties.

Article 27.

If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute an arbitral tribunal, the necessary appointments shall be made by the method described in Article 14.

Article 28.

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 29.

The parties shall draw up a special agreement determining the subject of the dispute, and, if necessary, the details of procedure and the rules in regard to the substance of the dispute to be applied by the arbitrators.

Article 30.

Failing stipulations to the contrary in the special agreement, the procedure followed by the Arbitral Tribunal shall be that laid down in Part IV, Chapter III, of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 31.

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted the dispute shall be brought before the Tribunal by an application by one or other party.

Article 32.

If nothing is laid down in the special agreement, the Tribunal shall apply the rules in regard to the substance of the dispute indicated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as the dispute cannot be settled by the application of the rules of law alone, the Tribunal may exercise the functions of a friendly mediator.

CHAPTER V. — GENERAL PROVISIONS.

Article 33.

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 lay down 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 shall be bound to accept such measures.

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

3. The parties 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 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 34.

1. The present Convention shall be applicable as between the High Contracting Parties, even though a third Power has an interest in the dispute.
2. In conciliation procedure, the parties may agree to invite such third Power to intervene.
3. In judicial or arbitral procedure, any third Power having an interest on legal grounds in the dispute shall be requested to take part in the procedure. Request shall be made to it by either party, or by both parties jointly.
4. The judgment or award pronounced shall have binding force on the third Power which has intervened.

Article 35.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes (1) shall be submitted to the Permanent Court of International Justice.

Article 36.

The present Convention, which 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 conciliation or arbitration procedure, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 37.

1. The present Convention shall be ratified and the exchange of ratifications shall take place at ........................................
   It shall be registered at the Secretariat of the League of Nations.
2. The Convention shall be concluded for a period of five years dating from the exchange of ratifications.
3. If it has not been denounced at least six months before the expiration of this period, it shall remain in force for further successive periods of five years.
4. Notwithstanding denunciation by one of the High Contracting Parties, all forms of proceeding pending at the expiration of the period of the Convention shall be duly completed.

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

DONE at ........................................ on ........................................
in .................................. copies .................................................................

1 States desiring to introduce reservations might insert here two articles based on Articles 36 and 37 of General Convention A printed below.

Article 36.

1. In acceding to the present Convention, any country may make its acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.
2. These reservations may be such as to exclude from the obligations laid down in the present Convention:
   (a) Disputes arising out of facts prior to the 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. If one of the parties to the dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.
4. Disputes which, as a result of these reservations, are excluded from judicial settlement without being formally excluded from the conciliation procedure shall remain subject to that procedure.

Article 37.

Whenever, as a result of these reservations, none of the procedures established by the present Convention can be put into effect, or if, after the failure of the conciliation procedure, a resort to arbitration is impossible, the dispute remains subject to be dealt with in accordance with the provisions of Article 15 or Article 17 of the Covenant of the League of Nations as the case may be.

2 If the Convention contains reservations, it would be convenient to add: " and the scope of reservations ".

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Article 1.