certain simple measures must be laid down as being obligatory. It was, he thought, to this conclusion that the Committee had been led, as a result of the discussion on Article 3. M. Massigli personally felt that, if it were desired to draw up a text which would be acceptable to the delegations as a whole, it must be a very clear text. If this condition were observed, the question of control would probably involve no insuperable difficulty. Doubtless, it was a question of asking the countries to accept in advance a limitation of their sovereignty. Did, however, the undertaking to follow the Council's recommendation also constitute a limitation of sovereignty ?

What was involved in this matter ? It had become apparent during the debate that if they were to be acceptable to the majority of the Committee, the measures of a military nature which the Council might impose must be limited to the conclusion of an armistice, with the object of separating the two parties and of preventing their coming into contact. What insuperable difficulties were there in agreeing that, when the Council had thus enjoined an armistice, it should send agents to the spot to watch over the situation ? If it were feared that the sovereignty of the States would be affected, it would seem that the cause of peace, which took precedence over everything, was sufficiently important for the States readily to acquiesce in such limitation. Consequently, in his opinion, and subject to Article 3 being drafted in very plain and simple terms, there could not be any difficulty in establishing this form of control. The proof that such control was possible already existed. Lord Cecil had referred to the example of the Greco-Bulgarian dispute. Why should it be impossible in other circumstances to take measures which two countries Members of the League had agreed were not incompatible with their sovereignty ?

General de Marinis had said that, although there were many difficulties on land, he could never accept the principle, but he had enquired how control could be feasible at sea. M. Massigli agreed that the question was more complex at sea. He did not think, however, that the French Government, which had carefully considered the point, felt that, in this case either, the objections raised were insuperable. It was quite possible to imagine that the fleets of the countries concerned might be invited not to pass a given line, it being understood that within these lines they were absolutely free in their movements. It was also quite possible to imagine that in cases of this kind the League's agents would be admitted on board warships. The French Government, in so far as it was concerned, accepted such a limitation to its sovereignty at sea and on land, if the Committee as a whole were prepared to accept it as well. A great advance would have been made if the Committee could reach agreement on this point.

If the problem were reduced to these simple elements, it would be possible to solve it. M. Massigli did not think that it would be very difficult to lay down rules for the working of such commissions. He realised, however, that the question would require special discussion which was not within the scope of the present session of the Committee. He did not therefore propose that the Committee should prepare a set of rules, but it could be stipulated that, once agreement had been achieved on the principle and the principle had been included in a Convention, the competent bodies of the League should draw up as simple rules as possible which might come into force concurrently with the Convention, for it must not be forgotten that, after the Convention had been prepared, a certain interval would have to elapse before it was ratified.

At the previous meeting, Lord Cecil had drawn the Committee's attention to the valuable guide contained in the recommendations made by the Committee of the Council in March 1927, and had asked M. Massigli whether he did not find in these recommendations the means of overcoming his difficulty, and M. Massigli had not overlooked their interest. An essential element, however, was lacking, and here M. Massigli would appeal to Lord Cecil's subtle psychological sense. The document indicated that the Council could do certain things with the assent of the parties concerned. It was desired to ask the States to accept a very serious undertaking, namely, to agree in any event to conform to the recommendations of the Council. The States, it followed, had the right to be sure — otherwise public opinion would rebel — that the Council in its turn would take all the necessary steps to ensure that its requirements would be met, and that, as soon as it enjoined conservative measures, it would automatically send to the spot competent persons to supervise the carrying out of those measures.

Facts must be faced; incidents occurred between two countries; the public became excited, uneasy, and called for measures of reprisal. The Council intervened and said: "Stop! Do not pass such and such a point! Withdraw! Return within the limits set!" If there were not on the spot competent persons invested with the authority of the League, what security would there be, in the excited state of public opinion, that the armistice would be observed ? New incidents might suddenly occur and they would be much more serious. If the Council were to have the time necessary to arrive at a peaceful arrangement, it was essential for delegates of the League to be present on the spot. The limitation of sovereignty required by the application of this principle was the minimum. This sacrifice could surely be made in the cause of peace. The French Government for its part was prepared to make it, for it considered it to be indispensable.

M. Sokal (Poland) had no objection to referring to the Drafting Committee Article 4, as interpreted by Lord Cecil. The Drafting Committee would be asked to find an appropriate wording which would reflect the opinions that had been expressed.

Lord Cecil saw more in the Polish proposal than the Polish delegation had desired to introduce into it, for it had not contemplated compulsory control by the Council in all cases. The Polish delegation had thought that the Council might enjoin measures which were of no
particular importance, and which consequently did not need to be controlled. Control was indispensable only for measures which were of special interest.

M. Sokal drew the Committee's attention to another point. As General de Marinis had said, the question of control had been discussed at length on many occasions. Lord Cecil had referred to a document which had been distributed and which contained a summary of the whole question.

What was the novelty in the proposal? The desire had been expressed that, in Article 3, the parties should undertake beforehand to follow certain directions of the Council. The Polish delegation asked that the Council should undertake in advance to take the measures of control which were, so to speak, optional. It was impossible to imagine that the Council might decide on the withdrawal of troops which had not yet come into contact and that a decision of that kind should not be controlled by the despatch to the spot of agents to supervise its effective execution.

M. Fierlinger (Czechoslovakia) considered that M. Massigli had admirably expounded the different reasons in favour of the proposed amendment. The Polish proposal was a logical part of the Convention.

The document which Lord Cecil had recommended the Committee to read was very instructive. It stated that the Council was authorised to take all sorts of measures within the limits of Article 11 of the Covenant. It even suggested the possibility of a naval demonstration. It might, of course, be held that in this case there would be the assent of the parties to the dispute, but it was not a case which could be contemplated as a possibility. The moral, if not juridical, obligation in the Covenant already entailed the acceptance, even against the will of the parties concerned, of the consequences of the idea expressed in Article 11.

What was now being asked for was nothing new. The authors of the Covenant itself had had in mind some sort of investigation. Article 5, paragraph 2, of the Covenant said:

"All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council, and may be decided by a majority of the Members of the League represented at the meeting."

It might be argued that the term "particular matters" implied a geographical conception. A commission of enquiry could very well sit at Geneva, since the term "points particuliers" in the French text was translated in the English text by the term "particular matters". Could, however, a Member of the League refuse to give hospitality to a commission of enquiry? Obviously, a commission of that kind would have to go to the spot to carry out its task. That was a point, however, which was left open by the intension of the authors of the Covenant.

M. Fierlinger understood the apprehensions of General de Marinis and the legitimate apprehensions felt by all the members who, during the past ten years, had taken part in the long discussions on the question of control. Control had been contemplated in a far wider manner and had implied an infringement of the sovereignty of States. There was no longer any question of such an infringement. The only question was that of holding an enquiry and verifying the execution of the measures enjoined by the Council. M. Massigli's argument was bound to receive the assent of the Committee. It was no use proposing measures which could not be controlled. It would be within the power of the military experts to say clearly which were the measures which could be controlled. The others would be left out of Article 3. M. Fierlinger was sure that General de Marinis, with his great legal and military ability, would be able to draw up, if need be, a list of measures, the control of which would be feasible.

He noted with pleasure M. Sokal's acceptance of Lord Cecil's proposal. He thought that there was a possibility of agreement, but the Committee must not lose sight of the real and entirely legitimate object of the proposed amendment.

M. Ito (Japan) observed that the question of control had been exhaustively discussed during the discussions of the Committee on Arbitration and Security at its third session. The Japanese point of view had been expounded at that time, and M. Ito adhered to it.

The present conception of control, however, was quite a new one. M. Massigli and M. Fierlinger had spoken of a very simplified form of control. If the Committee agreed to this conception, it was possible to imagine that the Governments which had hitherto been opposed to control might change their minds. They must, however, know to what measures the control in question would be restricted. If, as M. Fierlinger had proposed, the Committee were placed in possession of a concrete proposal indicating the measures of control that were contemplated, M. Ito was quite prepared to examine such a proposal carefully and then to give his opinion. The Japanese delegation, however, could not accept a general undertaking to submit to unspecified measures of control. The Japanese Government attached much importance to this question.

In conclusion, until the Committee had been placed in possession of a definite text, M. Ito would adhere to the point of view expressed by the Japanese representative at the third session of the Committee on Arbitration and Security.

The Chairman noted that the Polish representative accepted Lord Cecil's proposal that a wording should be found which would reconcile the original proposal and the amendment. He understood that the French delegation had no objection to this course. Other delegations had emphasised the necessity of taking into account certain suggestions contained in the report approved by the Committee of the Council concerning Article II of the Covenant. Finally, M. Ito had urged the necessity of indicating as simple measures of control as possible.
In these circumstances, the Drafting Committee would be asked to seek for a formula which would be calculated to receive general assent. When it had found the formula in question, it would report to the Committee, which would then see whether it was possible to draw up a general Convention.

M. Massigli (France) said that the French delegation had been anxious to leave open every avenue of approach with the object of reaching solutions on which general agreement would be possible, and had therefore purposely abstained from placing before the Committee any amendment in writing. It had desired to take into account, in drawing up its proposals, the observations made by the different delegations, so that it might present its ideas in the most acceptable form and facilitate the agreement which it hoped to secure.

The French delegation intended to submit to the Drafting Committee certain proposals which would represent the way in which, in its view, the question could be settled. These proposals being, in the opinion of the French delegation, an essential part of its argument and being intended to explain it, M. Massigli wished to reserve his right to communicate them to all members of the Committee on Arbitration and Security and to those of the Drafting Committee at the same time.

The procedure proposed by the Chairman was adopted.

Article 5.

The Chairman said that, before going on to discuss Article 5 and the amendments by the Norwegian and Netherlands Governments, the Committee must come to an agreement on the acceptance of the principle laid down in Articles 3 and 4, namely, the exclusion of the representatives of the parties which had opened hostilities from the voting in the Council. He noted that the members of the Committee agreed to accept this principle.

Baron Rolin Jaequemyns (Belgium) considered as purely formal the amendment proposed by the Netherlands Government concerning the exclusion of the representatives of the parties engaged in hostilities. Moreover, he entirely agreed with it. It seemed infinitely more preferable to say that the votes of the representatives of the parties would not be counted in the unanimity required, rather than to speak of exclusion.

M. Rutgers (Netherlands) observed that the words proposed by his delegation were taken from the Covenant.

Baron Rolin Jaequemyns (Belgium) pointed out that the other amendment by the Netherlands delegation and that proposed by the Norwegian delegation were identical in scope. The amendments proposed that Article 1, which covered the case of a dispute, in which there was no beginning of hostilities and no threat, should empower the Council to act, and that the voting should be carried out under the same conditions. Baron Rolin Jaequemyns warmly supported this amendment. If unanimity were the condition, and if the representatives of the parties were allowed to take part in the voting, obstruction by one of them would be sufficient to stop anything being done.

Viscount Cecil of Chelwood (British Empire) referred to the statement which he had made on the previous day. His instructions permitted him to accept Article 5 as drafted, that was to say, as being applicable to Articles 3 and 4 as drafted. His instructions did not, however, go further, and he was therefore unable to bind his Government in any way beyond that point.

The Chairman said that the Drafting Committee would take Lord Cecil's reservation into consideration.

Dr. Göppert (Germany) made a similar reservation.

Baron Rolin Jaequemyns (Belgium) thought these reservations seemed to be more or less awkward for all the members of the Committee. In his view, the votes given and the opinions expressed by the members in Committee did not finally commit the representatives of the Governments on the Council or the Assembly. The latter were unquestionably bound to preserve entire freedom in this respect. Otherwise, Baron Rolin Jaequemyns would be obliged to associate himself with Lord Cecil, and make reservations on all points under discussion.

M. Massigli (France) considered that this observation was one of some gravity. The Committee consisted of members who were chosen more or less as the representatives of their Governments. On many occasions in the course of the discussions M. Massigli had referred to the danger of drawing up conventions without considering what the Governments would do with them. Notwithstanding the instructions from their Governments, the delegations could not, of course, commit their Governments, and the latter were free to disavow their representatives. In the interests, however, of the League and of the work done there, the members of the Committee must avoid submitting proposals concerning which they did not feel that their Governments — subject, of course, to their sovereign rights — could accept their content.
It would be highly regrettable, in so serious a matter as that being discussed by the present Committee, to produce an impression that the Committee was drawing up texts that were blown away by the slightest breeze. The Drafting Committee must know whether the delegates had or had not the power to pronounce on the substance of each article. Otherwise, it would be better to separate the various questions from one another and to indicate those which did not appear to the Governments to be ripe, and to ask that no definite decision should be taken until a later session.

The Chairman thought that M. Massigli's wishes might be interpreted as follows: the Committee should give the Drafting Committee quite definite instructions on the question whether it was required to prepare texts in regard to Articles 1 and 2 in connection with the voting in the Council. If the Committee was unable to do so, M. Massigli proposed that Articles 1 and 2 should be separated from Articles 3 and 4, and that an attempt should be made to establish a text quite apart from the first two articles.

Viscount Cecil of Chelwood (British Empire) regretted that this attitude had given rise to difficulty in the Committee. At the same time, he was bound to be frank, and if he had no instructions it was no use pretending that he had.

There was nothing unusual in saying in a report that the representatives of one or more Governments were unable to express an opinion upon any particular proposal made by the Committee. In every report dealing with any complicated or delicate question, it would be found that certain Governments reserved their opinion on various points. Lord Cecil did not wish to prevent the Committee from proceeding to draft the Convention if the members thought fit. Indeed, he thought that they ought to do so irrespective of whether one or more Governments were for the moment unable to express an opinion on any particular question. In any case, he was bound to take up the attitude which he had been authorised to take up by his Government, and could not admit that any other delegation had the right to criticise it.

Baron Rolin Jaequemyns (Belgium) was sure that Lord Cecil did not feel that the Belgian representative’s remarks had been in any way directed against him. He had merely said that the British delegate’s reservation had compelled him to make a declaration on his own behalf.

It resulted from the British delegate’s statement that he had quite definite directions on the majority of the points under discussion, but that he had no instructions from his Government on other points, and consequently there was nothing surprising in his abstention. Baron Rolin Jaequemyns quite understood the situation, but he hoped it would not be supposed that because, in consequence of the confidence placed by the Belgian Government in its delegate, he advanced an opinion on a certain point, he was thereby absolutely committing his Government, and that the latter would not be entitled, in consequence of a mistake, or owing to the interposition of new factors, to uphold a different attitude.

M. Massigli's (France) wishes might be interpreted in consequence of a mistake, or owing to the interposition of new factors, to uphold a different attitude. It resulted from the British delegate’s statement that he had quite definite directions on the majority of the points under discussion, but that he had no instructions from his Government on other points, and consequently there was nothing surprising in his abstention. Baron Rolin Jaequemyns quite understood the situation, but he hoped it would not be supposed that because, in consequence of the confidence placed by the Belgian Government in its delegate, he advanced an opinion on a certain point, he was thereby absolutely committing his Government, and that the latter would not be entitled, in consequence of a mistake, or owing to the interposition of new factors, to uphold a different point of view. Baron Rolin Jaequemyns considered that instructions on these lines were the best for achieving a practical solution.

M. Massigli (France) said that it had not been his intention to express surprise at the reservation made by Lord Cecil with regard to his Government's opinion; but, after hearing two delegations which played a very important part in the League, the British and German, make reservations on such important questions—reservations which were, moreover, perfectly comprehensible—and having understood that Baron Rolin Jaequemyns had made a reservation as to his powers, M. Massigli had wondered, and still wondered, whether, in these circumstances, there was anything really to be gained by drawing up texts which had no sure basis. It was certain that if the German, British and Belgian delegations, and others perhaps as well, were in the same situation, the texts drawn up would have no great value. In these circumstances, would it not be better frankly to explain the situation and to say that the question was not yet ready, and that it would be discussed again when it had become clearer? The discussions which had taken place in the last few days showed that the texts that had already been adopted still involved difficulties that had passed unperceived at first. That was a spectacle which should not be presented to the eyes of the public, and the texts should be studied thoroughly before being submitted to public opinion.

Viscount Cecil of Chelwood (British Empire) was astonished as the attitude adopted by M. Massigli and at the doctrine he had expounded that a member of the Committee might not reserve his opinion or the opinion of his Government on one particular question when considering a subject of the kind under discussion.

The Convention consisted of eleven articles, on every one of which he had expressed what he believed to be the opinion of his Government. He had not consulted them about every detail—no one could—but the opinions he had expressed represented, he believed, the views of his Government. On one particular part in one particular article he had not sufficient instructions to justify him in expressing with the same confidence the opinion of his Government. That seemed to him a perfectly legitimate attitude and one which did not in any way interfere with the work of the Convention. That part of the Committee's decisions would go forward with such diminution of authority as was due to the fact that a member of the Committee had been obliged to adopt the attitude in question. The situation could not form the basis for the very serious attitude which M. Massigli had adopted.
The discussion could only be useful if every one admitted that the other members of the Committee were doing their best to reach a conclusion and were taking the attitude which, in their judgement, was the most helpful to the discussion.

There were two kinds of committees in connection with the League of Nations; there were those on which, as in the case of the Committee which had dealt with the Pact of Paris and the Covenant, the members sat as experts, as individuals, and expressed their own opinion without in any way binding their Governments. In the present Committee, on the other hand, the members represented their Governments and bound their Governments by anything they said or did to the extent that, prima facie, the Governments must be thought to assent to anything said by their representatives. It was open to a Government to change its opinion and to throw over its representative, though that might, of course, be undesirable.

When a delegate found that, in regard to a particular detail of a proposal, he was not able to say with the same confidence as in regard to the rest, that he expressed the opinion of his Government, he necessarily reserved the opinion of his Government on that point. Lord Cecil believed that, if the records of any Committee which had sat in connection with the League were examined, numerous instances would be found where members had felt bound on particular questions to say that their instructions did not permit them to express a decided opinion either one way or the other.

Baron Rolin Jaqueemyns (Belgium) wished to reassure M. Massigli with regard to his instructions. The Committee had the following mandate:

"The Council has asked the Committee, in conformity with the Assembly discussions, to consider the possibility of establishing a draft general convention on the general lines of the treaty . . . ."

Baron Rolin Jaqueemyns had full powers from his Government to take part in the discussion on this subject.

Dr. Göppert (Germany) associated himself with Lord Cecil's opinion and did not think that the attitude adopted by the British representative or himself could hamper the Committee's proceedings in any way. His own position was similar to, but not identical with, that of Lord Cecil; he had, moreover, explained it at a previous meeting. He was prevented from voting immediately on the question before the Committee, not on account of the absence of instructions from his Government, but because he wished to see the whole of the Convention before making up his mind on either Article 1 or Article 2 A.

M. Sokal (Poland) thought that the discussion had somewhat strayed from the point. Reference had been made to the powers of the delegates, and it had been asked how far the vote given by a member of the Committee engaged his Government.

It was time to return to the question of the directions to be given to the Drafting Committee in regard to the text of Article 5, for that was the point at issue. Certain declarations had been made which would assist the Drafting Committee in finding its way, but they were not enough, and the Drafting Committee would certainly wish to be better informed on the attitude of the different delegations.

M. Sokal personally saw the situation as follows: at the outset, certain delegations had been optimistic, whereas he himself had been rather pessimistic. Now, however, the parts were reversed. The optimists were drawing in their horns, and some of them said that they could accept the exclusion of the parties from the voting in the Council only in the case of Articles 3 and 4, and they had made a reservation as to the exclusion of the votes of the parties in the case of Articles 1 and 2.

M. Sokal thought that, if the parties were not excluded from the voting in all the cases covered by the Convention, the progress that it was hoped to achieve would certainly be insignificant, and perhaps non-existent.

In regard to Articles 1 and 2, which required unanimity in the Council, if the parties were allowed to vote, the advance would be a negligible one, for it might be foreseen that the parties would always prevent the Council from taking a decision which would necessarily be unfavourable to, at any rate, one of them. The case was still more serious in regard to Articles 3 and 4.

The Drafting Committee could not do useful work, and the delegations could not pronounce on the scope of Articles 1, 2, 3 and 4, unless the Committee knew what was to be the voting procedure. M. Sokal hoped that the Chairman would give the Drafting Committee all the requisite information and that the delegations would find it possible to express their views on this subject. For his part, he wished to say at once that, subject to the drafting of these articles, he saw only one possibility of achieving an advance, and that was to accept the principle that the parties concerned should not take part in the voting of the Council for any of the cases referred to in the Convention. If a decision of that kind were adopted, the Council would obviously be able to take effective action.

General de Marinis (Italy) said that he was in the same position as the German delegate. Before taking a decision on the question whether the parties to the dispute should vote or not, he must know what engagements were implied in the articles of the Convention. He had already made a statement on this subject on the previous day, and would confine himself to confirming it.
M. Undén (Sweden) supported the proposal made by the Norwegian and Netherlands delegations. The Council, when considering a dispute under Article 15, could make recommendations which had the character of conservatory measures. In that case, the rule laid down in Article 15 applied to the final recommendations of the Council. If this voting rule were not imposed, Articles 1 and 2 should not be included in the draft Convention. According to the Covenant, the Council was unquestionably competent to make recommendations concerning provisional measures, but, in that case, the vote of the parties must be counted. If it were wished to take a step forward, the vote of the parties must necessarily be excluded. If Articles 1 and 2 were to be retained, Article 5 must be extended in accordance with the Norwegian and Netherlands proposals.

Baron Rolin Jaequemyns (Belgium) recalled that at first he had supported the Netherlands proposal for the extension of Article 5, which should cover not only Articles 3 and 4, but Article 1 as well. According, however, to what M. Undén had said, and according to M. Sokal's statement, Article 5 should cover Articles 1 and 2. That was going too far; only Article 1 should be mentioned in the instructions to the Drafting Committee. The text of Article 2 was as follows:

"In the case provided for in Article 1, the High Contracting Parties further undertake to refrain from any measures which might aggravate or extend the dispute."

There was no question of action by the Council and therefore no vote. It would accordingly be a textual error to mention that article.

The Chairman thought that the Committee agreed with Baron Rolin Jaequemyns.

M. Sokal (Poland) considered, on the contrary, that a decision by the Council was required under Article 2. Article 1 stated that "the Contracting Parties undertook in the event of a dispute arising between them", and so on. It referred therefore to a specific case. Article 2 then said:

"In the case provided for in Article 1 the High Contracting Parties further undertake to refrain from any measures which might aggravate or extend the dispute."

A dispute, therefore, had arisen and the Council would meet to discuss it. If the Council discussed it, the parties concerned would be present, and the question of the voting would consequently have to be solved.

M. Undén (Sweden) said that Baron Rolin Jaequemyns was right. He had mentioned Article 2 by mistake.

Baron Rolin Jaequemyns (Belgium) thought that there was a misunderstanding owing to the transposition of the numbers of the two articles. It was because Article 2 did not assume action by the Council that he had proposed that it should come first. In the case covered by this article the Council did not act; reference was made merely to a moral duty for the two parties. The following articles indicated the case in which the Council could act and it was only in this case, therefore, that there could be a vote by the Council.

The Chairman thought that the Committee Was faced with a quite definite proposal. Should the rule on voting apply to Article 1 as well? That was the sense of the proposal made by the Norwegian and Netherlands delegations.

M. Massigli (France) said that if the Committee endorsed Baron Rolin Jaequemyns' interpretation, Article 2, which would become Article 1, would be of subjective value only. The contracting parties would undertake to abstain from all measures which might in their opinion aggravate the dispute. He was not absolutely sure that an article of that sort had any very distinct value.

Viscount Cecil of Chelwood (British Empire) reminded M. Massigli that Article 16 of the Covenant was of exactly the same nature. The obligation rested on every Member of the League in spite of what the Council might do. In some respects, that was a more serious obligation than one which involved awaiting the decision of the Council. He desired to make a suggestion. He had heard no opposition to the proposal that Article 5 ought to apply to Articles 3 and 4. The only question that had been discussed was whether it should also apply to Article 1. In the interests of time, he suggested that a vote might be taken.

Baron Rolin Jaequemyns (Belgium) urged strongly that no vote should be taken. It would be dangerous to take a decision before the Committee had a text before it. The Drafting Committee should first prepare a text. The question on which a vote would have to be taken would then be quite simple. After agreeing on the text of Articles 1 and 2, the Committee would come to Article 5 and it would then be necessary to know whether it covered only Articles 3 and 4 or another article as well. The Drafting Committee would insist in its text of Article 5 the various numbers and it would then be for the Committee in full session to strike out one, if it thought fit.
M. ITO (Japan) considered this question to be very important. It affected the foundations of the League’s organisation. Under the Covenant, unanimity in the Council was regarded as essential. Article 5 settled that point. A single exception had been allowed in regard to questions of procedure. In the ten years of its life, however, the League had not succeeded in agreeing on what was meant by a question of procedure. Another exception had been allowed in Article 15 in connection with disputes liable to involve a rupture. Apart from these cases, the principle of unanimity in the Council remained intact.

What was the point in the present Article 1? It covered a case where a dispute arose between the contracting parties. Was it intended to make a new exception to the fundamental principle of the League in regard to this kind of dispute? Some time ago, in connection with the amendment of the League Covenant with a view to bringing it into line with the Pact of Paris, an authority had pointed out that the principle of unanimity affected the foundations of the League’s organisation. Serious consideration was essential before any breach was made in a principle of that kind. In so far as he was concerned, M. Ito could not give a definite statement on this point and must reserve his opinion.

M. COB'IAN (Spain) observed that, during the session to which M. Ito had referred, the Committee of Eleven, which had been appointed to study the amendments to be made in the League Covenant, had proposed a change in Article 13 in the sense indicated. Article 13, paragraph 4, of the Covenant said:

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps shall be taken to give effect thereto."

The Committee of Eleven had proposed the following text:

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered and that they will not take any action against any Member of the League which complies therewith. In the event of any failure to carry out such an award or decision the Council shall propose what measures of all kinds shall be taken to give effect thereto; the votes of the representatives of the parties shall not be counted."

Thus, continuing its progress on the same lines as heretofore, the League was now contemplating changing Article 13 of the Covenant in exactly the same sense as that proposed by several delegations in connection with Article 1 of the draft Convention under discussion. M. Cobían agreed that the Council was empowered to invite the parties to a dispute to sit on the Council, but, if it were not understood that the votes of the parties, when represented on the Council, did not count, the result might be to create a privilege for the party to the dispute which had a representative on the Council.

Finally, M. Cobían called to mind the legal axiom that it could not be left to the contracting parties to pronounce on the validity and efficacy of a contract.

The CHAIRMAN, summing up the discussion, thought he might say that the question of the voting might be regarded as solved in so far as concerned Articles 3 and 4. An amendment had been submitted for the application to Article 1 of the same procedure as that applied to Articles 3 and 4. It appeared from the discussion that certain members of the Committee were clearly in favour of this proposal. Other delegations had made reservations. None had made any objection to the suggestion. The Chairman thought he might say that a fairly large majority was in favour of the amendment.

If that were so, he proposed that the Drafting Committee should be instructed to prepare a text taking this state of affairs into account, it being understood that the reservations would be formulated, if necessary.

The procedure proposed by the Chairman was adopted.

13. Composition of the Drafting Committee.

The CHAIRMAN observed that the discussion on the articles of substance was concluded. The articles which had not yet been examined contained no fundamental principle but related rather to questions of form. In these circumstances, he thought that the Drafting Committee should be nominated at once, so that it might, if possible, begin work on the following afternoon.

On the suggestion of a number of delegations, he proposed that the Drafting Committee should consist of the Chairman and Vice-Chairman of the Committee and likewise members of the Belgian, British, French, German, Italian, Japanese, the Netherlands, Polish, Spanish and Uruguayan delegations. The Committee would thus consist of twelve members. It might perhaps appear to be somewhat large, but it met the wish of those who had made the proposal to satisfy the various opinions that had been expressed.

The proposal of the Chairman was adopted.
14. **Composition of the Committee on the Question of Facilities to be granted to Aircraft.**

The **Chairman** proposed that this Committee should consist of the Belgian, Finnish, French, German and Polish delegations.

*This proposal was adopted.*

**SEVENTH MEETING**

*Held on Friday, May 2nd, 1930, at 10.30 a.m.*

**Chairman:** M. Beneš (Czechoslovakia).

15. **Examination of the Revised Synoptic Table of the Text of the Model Treaty to strengthen the Means of preventing War, and of the Observations of the Governments (continuation).**

**Article 6.**

The **Chairman** reminded the Committee that, at its meeting on the preceding day, it had finished the discussion of the first five articles, which were the most important since they concerned questions of principle. The Committee would now consider the articles which followed, which were mainly concerned with questions of form.

In regard to Article 2 A, the British and German delegations had accepted the suggestion that the Drafting Committee should endeavour, after examination, to combine it with Article 3. Article 6 and the amendment of the Danish Government were read.

M. Cornejo (Peru) considered that the Committee could congratulate itself on the discussions which had arisen during the examination of the Convention. They showed that the desire to ensure peace presented greater difficulties than had been anticipated. It might have been thought that all the provisions of the Covenant, particularly those of Articles 11 and 16, were obligatory, but it appeared that doubts had existed concerning the obligation to carry out all the recommendations of the Council. The object of the Convention was to make compulsory all the decisions taken to preserve peace. All possible precautions must therefore be taken to avoid interpretations according to which a nation would be able to consider itself not expressly bound to carry out the recommendations of the Council. It was in that spirit that the Committee should examine all the articles, and particularly Article 6, which contained certain words which might require interpretation. That article said in fact:

"The provisions of the present treaty shall apply on the basis of reciprocity."

What was the object of that restriction? The article would be quite clear if it simply said: "The provisions of the present treaty shall apply to all disputes between the High Contracting Parties", thereby avoiding the interpretation whether or not the conditions of reciprocity were fulfilled.

At first sight, the present form of the article would appear to be open to no objection, but jurists and diplomats had so extraordinary a capacity for interpretation that they would perhaps find that certain measures laid down did not correspond with the principle of reciprocity. If, for instance, a State at a given moment had not carried out a recommendation quite correctly, while another dispute arose with another country, the latter would be able to claim that it was under no obligation to carry out the recommendations of the Council, arguing that reciprocity extended to all the facts. It would be very easy to find reasons for interpreting the words.

Consequently, M. Cornejo requested the omission of the formula "on the basis of reciprocity".

The **Chairman** stated that the Drafting Committee would certainly take into consideration M. Cornejo's suggestion.

In regard to the Danish amendment, the first part expressed in other terms the idea contained in the present Article 6. On the other hand, the second part which read: "In accordance with Article 8, or by special declaration made at the invitation of the Council of the League of Nations, voted for by a majority of that body", should be examined closely by the Drafting Committee, which would have to weigh its advantages and disadvantages. Possibly that text undertook too much. Such a resolution could be adopted, if the necessity arose, by the Assembly, but it was not within the competence of the Committee.

The **Chairman** suggested that the Danish proposal contained in document C.A.S.86 (Annex II, 1) should be referred to the Drafting Committee.

*The proposal was adopted.*

**Article 7.**

Article 7 and the amendments proposed by the British and Danish Governments were read.
British Amendment.

Baron Rolin Jaequemyns (Belgium) could not quite understand the case contemplated in the amendment. How could it be supposed that the contracting parties would take action in conformity with a resolution of the Council, and that there would immediately afterwards be another Council resolution which appeared to modify or set aside the first? That would presuppose the adoption by the Council of successive resolutions in contradiction with each other. Baron Rolin Jaequemyns had perhaps not clearly understood the meaning of the British amendment, and would be glad to have further enlightenment on the subject.

Viscount Cecil of Chelwood (British Empire) asked Baron Rolin Jaequemyns to excuse him if he did not go fully into the matter, because it was eminently a question for the Drafting Committee. The idea which the British Government desired to express was as follows. Suppose, under the Covenant — say under Article 16 — that action was taken against a particular country, and that some other country which had not taken any action one way or the other desired to challenge the Council's action. It ought then to be quite sufficient, so far as the present Convention was concerned, for the country attacked to say that it was acting under the directions of the Council, and that therefore the Convention did not apply at all. It was really a matter of drafting. The only object was to ensure that no possible attack on the effectiveness of the Covenant should be made by the signature of the proposed Convention. If Baron Rolin Jaequemyns' apprehension were justified it would no doubt be disposed of by the Drafting Committee.

M. Cornejo (Peru) agreed in principle with the additions put forward by the British and Danish delegations. They would make the text a great deal more clear. At the same time he would prefer to replace the word "change" in Article 7 by "restriction". Article 7 might, in fact, be interpreted as making possible an increase or decrease in the powers of the Council. With the substitution of the word proposed, no difficulties of interpretation could exist. M. Cornejo asked that the Drafting Committee should take note of this observation.

Danish Amendment.

The Chairman pointed out that the Danish amendment was very important and affected a question of principle.

Baron Rolin Jaequemyns (Belgium) did not consider that the scope of the amendment was very large. He thought it dangerous, in principle, to desire to introduce into a Convention texts existing outside the Covenant of the League. The Covenant was the basis of the action of the League of Nations. He attached the greatest importance to what was called the Pact of Paris, but there might later be another Convention which was almost as important. Would there be a gap in the proposed Convention because it was not mentioned? Would it be necessary in such circumstances to revise the Convention?

On the other hand, in pursuance of the Assembly's instructions, it had been decided to amend the Covenant of the League of Nations and to add whatever was necessary in order to bring it into harmony with the Pact of Paris. Since the Covenant of the League of Nations was mentioned in Article 7, whatever appeared in the Pact of Paris was thereby included. It was useless to say so expressly. To do so would be to diminish the value of the text by introducing a new reference which might prove to be insufficient. Thus the Covenant of the League of Nations alone should be mentioned, and by that term would be understood the Covenant as it was and as it would be.

The Chairman agreed with Baron Rolin Jaequemyns.

M. de Castro (Uruguay) declared that the explanations of the Belgian delegate gave him complete satisfaction.

Some days previously he had stated, in regard to the Preamble of the Convention, that he did not agree with the proposal of the three Powers who had put forward additions to it. The same question now arose but in a much more serious manner, since it was a question of the very text of an article. He wished, therefore, to give some complementary explanations which were of particular interest for the countries of the South American continent, to which he belonged.

The Danish amendment proposed the addition to the text of Article 7 of the words: "Nor the obligations contained in the Pact of Paris of August 27th, 1928, on the Renunciation of War". Was such a reference to the Pact of Paris justified, when the Pact had not yet been universally accepted? M. de Castro thought not. He would appeal to the recollection of several members of the present Committee who had been members of the Committee for amending the Covenant of the League of Nations in order to bring it into harmony with the Pact of Paris, such as Viscount Cecil, M. Cobbán, M. Cornejo, M. Sokal and M. Undén. He based his remarks on the statements of the latter members of the Committee for confirmation of the idea that, from the juridical and political points of view, it would be absolutely impossible to accept the Danish amendment, though he had naturally every respect for the very creditable ideas of the Government which had put it forward.
On page 2 of the report of the Committee for the Amendment of the Covenant (document A.8.1930.V) the following passage would be found:

"Prohibition of war involves certain legal consequences which the Committee has considered. At the same time, it has not felt it desirable to give a complete interpretation of the Pact of Paris. Some Members of the League of Nations have not acceded to the Pact of Paris; on the other hand, some signatories of that Pact are not Members of the League. In these circumstances, the Committee thought that, even if it were led by the necessities of the case to render more precise the meaning of certain provisions in the Pact of Paris, the interpretation thus given could clearly not affect States which were not Members of the League of Nations, and even as regards the Members of the League, could not constitute an interpretation of general application but would relate only to the matters dealt with in the amended articles."

That was the legal argument. In the following paragraph the political argument was considered:

"The Committee calls attention to the political difficulty which may arise in bringing the two instruments into concordance with one another. The establishment of such concordance must not be allowed to react disadvantageously upon the relations between the League of Nations and certain signatories of the Pact of Paris. It would be equally regrettable if those Members of the League of Nations which have not signed the Pact of Paris were to raise objections of principle against the amendments which were proposed."

At the end of the document the countries which had signed and ratified the Pact of Paris and those which had not done so were indicated. It was stated that six Members of the League of Nations—-the Argentine, Bolivia, Colombia, Paraguay, Salvador and Uruguay were not parties to the Pact of Paris. One State, non-Member of the League of Nations—Brazil—had not ratified it. He would point out that not only had Brazil not ratified it but had stated that the provisions of the Pact were already contained in the Brazilian Constitution.

The point of view which M. de Castro wished to develop was that certain Governments which had not stated that they were for or against the Pact of Paris should not be offended, in view particularly of the fact that the Committee had in view the establishment of a universal convention.

The report of the Committee for the Amendment of the Covenant proved that that Committee had reached the conclusion that it was quite useless to refer either expressly or tacitly to the Pact of Paris in the amended Covenant of the League.

On page 2 of the report of the Committee for amending the Covenant the following passage would be found:

"One of the members of the Committee proposed that the actual text of Articles 1 and 2 of the Pact of Paris should be inserted in the Preamble to the Covenant. This proposal was connected with an amendment to Article 12 which will be discussed under Article 16. The Committee, however, did not concur in this view. It thought that the proposed insertion was unnecessary, and that it would be better to define the scope of the obligations laid down by the Pact of Paris by modifying certain articles of the Covenant of the League of Nations.

"In the Committee's opinion, it was unnecessary to give in the Preamble any further definition of the extent and meaning of the obligation assumed by the States. The Preamble should retain the quite general character given to it by its authors. The prohibition of resort to war will be formulated in more precise terms in Article 12."

It appeared to M. de Castro that that opinion might clear up the present situation and prove that there was no object in introducing into the draft Convention which the Committee on Arbitration and Security was drawing up an amendment such as that put forward by the Danish Government.

Uruguay had signed several treaties—-with England, Italy and France, for instance—which definitely prohibited war. They were treaties of arbitration and conciliation. Consequently, with those States war was impossible, since, in the event of a dispute, there was an obligation to apply those treaties.

Therefore, M. de Castro considered that, from the juridical point of view, it was not admissible to ask States which had not expressly ratified the Pact of Paris to do so indirectly by means of another Convention such as that which the Committee was about to draw up. In principle, the two articles of the Pact of Paris were present in the minds of every one throughout the civilised world. Good juridical technique required, however, that no direct reference should be made to it in the case under discussion.

In conclusion, the delegate of Uruguay asked the Committee to be good enough to reject the amendment put forward by the Danish Government.

Viscount Cecil of Chelwood (British Empire) said that he had been about to make observations very much in the lines of the remarks of M. de Castro. It was therefore unnecessary to trouble the Committee with them.

The Chairman was also of that opinion. He had just stated that the question appeared to him to be important. That was true, and it was necessary for the Committee to take a decision on the subject. He also considered, however, that it would be preferable to make no reference to the Pact of Paris.
M. Cornejo (Peru) was unable to support the opinion of M. de Castro. Personally, he saw no objection to adopting the amendment of the Danish Government, which was, unfortunately, not represented on the Committee.

As he had already said, the power of interpretation of jurists and diplomats was unlimited; the Committee had had an example of that in the brilliant speech of M. de Castro. The latter considered that it was impossible to accept the Danish amendment, and that the Committee had no right to do so. He even believed that the insertion of the Danish proposal in the draft Convention might offend Brazil whose Constitution already contained the principles established by the Pact of Paris. M. Cornejo could not understand why a Government should be offended by the adoption of an amendment whose object was to respect the principles laid down in its own Constitution. On the contrary, its adoption would render homage to the Constitution of that State.

The reason why M. Cornejo considered that there would be no objection to accepting the amendment could be turned into a mathematical axiom — two quantities equal to a third are equal to each other. If the Committee for bringing into harmony the Pact of Paris and the Covenant of the League of Nations had fulfilled its mission, the Covenant should now be in perfect harmony with the Pact. Article 7 of the Convention at present under discussion was intended to ensure that the latter should entail no change in the Covenant of the League of Nations. But the Covenant, by virtue of a decision of the Assembly and as the result of the work of the Committee for amending it, would be in harmony with the Pact of Paris. It might be supposed, therefore, that the Pact of Paris must also be in harmony with the model treaty drawn up by the Committee on Arbitration and Security. It followed that if the present Convention were adapted to the Covenant, it was also adapted to the Pact, since both had been put into harmony. Nevertheless, as it was essential in legal matters to be clear, as Talleyrand recommended, in order to avoid differences of interpretation, there was no objection to saying explicitly that the Convention was in harmony with the Pact of Paris. Those were the reasons for which M. Cornejo saw no objection to accepting the Danish amendment.

The Chairman stated that the Drafting Committee would take into consideration the very important statements of M. de Castro and M. Cornejo. Those statements were diametrically opposed, and the task of the Drafting Committee would be difficult. If it did not find a formula which satisfied the Uruguayan and Peruvian delegates, one or the other would have to make reservations.

M. Rutgers (Netherlands) asked whether M. de Castro's words indicated that he was opposed to the insertion of a reference to the Pact of Paris in the Preamble.

M. de Castro (Uruguay) replied in the affirmative.

M. Rutgers (Netherlands) stated that he would return to the question when the Committee discussed the Preamble, for the Netherlands Government was in agreement with the proposal of the British and Danish Governments that reference should be made to the Pact of Paris in the Preamble.

Article 8.

Article 8 and the British amendment were read.

Baron Rolin Jaecquestyyns (Belgium) had read with great interest the amendments presented by the British delegation to the formal articles of the draft Convention. He considered that those amendments should be examined by the Drafting Committee. In his opinion, it would, nevertheless, be better in drawing up formal articles to make use of texts previously adopted by the Committee on Arbitration and Security itself and accepted by the Assembly in such documents, for example, as the General Act of Arbitration.

Baron Rolin Jaecquestyyns had examined the formal articles with which the Committee concluded, and considered that, as regards certain points, an absolutely identical form of text to the Drafting Committee. He added that he did not rule out the British proposals.

Viscount Cecil of Chelwood (British Empire) agreed with Baron Rolin Jaecquestyyns's proposal, but pointed out that in Article 8 as drafted there was no specific provision for the coming into force of the Convention, and something would have to be added to show when it was to come into force. The British conception was that if any two parties wished it to come into force as between themselves there was no reason why it should not. If, on the other hand, there were, as there might well be, some countries which would not care to undertake the obligation unless they were sure that other countries of importance would do so, they could say, in depositing their ratification — as was often done — that it would not become effective until such and such countries had also ratified.

The result of the British suggestion would be to give the greatest liberty to those concerned as to whether they would or would not be bound by the Convention, and as to the conditions under which they would be bound. If there was a specific condition that the Convention should not come into force unless ratified by a certain number of countries, it was impossible for two countries which had ratified it and wished to bring it into force between them to do so.
whereas, under the British proposal, they could, and they could guard themselves against untoward results by saying that their ratification would not become effective until certain conditions had been fulfilled.

Baron Rolin Jaequemyns (Belgium) pointed out that in his draft he had included as Article 9 the text proposed by the British delegation for Article 8. The question of its position could be settled by the Drafting Committee. The British text very nearly corresponded with that of the General Act of Arbitration. Article 8 would begin as follows: "The present treaty shall bear to-day's date and be ratified . . ." There would then follow four paragraphs regarding signature and ratification. Article 9 might be drafted as follows:

"The present treaty shall enter into force as soon as the Secretary-General of the League of Nations has received ratifications or accessions on behalf of two Members of the League of Nations."

Baron Rolin Jaequemyns considered that his proposal would give rise to no objection on the part of the British delegation.

M. Massigli (France) considered that the question which had been raised was rather delicate. If he had rightly understood Baron Rolin Jaequemyns, he had proposed the drawing up of an act based on the model of the General Act, that was to say, an act which would be open to the signature and adhesion of the Powers for an indeterminate period. On the other hand, M. Massigli understood that Viscount Cecil did not personally exclude the form of treaty with the enumeration of the contracting parties. The method proposed by Baron Rolin Jaequemyns would involve the omission of that enumeration in the making of a general act. It was that which caused anxiety to M. Massigli.

M. Massigli wondered whether it was possible that such a treaty would work if certain members of the Council, at least the permanent Members, would not adhere to it. It would at least be necessary — and this was a suggestion which Viscount Cecil seemed prepared to accept — to stipulate that each State could, when ratifying the treaty, make the effects of its ratification dependent on the ratification of such other Power as it might specify. That question would have to be dealt with by the Council or the Assembly.

M. Massigli pointed out another reason why he was anxious about the proposed plan. The General Act had been adopted unanimously without the formulation by any Power of reservations in regard to its contents. Without being pessimistic it must be remembered that the draft treaty would be accompanied by many reservations. Would it be possible, under these circumstances, to give it the form of a general act, open to signature by all Members of the League? Would it, perhaps, be premature to try to deal with the question immediately, and to study two different systems — that of a general act and that of a special convention — and to leave the Assembly to decide between them.

Dr. Göppert (Germany) recalled and confirmed the statements which he had made two days previously regarding this question. It was necessary to make the entry into force of the Convention dependent on its ratification, from the beginning, by a large number of States.

Viscount Cecil had pointed out certain objections to that procedure, namely, that two States might be prevented, if they intended to do so, from being bound by the Convention. If, however, only a few States wished to submit to the Convention, it would not be worth while to establish a general convention, and the model treaty, adapted to suit their requirements, would suffice. In that connection, Dr. Göppert would ask the Drafting Committee to take into consideration the observations he had made.

In conclusion, the German delegate stated that he accepted M. Massigli's proposal to leave to the Council or to the Assembly the fixing of the number of ratifications necessary for the entry into force of the Convention.

Baron Rolin Jaequemyns (Belgium) wished to point out, in reply to M. Massigli's observations, that he had not had the idea that the Committee, in so far as it was possible to reach agreement, would frame the text of a convention in which the names of the parties which signed it at the beginning did not appear. He agreed with Dr. Göppert that it would be preferable to give the names of the parties. The treaty would therefore begin with a preamble similar to that which was usually adopted.

In regard to Article 8 and the following articles, it seemed preferable for the Committee to redraft them itself rather than to leave everything to the Assembly. The latter would be obliged, after approving the principles of the articles submitted to it, to entrust one of its Committees with the work. There might be a danger that the latter, all of whose members would not have taken part in the work of the present Committee, and being pressed for time, would do less complete work. In those conditions, it would be preferable to refer the articles to the Drafting Committee.

Dr. Göppert had said that the Assembly should be asked to decide on the number of ratifications necessary for the entry into force of the treaty. If the Committee were to suggest a figure, Baron Rolin Jaequemyns did not consider that it would thereby raise any great difficulty for the Assembly, if the latter considered it desirable to replace that figure by another. To leave a blank or to indicate a figure would amount to almost the same thing in the present case.
M. Rutgers (Netherlands) could not see the difference indicated by M. Massigli between the suggestions of Viscount Cecil and those of Baron Rolin Jaequemyns. He presumed that M. Massigli’s conception regarding this point was the result of a slight error in the British text which said “the above-named Plenipotentiaries”. That proposal was not in conformity with the British idea of giving the Convention the form of a general convention — a protocol open to signature. In a protocol of that kind no mention was made of plenipotentiaries. The General Act, moreover, did not contain a preamble enumerating the contracting parties and the plenipotentiaries. It was simply a document open to signature.

His second observation arose from the statements of Viscount Cecil regarding possible reservations. The General Act of 1928 gave the right to make reservations at the time of signature, reservations the content of which was limited in the General Act itself. The British delegate had also spoken of a reservation at the time of signing the general Convention which was now under discussion. Ratification would be subject to the condition that certain other States also signed. M. Rutgers was not opposed to that idea, but he would ask whether the Drafting Committee should not in that case draft a special article concerning possible reservations. It was necessary either to exclude all reservations or to enumerate the reservations which were permitted on signing, ratifying or acceding to the general Convention.

The Chairman, summarising the discussion, noted the existence of certain different points of view. Reference had, however, been made during the discussion to all the possibilities. Since the Committee agreed that the Drafting Committee should be asked to redraft the texts, the question could be definitively dealt with by the latter, and a formula submitted to the plenary meeting of the Committee.

The Committee agreed to ask the Drafting Committee to consider Articles 8, 9, 10 and 11, which were formal in character.

General Observations.

The Chairman invited the Committee to consider the general observations appearing at the end of document C.A.S.95(1) (Annex 5).

Observations of the Government of the Netherlands.

Viscount Cecil of Chelwood (British Empire) asked M. Rutgers whether, in view of the large number of States which had now signed the Optional Clause, it was necessary to insert a specific clause in the Convention.

M. Massigli (France) drew M. Rutgers’s attention to the fact that the Committee was endeavouring to draw up a treaty which must come into play in particularly urgent and serious cases, in order to prevent a conflict. If one of the States concerned said: “I appeal to the Court”, M. Massigli feared that, in the meantime, war, with all its consequences, would break out. The object was precisely to avoid such consequences. The Convention should not be complicated by introducing provisions which would render it inoperative.

M. Rutgers (Netherlands), replying to Viscount Cecil’s observation, did not consider that the Optional Clause could be applied in the case in question which implied a dispute between the Council and a Government. The decision of the Court would take the form of an advisory opinion for which the Council would have asked at the request of one of the parties.

M. Rutgers would reply to M. Massigli that the effect of the proposal of the Netherlands Government would be to make the treaty more effective, particularly in the case of a dispute between the Council and one of the parties as to whether the Council’s recommendation had a bearing on the basis of the dispute or not.

Without the Netherlands proposal, the State concerned would not consider itself obliged to obey the Council, and the text of the treaty would remain inoperative. According to this proposal, the State concerned would have the right, if necessary, to recourse to the Court by a request for an advisory opinion through the intermediary of the Council. It ought, however, first to obey the Council and the final decision would be taken by the Court.

The Chairman considered the amendment very dangerous. It was intended to give the Council great authority, but the amendment would to some extent suspend over its head a sword of Damocles. It was evident that a State, faced with the decision of the Council, would be tempted, impelled both by public opinion and by considerations of prestige, to apply immediately to the Court. If the decision of the latter were favourable to the thesis of the Council, the situation of the latter would be strengthened. It was necessary, however, to anticipate the contrary. Might not the Court pronounce against the Council’s decision? The latter would then be placed in an extremely difficult situation. Even if the State concerned were obliged at first to obey, the Court would eventually state that it was opposed to the decision of the Council, and the party concerned would finally be victorious over the Council. That was an extremely dangerous situation from the psychological and political points of view. There would be a danger of the general Convention becoming inoperative or at least of being weakened, and, on the other hand, the moral position of the Council would be very delicate. It had always been desired to avoid a situation of that kind.
Baron Rolin Jaquemyns (Belgium) supported the judicial and very practical considerations put forward by the Chairman. They were sufficient to carry conviction to the Committee. Nevertheless, he wished to add to them a consideration of another kind. It was desired to include in the text of the Convention, a preamble in which the Covenant was mentioned. Thus it was necessary in the text to have regard to the Covenant. Article 14 of the Covenant stated however:

"The Council shall formulate . . . plans for the establishment of a Permanent Court of International Justice . . . The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly."

That article excluded the right of the parties to ask the Court for an advisory opinion. It would not, therefore, be admissible that, under the terms of the Convention in view, the parties should be able to ask the Court for an advisory opinion. At the same time, if a doubt existed, or in order to strengthen the Council's view, the latter would be able to ask the Court for an advisory opinion either suspending its action or not. There was no need, however, to say so, since the Convention now being prepared was based on the Covenant, and since the latter contained the rule included in Article 14. The Council would ask for nothing better than to follow that rule and it was necessary to have confidence in it.

M. Cornejo (Peru) considered that the arguments put forward by the French representative were indisputably very strong. It was necessary that the measures prescribed in the treaty should be applied immediately in the event of a dispute. It was obvious, however, that if the Permanent Court of International Justice had to be consulted before they were applied, the war which it was desired to avoid would have time to break out and even to be terminated.

The point of view expressed by the Chairman was also very clear. The fact should be established that the Council constituted the supreme authority for the maintenance of peace, for it represented the executive authority of the League of Nations. Its recommendations should be applied without any restriction when they were adopted unanimously.

M. Cornejo considered that the amendment proposed by the Netherlands Government would be of importance if the Council did not reach a unanimous decision. In that event, it would perhaps be useful to consider a text authorising resort to the Court for the purpose of giving executive force to the measures proposed by the majority of the Council. In the event of unanimity, however, M. Cornejo insisted on the fact that there could be no authority superior to that of the Council, and that the measures which it advised, if they were to be effective, should be applied immediately.

M. Rutgers (Netherlands) recalled that the Government of the Netherlands considered that when the Council took a vote the votes of the parties to the dispute should not be counted. If, indeed, the parties were allowed to vote, the suggestion at present under consideration would be of no value. The Governments which were of opinion that the votes of the parties should count had not opposed the article, since they went further still. The object of the proposal of the Netherlands Government was simply to provide for resort to the Permanent Court when a legal dispute arose as to whether the treaty applied in the case in question.

M. Rutgers asked his colleagues to be good enough to imagine the situation of a State which could not take part in the Council vote and which was of opinion that, in the particular case, the treaty was not applicable. If the Council were not obliged to ask the Court, at the request of one of the parties, for an advisory opinion, what could such a State do? It would receive an order from the Council, but at the same time it would consider that it was not compelled to comply with it. The Netherlands Government had no intention of weakening the treaty, but it considered it to be absolutely necessary to leave an opening for the State which, in good faith, considered that it was not obliged to comply with the recommendations of the Council. If that possibility existed, the State in question would obviously be compelled, in the first place, to follow the Council's recommendations. If, however, no such possibility existed, it might decide on its own responsibility whether the treaty should or should not apply. If it considered that the treaty did not apply in a particular case, it would not be obliged to submit to it.

The Chairman could very well understand M. Rutgers' observations. He believed M. Rutgers would agree that the question should be referred to the Drafting Committee, which would take into consideration the cases which had been cited. Personally, the Chairman wondered whether the insertion of the clause would not be somewhat dangerous. He recalled the case quoted by Baron Rolin Jaquemyns. Nevertheless, the Drafting Committee would study the question and would see what action could best be taken.

Observations of the Norwegian Government.

The Chairman stated that if no one wished to comment on these observations, the latter would be referred to the Drafting Committee.

Agreed.

Preamble.

The text of the Prélable and the amendments proposed by the British, Danish and Netherlands Governments were read.
The Chairman noted that the three amendments requested that reference be made in the Preamble to the Pact of Paris. The Committee had already discussed whether or not it was desirable to refer to the Pact in Article 7, and the majority of the Committee had expressed a negative opinion. It was true that, as regards the Preamble, the situation was somewhat different, and the Chairman would ask the members of the Committee to be good enough to explain their opinions on that subject.

Viscount Cecil of Chelwood (British Empire) agreed with the Chairman that the situation as regards the Preamble was different. He had been against inserting a reference to the Paris Pact in Article 7, because the proposal in that case was to say that nothing in the treaty was to be considered as in any way affecting the principles of the Pact of Paris, and he had thought it undesirable to suggest that anything which certain signatories of the treaty could do would affect the general obligations of the Pact.

The present case was somewhat different. There were two great international instruments of which the fundamental object was the same, namely, to maintain the peace of the world; one was the Covenant of the League of Nations and the other the Pact of Paris. If it were said in the Preamble that the object of the Convention was to strengthen the means of preserving peace, it would seem that there should be a reference not only to the Covenant but also to the other great international instrument which had the same object. Otherwise, it might be thought that its existence was undervalued.

This was not a question of very great importance, but he thought that, as a matter of international courtesy, reference should be made to both instruments.

M. Cobian (Spain) proposed, as a compromise, that the Preamble should refer to the principle which inspired the Pact of Paris, that is to say, the outlawry of war, but should not expressly mention the Pact.

Baron Rolin Jaequemyns (Belgium) would prefer that no reference to the Pact of Paris be made in the Preamble, for the reasons which he had developed during the discussion of the same question in regard to Article 7. If, nevertheless, the Committee was of the other opinion, the Belgian delegate would desire the Drafting Committee to take note of the fact that the present text of the Preamble did not expressly refer to the Covenant of the League of Nations. It referred only to the Council. The latter, however, was an institution, whilst the Pact of Paris, which Viscount Cecil desired to see expressly mentioned, was a convention. Baron Rolin Jaequemyns did not consider it possible to say on the one hand "... noting that to this end the task of the Council of the League of Nations in ensuring peace and conciliation ..." and, on the other hand, to add, as the British delegation proposed, an express reference to the Pact of Paris without also mentioning the constitutional Covenant by virtue of which the Committee on Arbitration and Security existed.

Consequently, if the majority of the Committee were in favour of mentioning the Pact of Paris, the Belgian delegate would ask that the Covenant of the League of Nations should also be mentioned. He would repeat, however, that he thought it preferable that the text of the Preamble, as it appeared in the model treaty, should be reproduced, without change, in the general Convention.

M. de Castro (Uruguay) considered that it would be preferable not to change the Preamble. The Committee for bringing the Pact and the Covenant into harmony had carefully avoided referring to the Pact of Paris in the Preamble of the Covenant of the League of Nations. It had considered that such a reference would be quite useless, and on that point the report of the Committee said:

"In the Committee's opinion, it was unnecessary to give in the Preamble any further definition of the extent and meaning of the obligation assumed by the States. The Preamble should retain the quite general character given to it by its authors. The prohibition of resort to war will be formulated in more precise terms in Article 12."

On the other hand, the Rapporteur of the Committee, M. Cot, delegate of France, had stated that it appeared to him to be impossible to refer directly to the Pact of Paris in the text itself of the Covenant of the League of Nations. It was not the duty of the League of Nations to supervise the application of the Pact of Paris.

Consequently, M. de Castro associated himself with the statements of Baron Rolin Jaequemyns. If, nevertheless, the majority of the Committee supported the view of the authors of the amendments, the delegate of Uruguay would have no objection to the adoption of M. Cobian's proposal. There was no doubt that everyone could agree to making a reference to a principle condemning war, on condition that the Pact of Paris was not expressly mentioned.

M. Cornejo (Peru) pointed out that the situation of the Committee for the Amendment of the Covenant of the League of Nations in order to bring it into harmony with the Pact of Paris was very different from that of the present Committee. The Covenant of the League of Nations preceded the Pact of Paris. It had already been in force for ten years, and the mandate of the Committee in question had been to put the Covenant of the League of Nations in harmony with the Pact. It was obviously not necessary, in doing so, to modify the Preamble of the Covenant. It sufficed to modify the articles which were not in harmony with the Pact of Paris.
The draft treaty which the Committee was discussing, however, was subsequent to the Pact of Paris, as well as to the Covenant of the League of Nations. If, in the Preamble, reference were made to the latter, it would be essential to refer also to the Pact of Paris since the object of both, as Viscount Cecil had rightly said, was the suppression of war. M. Cornejo considered that the Committee would be acting wisely to adopt the opinion of the British delegation.

M. Cornejo then desired to draw the attention of the Committee to an idea which he believed had already been expressed by the delegate of France. The Preamble imposed an obligation on the contracting parties to appoint special plenipotentiaries. That did not appear to be the best procedure for encouraging the greatest number of signatures. M. Massigli’s observation could also be applied to the stipulation regarding the appointment of special plenipotentiaries. The Committee on Arbitration and Security emanated from the League of Nations, and undoubtedly the Committee should follow in all its work the procedure already adopted by the Assembly. What obstacle would there be to the signature of the treaty by the delegates of the States to the Assembly? If they came to Geneva with authority to vote for all the measures proposed by the Committee, why should they not be authorised to sign the treaty, being provided with the necessary powers?

M. Cornejo asked the Committee to be good enough to consider that idea. He would even go further. He desired that a procedure contrary to the usual procedure should be established and that for this treaty, and eventually for other treaties, the procedure to be followed should consist in allowing States a period of time in which to refuse their approval and to consider, if they had not stated clearly within a period of one year that they rejected a solution adopted by their delegation to the Assembly, that their approval had been given. He considered that the acceptance by the delegation of a State definitely bound that State if it had made no observation within a period more or less long.

M. Cornejo drew the Committee’s attention to the obvious objections to the procedure of asking States to appoint special plenipotentiaries. It was undesirable that the procedure should be too long. He insisted on the point that the delegations of States to the Assembly should be considered as authorised to sign. Each delegation would be able to ask for authority to sign. It was its own affair.

In brief, M. Cornejo accepted the amendment proposed by the British Government. He considered that the Pact of Paris should be referred to in all documents emanating from the League of Nations. That was, in his opinion, essential.

The CHAIRMAN thought that the discussion on the Preamble was now closed.

In regard to the observations of M. Cornejo, the question of the plenipotentiary delegates should obviously be settled by each State for itself.

In regard to the last suggestion of M. Cornejo, the Chairman was the first to desire to advance as quickly as possible, but up to the present the tradition had been that the various States should never be put in a situation in which they would be obliged to adopt solutions too hurriedly. It would be better to give them time for reflection. That question would be the object of a fresh examination.

The Drafting Committee would now endeavour to draw up a definitive formula. It would take into account the observations which had been put forward, and would endeavour to draw up a text which would receive unanimous support.

The Chairman proposed Baron Rolin Jaequemyns as Rapporteur of the Drafting Committee. He had already carried out that function with great competence.

This proposal was adopted.

BARON ROLIN JAEQUEMYNS (Belgium) thanked the Committee for the honour which it had done to him.

EIGHTH MEETING

Held on Monday, May 5th, 1930, at 10.30 a.m.

Chairman : M. Beneš (Czechoslovakia).


The CHAIRMAN reminded the Committee that the Assembly, at its last session, had instructed it to draw up, in co-operation with the Financial Committee, a complete text of a draft Convention which would be communicated to the Governments and then submitted either to a special conference, or, at the latest, to the eleventh Assembly. The Assembly had, at the same time, recommended that the Convention should be signed at as early a date as possible.

The Financial Committee had framed a preliminary draft which it had submitted to the last Assembly and this draft had been re-examined at the Committee’s session in January 1930 in the light of the observations made at the last Assembly.
The Committee on Arbitration and Security had now before it the new conclusions and suggestions of the Financial Committee. That Committee had appointed M. de Chalendar, M. Janssens, M. Pospisil, and Sir Henry Strakosch to co-operate with the Committee on Arbitration and Security in drafting the text which had to be framed at the present session.

The Chairman welcomed the members of the Financial Committee and thanked them for their collaboration.

The Secretariat had combined in a synoptic table (document C.A.S.88, C.P.D.190) (Annex XII) the texts and suggestions which formed the basis of the Committee's work. The two addenda to this synoptic table, which had also been distributed, contained further observations and proposals by the Danish, British and Finnish delegations, which had been received after the synoptic table had been printed.

The Chairman proposed that the Committee should take the synoptic table and its addenda as a basis for discussion. He thought that it would be unnecessary to open a general discussion, and he would ask the Committee for its opinion on this point. Before that, however, the delegations of Turkey and Finland wished to make certain observations of a general character.

Munir Bey (Turkey) thought there was no need for him to re-affirm the high value that his Government placed on all work for the consolidation of peace. The Turkish delegation, therefore, regarded favourably the plan of financial assistance for States victims of aggression, and, in connection with this subject, he wished to present certain observations of a general character.

The text, which only concerned the application or modification of the principles of the Covenant, or its supplementation by additional provisions, the observations of a non-Member of the League might perhaps be out of place; but such was not the case in regard to the project for financial assistance. That was a separate plan which would be the subject of a separate Convention, and he was glad that this was so, because, under certain conditions, the scope of the Convention would be very much widened by bringing it within the reach of States that were not Members of the League.

Non-Member States, as well as States that were Members of the League of Nations, far from considering the task of strengthening peace as the exclusive monopoly of a single institution, however large and well organised that institution might be, had no hesitation in trying to take part in all measures and institutions that had this aim in view. In this way, a much wider circle had been formed outside the Covenant of the League of Nations by the Pact of Paris, and there was no reason why an instrument of a similar tendency, but of a more universal character, might not, in the future, cover all the nations of the world. Would it not be right, moreover, to find in the path followed by the League of Nations the proof of the desire to widen, as far as possible, the field of application of all measures devoted to pacific ends? Had not the model treaties and conventions prepared by the Committee on Arbitration and Security, as well as the General Act, been framed with such elasticity as to be open to the accession of non-Member States? It seemed evident that the same plan would be followed in the case of the future convention for the limitation and reduction of armaments.

Such considerations led to the belief that the plan for financial assistance ought not to exclude the participation of non-Member States; but, on this point, which was of special importance, the draft Convention was not quite clear. While Article 28 definitely excluded the accession of non-Members of the League, neither the Preamble nor the provisions of the other articles contained any definite indication forbidding such States the possibility of signing the Convention as contracting parties. However, the fact that the accession of such States was forbidden, constituted a strong presumption for the negative interpretation, especially since Article 22 provided for the case of non-Member States only so far as their offer to participate as guarantors of loans was concerned.

The treatment which seemed to be reserved for non-Member States was questionable, since it deprived a number of parties to the Pact of Paris of the possibility of taking part in the Convention. There was no necessity to furnish proofs that there could be no advantage for the League of Nations to restrict the possible application of this Convention. On the contrary, it might happen that States that were non-Members of the League of Nations but parties to the Pact of Paris might find difficulty in participating in the Convention owing to difficulties similar to those that had already prevented them from acceding to the Covenant of the League. Their adherence would be all the more important because it would mark the first stage in a system of sanctions common to the Pact of Paris and the Covenant of the League.

After these observations, which he had brought forward to justify the possibility of making the Convention on Financial Assistance accessible to States non-Members of the League, he came now to the special considerations which his delegation wished to put forward.

The Turkish Government, while asserting its desire to participate in all measures for strengthening peace, considered, as a fundamental condition of its accession to such a Convention, that it must have the right to take part, on a footing of perfect equality, in the discussions and decisions involved by the provisions of such a Convention. The same pre-occupation seemed to have been shown already by a Member of the League of Nations, Denmark, which had expressed its anxiety about the derogation from the principle of Article 4, which resulted from power accorded to the Council to lay down regulations and impose certain obligations on Members of the League without such Members being able to take part in the discussions and decisions. Though the Danish Government was not represented on the Committee, its observations would, no doubt, receive as thorough consideration as those of any other State. It was possible, moreover, that such feelings of anxiety might be shared by a large number of Members of the League which had been
invited to accede to the Convention, not only because of the derogation in this special point from the principle of Article 4 of the Covenant, but also because of the effect the granting of financial assistance under paragraph (a) of Article 1 might have on the obligations they had assumed under the Covenant. The decision to give financial assistance to a State, victim of aggression, pre-supposed (according to the terms of this paragraph) the recognition of aggression by another State in violation of its undertakings. This solemn recognition would have, among others, the following effects:

1. An individual obligation for each State, Member of the League of Nations and represented on the Council at the time of the granting of financial assistance, to carry out immediately the undertakings it had entered into in virtue of paragraph 1 of Article 16;

2. A collective obligation for the Council, which would have to take the decision in question, to make at the same time certain recommendations either for measures of a military character, in virtue of the duty prescribed by paragraph 2 of the same article, or for measures of economic pressure and other non-military measures, in conformity with the resolutions of the Assembly of October 4th, 1921;

3. An obligation of greater force than any moral obligation, for States Members which were parties to the Convention but not represented on the Council, to conform to these recommendations. That obligation, stronger than a moral obligation, would certainly not be of a contractual nature if it were understood, as certain delegations wished, that the contracting parties merely gave the Council a mandate to determine the aggressor, with the sole object of providing assistance to the victim of the aggression, and not with the intention of requiring them to consider the aggressor as really guilty. Even in the latter case, the obligation would be undoubtedly felt by the States affected by it, all the more so because they would have already consented to give financial support to the supposed victim of the aggression.

For contracting parties which were not Members of the League, but which were bound by the Pact of Paris, the effect of the Council’s decision on their obligations in virtue of this Convention, would be none the less important. The Pact of Paris, in outlawing war as an instrument of national policy and in excluding from its benefits only those contracting parties which might henceforth try to develop their national interests by having recourse to war, would have been an instrument completely in contradiction with the object in view if it had been possible to deduce from it the possibility of allowing assistance to be given to a State which the contracting parties might consider as the aggressor, to the great detriment of another State which, according to their view, was in a position to benefit from the guarantees furnished by the Treaty. The fact that the terms of the Convention on Financial Assistance might force them to help a State that they might eventually consider to be, not the victim of aggression, but the author of this aggression, would be incompatible with their obligations.

In his opinion, it was extremely probable that such a situation might arise as a consequence of the Covenant of the League of Nations. Such were the reasons which favoured the participation of representatives of all the contracting States in the Council’s discussions and decisions when questions concerning financial assistance were examined. The enjoyment by a restricted number of States of a measure which would not only set in motion the system of financial assistance, but which would also have repercussions on a number of important engagements, such as the Covenant of the League of Nations and the Pact of Paris, would not fail to make Parliaments anxious, and would constitute a serious obstacle to the ratification of an act which did not give the Governments concerned any opportunity of participating in discussions and decisions which might be of considerable consequence to them.

The Committee must therefore consider, first, whether it was possible to accept the principle of the accession of non-Member States. If that question were decided in the affirmative, the Turkish delegation, while reserving its observations concerning the individual articles of the draft, wished to say that, for the reasons just stated, it considered the participation of a representative of the Turkish Government in any discussions and decisions an essential condition for the accession of Turkey to the Convention.

The Chairman said he thought it would be better to reserve the question raised until the moment when the Committee should come to the discussion of the articles of the draft.

M. COBIAN (Spain) wished to recall, at the moment when the Committee was beginning to discuss the draft Convention on Financial Assistance, the terms in which the tenth Assembly had entrusted the Committee with the mandate to examine this draft. These terms were clear and precise, and could not be misunderstood or underestimated by anyone. Contrary to the way in which the Assembly had referred to the first draft Convention which the Committee had had to consider, the Assembly clearly and definitely asked the Committee to examine the draft Convention on Financial Assistance at its present session; in fact, the Assembly had emphasised the urgency of this task and wished the draft to be ready for submission to the next Assembly.

It was clear that the Assembly hoped that the draft might be elaborated. By acting in this way, the Assembly had taken into account the sympathy shown by public opinion for the draft Convention on Financial Assistance.

M. Cobian quite understood that certain States might hesitate before assuming obligations as important as those involved by the draft, and that others might fear that such a Convention would encourage war rather than prevent it.
Nevertheles, whatever the Committee might think, it was certain that the principle of financial assistance had been approved by the Assembly, and that the Assembly had instructed the Committee on Arbitration and Security to prepare the complete text of this draft. He hoped, therefore, that all delegations would make the necessary effort to carry out this task during the present session, because it was the Committee's duty to justify the confidence that had been placed in it.

The Chairman thanked Mr. Cobian for his encouraging remarks, with which he entirely agreed. The Assembly had given a very clear mandate to the Committee. The draft Convention on Financial Assistance was one of the documents that had been most discussed in the Committees of the Assembly and in the special Committees appointed for the purpose. He thought, therefore, that the work could be brought to a rapid conclusion. Moreover, there were only two or three questions of principles to be settled, and these had already been the subject of such long discussion that he hoped that the Committee would be able to reach an agreement quickly.

Consequently, he proposed that the Committee should rapidly review the articles of the draft, the examination of the details being left to the Drafting Committee. For these reasons, he considered that a general discussion was not necessary, and that questions of principle could be raised during the discussion of the various articles to which they referred.

M. Cornejo (Peru) thought that, if the whole action of the League of Nations were to be limited to granting financial assistance to States victims of aggression, it might be said that the League of Nations, the Covenant, and the Pact of Paris had failed lamentably. Was it to be supposed that all the Council could do, if a State, in spite of the League, dared to defy the world by attacking a weaker State, was to guarantee a loan to the victim? Naturally, such an aggressor would be absolutely certain of victory, and therefore would attach very little importance to the possibility of money being lent to its victim. The aggressor would certainly be able to end the war, to force a treaty upon the defeated State, and even present that treaty for registration by the Secretariat of the League of Nations, since no provision existed to prevent the registration of such a treaty.

In these circumstances, M. Cornejo thought that the draft Treaty on Financial Assistance should be considered as complementary to other more important measures prescribed by the Covenant, and which must be regulated by the League. Such was the underlying idea of the Assembly's recommendation, which contained the following significant words:

"Noting that the determination of the case in which this assistance could or should be granted is in close relation with the general problem of the definition of the aggressor and with that of the means of preventing war, and that the connection between financial assistance and the reduction and limitation of armaments has been recognised and should be thoroughly examined . . ."

The instructions of the Assembly were quite clear: the draft Convention on Financial Assistance should be complementary to other more important measures prescribed by the Covenant. M. Cornejo thought that the Assembly's intention had been thoroughly understood by the French and British delegations. The British delegation had proposed the following text:

"If the Council, in pursuit of its duty under the Covenant, shall, in any international dispute likely to lead to war, have taken action to safeguard peace, then if either of the parties to the dispute shall refuse or neglect to comply with any directions given by the Council in furtherance of such action, the Council may accord financial assistance to the other party."

The French delegation had proposed the following text:

"Further, if two or more States have undertaken, under conditions to be defined by a Convention on the means of preventing war, or undertake before the Council to carry out the measures recommended by the Council in order to prevent or arrest hostilities between them, the Council may declare that it will accord financial assistance to those of the States in question, being parties to the present Convention, to whose detriment the said measures have been infringed."

M. Cornejo thought that this was the most interesting part of the draft because, without having recourse to actual definitions, which were always dangerous, the text distinguished the aggressor. The French and British amendments made it perfectly clear that the guilty State was the one which refused to obey the recommendations of the Council to safeguard peace. This declaration removed the most difficult obstacle. The proposed text made it possible, by the pact of disobedience, to distinguish the aggressor State and marked out as the victim State the one which would apply to the League to prevent the crime of war.

Consequently, M. Cornejo thought that it was quite natural to put paragraph (b) at the head of the article, which would make it a preliminary condition that financial assistance would always be consequent on measures that had already been taken with a view to preventing war.

War did not break out like an earthquake, which no one could foresee. Long preparations were made, certain political precautions were indispensable, and visible financial action would give the Council a sufficient time to meet and take the necessary measures to denounce these preparations for war. The mobilisation of the army was always preceded by an ultimatum
or, at least, by a discussion arising out of the dispute. The Council would then have time to order an enquiry, to ask the parties concerned to submit to mediation and arbitration, and to respect the decisions of the Council. It was obvious that no financial assistance could be granted to a State which refused to obey. The docile State had that right.

For those reasons, M. Cornejo asked that the French and British amendments should be placed first, since they would make it possible to determine the State which had disobeyed the Council, that was to say, the one which had been guilty of a threat of war.

M. Cornejo drew the attention of the Committee to another point. The Assembly desired a complete draft defining the aggressor State because financial assistance ought to be in complete harmony with the whole political action of the Council. Article 16 of the Covenant, however, provided for a kind of negative financial assistance. In that article, it was said that the Members of the League undertook immediately to subject the aggressor State to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not."

This recommendation of Article 16 was much more interesting than the question of material financial assistance to the victim State. It threatened the aggressor State with a kind of blockade or boycott which would prevent all imports and exports. These measures were so serious, if they could be applied in a formal manner, that the most powerful State would hesitate before exposing itself to such a condition of commercial and financial isolation from the rest of the world.

In order to be complete, the draft should to contain one or two articles expressing exactly the idea contained in Article 16 of the Covenant. This action would have to be regulated in a practical way so as to allow of immediate application. For example, provision would have to be made to apply to the banks and stock exchanges to prevent the quotation of stocks and bonds of the aggressor State, and to show by what technical means a successful economic and financial blockade of the guilty nation could be realised. In his opinion, a draft Convention on Financial Assistance that contained no such provisions and which did not regulate such a commercial and financial boycott would be incomplete.

Summing up, M. Cornejo proposed (1) that the draft should start with the second paragraph of Article 1 based on the texts proposed by the British and French delegations, since this paragraph had the advantage of giving a perfect definition of the aggressor State; (2) that the draft should be completed by an article regulating the means of carrying out the financial and commercial boycott prescribed by Article 16 of the Covenant. These modifications would allow the Committee to arrive at a result which would be of considerable importance for the maintenance of peace; it would have established in the conscience of the world the impossibility of war.

The Chairman thought that the Committee had agreed to have no immediate general discussion. Each article of the draft Convention would be examined separately. M. Cornejo had already dealt with some of the articles, and his observations would be taken into consideration by the Drafting Committee.

Article 1.

The Chairman reminded the Committee that the text submitted to the tenth Assembly treated the case of war and the case of the threat of war on the same footing. The Third Committee of the tenth Assembly, however, had asked that the application of financial assistance in the case of war should be treated separately from its application in the case of a threat of war, and suggested that any additional proposals should be placed in the last paragraphs which were to be found at the bottom of the synoptic table. The British and French amendments had taken into account these proposals. The Committee had received a further proposal from the Finnish delegation (Annex XI) which was in harmony with that idea, and which might be said to give a kind of logical résumé of the other proposals.

The German and Italian delegations had presented a further amendment to replace the words "the Council should decide" by the words "the Council may decide". In other words, this proposal raised the question whether financial assistance should be obligatory or optional. It would be best for the Committee to decide on the question of principle, and to leave the Drafting Committee to draw up the text.

M. Erich (Finland) paid a tribute to the Financial Committee for the invaluable preparatory work it had done. It might be said that the mechanical or technical side of the question of financial assistance had been completely covered by the draft presented by the Financial Committee. This draft could serve as a basis on which the future Convention could be drawn up.

While avoiding political questions, and leaving them to be considered by other organisations such as the Committee on Arbitration and Security, the Financial Committee had repeatedly emphasised the close logical connection between the technical functioning and the political aspect of the question of financial assistance. The Financial Committee had emphasised this interconnection in a most ingenious manner, and for that reason he thought that it would be useful, when the Committee on Arbitration and Security came to discuss the different articles, and especially Article 1, to refer to the arguments presented by the Financial Committee in its report.
M. Erich wished to present the text of Article 1 as drawn up by the Finnish delegation (Annex XI), in conformity with the instructions of the Finnish Government. This Finnish amendment was closely related to the guiding ideas expressed in the draft drawn up by the Sub-Committee of the Third Committee of the last Assembly. In fact, the only modifications made to the text of the Sub-Committee had originated in the necessity of taking into account the consequences of the Pact of Paris which had outlawed war, in the same way as this had been taken into account in the report and proposals of the Committee charged to amend the Covenant of the League of Nations in order to bring it into harmony with the Pact of Paris.

If the Finnish proposal pre-supposed a case in which a State might have recourse to war “ contrary to its international obligations and engagements ”, it merely wished to emphasise the fact that for nearly all States the Pact of Paris had formally forbidden recourse to war. The addition of the words “ international obligations ” emphasised the fact that it was necessary to take into account not only conventional written engagements, but also those obligations that arose from general rules recognised by civilised nations without those rules retaining their force and their value as provisions of a conventional nature.

The text proposed by the Finnish delegation spoke advisedly of recourse to war and not of a declaration of war, since it was precisely recourse to war that was forbidden, whether it was accompanied or not by a formal declaration preceding the outbreak of hostilities. It was obvious that no State bound by the Pact of Paris would be so foolish as to declare war, that was to say, to commit an act of self-denunciation by breaking the Pact which forbade war as an instrument of national policy. If such a State’s intentions were aggressive, it would conceal them as far as possible.

To require unanimity on the part of the Council when deciding whether financial assistance should be granted or not was a condition that was likely to weaken the practical utility of such assistance. Moreover, if the granting of financial assistance and the right to benefit by it were not made compulsory under certain conditions, if it were thought sufficient to recall that a kind of financial mechanism was in existence which the Council could use if it thought good, then the last efficient guarantee of security, which, according to the opinions expressed up to the present, ought to be the most essential part of financial assistance, would be removed.

It was true that the Council had always the right to grant financial assistance to the victim of aggression. That was self-evident, but the important thing was that countries that might need help should be assured of it in advance. That was why the Finnish delegation insisted on a text which emphasised the duty of the Council to grant financial assistance to a State that was a victim of aggression as soon as the requisite conditions were fulfilled.

If it was absolutely certain that the sanctions under Article 16 of the Covenant could be fully applied and without undue delay, the question whether financial assistance would be compulsory or optional would be of secondary importance. It might even be said that in such a case financial assistance would be of secondary importance in comparison with the measures of assistance for which provision had already been made; but, as long as the regular working of the sanctions was more or less problematical and depended merely on the individual appreciation of the facts by States, it was important to have, in a scheme for financial assistance, a provision for the case of the outbreak of war, which should not be completely optional merae voluntatis and which should be less hazardous than a provision depending completely on the unanimity of the Council, a condition that might produce unpleasant surprises. Moreover, the mere fact of recognising that the Council’s action in this matter was optional would be hardly in accordance with the general bearing of the Pact.

M. Erich emphasised the always logical attitude of the Financial Committee. There were excellent passages in its report on the work of its twenty-seventh session:

“In case an attacked State, being a party to the Convention, appeals for financial assistance under the Convention, the Council of the League, on the advice of the Financial Committee, would decide to what extent and in what manner this request is to be complied with and would fix the amount of the loan”;

and again:

“Once the Council has solemnly declared a country to be the innocent party in the crisis, thus authorising the application of the international guarantees for its benefit and committing the States represented on the Council to its support, the moral effect and the confidence in the successful issue of the public loan would be sufficient to enable the attacked State to obtain temporary financial facilities for its most urgent needs” (document A.57.1927.1X).

On the other hand, in the 1929 report (document A.10.1929.IX), the Financial Committee spoke of the influence of organised financial assistance on disarmament and on guarantees for security:

“The origin of the scheme indicates that its declared object was to reinforce the general sense of security in order to promote the progress of disarmament. In order to attain this object, it was essential that the scheme should satisfy the test of practical application. More than this, in so far as it was intended to act as a deterrent, it was important that the States which would be expected to regard the scheme as a factor influencing their disarmament policies should realise in advance that its application could and would be swift, automatic and efficacious.”
In this passage of the report the Financial Committee has emphasised the importance of the automatic working of financial assistance together with disarmament and with the sense of security that inevitably depended upon the reduction of armaments.

M. Erich wished to bring forward yet another argument. He had referred to the importance of unanimity as a guarantee against any too hasty a decision. To state in Article 1 — that in the case of the outbreak of hostilities the Council had a free choice to grant or refuse financial assistance, although the conditions necessary for that assistance had been fulfilled — would almost certainly have a regrettable effect on the individual attitude of Members of the Council, a fact which was not inevitable in a case which might happen quite easily. One Member or another might say that there was good reason, since the Council itself was not obliged to intervene in favour of the victim State, for some particular State to be justified in turning the situation to its own immediate advantage and drawing from it itself was not obliged to intervene in favour of the victim State, for some particular State to be granted or refuse financial assistance, although the conditions necessary for that assistance were examined, M. Erich thought that it would not be difficult to find a basis for conciliation. To state in the Covenant of the League in order to arrive at a definition of an obligation, differences of considerable importance would be found.

Paragraph 2 of Article 1 dealt with a special case of considerable practical importance, the imminent danger of a rupture. Previous to the Pact of Paris, the expression would naturally have been danger of war; but since recourse to war was forbidden, it seemed better not directly to suppose a danger of war. On the other hand, the danger of a rupture always existed and provision was also made for it in the new text of Article 12 of the Covenant of the League, as proposed by the Committee for amending the Covenant of the League to bring it into harmony with the Pact of Paris. In the case provided for by paragraph 2, the Council could grant financial assistance provided that, in the circumstances, the applicant State was obviously menaced by another State. In these conditions, the granting of financial assistance was really surrounded by all the necessary precautions.

Paragraph 3 of the Finnish proposal conformed exactly to division (d) of the Sub-Committee's text of Article 1.

It might perhaps be objected that paragraphs 2 and 3 of Article 1 of the Finnish proposal only made provision for optional financial assistance. Since it had been recognised that financial assistance had not only a repressive but also a preventive character, and since a distinction had been made between aggression and the danger or threat of aggression, that very distinction implied that financial assistance was reserved for the first case, that was to say, the case of aggression. While recognising the value of financial assistance as a preventive measure, the Committee must admit that it was possible to give it in this case an optional character.

Under Article 11 of the Covenant, reinforced as it was by the prohibition of recourse to war, the Council ought to take all efficacious measures necessary to safeguard peace. Financial assistance, however, was only one of the measures which might appear useful, appropriate and obvious in a given case. On the other hand, if a State which was bound by the Pact of Paris to outlaw war, nevertheless had recourse to war against a contracting party, it was necessary that the victim should be able to feel confident and certain that the Council could exact a proof of its good faith and a serious and unfailing promise to submit to war, the Council ought to take all efficacious measures necessary to safeguard peace.

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In all these possible cases, the Finnish proposal had taken care that the State applying for financial assistance should have the certificate of obtaining it; but that, on the other hand, it would not be possible for it to abuse the situation in which it found itself. In any case, the Council could exact a proof of its good faith and a serious and unfailing promise to submit the dispute, as far as was in its power, to a peaceful solution. Different provisions might be drawn up to meet this case, but M. Erich considered that the Finnish proposal might be considered as perfectly adapted to the matter in question. It might well be asked if, in these circumstances, it was really excessive that an actual right of obtaining financial assistance had not only a repressive but also a preventive character, and since a distinction had been made between aggression and the danger or threat of aggression, that very distinction implied that financial assistance was reserved for the first case, that was to say, the case of aggression. While recognising the value of financial assistance as a preventive measure, the Committee must admit that it was possible to give it in this case an optional character.

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Surely, in such a case, the victim State should be granted, without hesitation, the right to obtain the financial assistance provided for by the Convention. Moreover, if the different ways of defining the situation of the Council with regard to the lack of financial assistance were examined, M. Erich thought that it would not be difficult to find a basis for conciliation. Merely by examining the different expressions in the Covenant of the League in order to arrive at a definition of an obligation, differences of considerable importance would be found.
Sometimes the present tense, sometimes the future, was used: sometimes it was said that the Council, or some other body "ought" to do something or another; sometimes that it "was its duty" to act. M. Erich quoted several concrete cases: in Article 10, "the Council shall advise upon the means by which this obligation shall be fulfilled"; in Article 11, "the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations"; in Article 15, paragraph 8, "the Council shall so report . . ."; in Article 16, "it shall be the duty of the Council in such a case to commend to the several Governments concerned . . .". In the same article, the French text of paragraph 3, was in the present tense, whereas the English text contains the word "will".

It would thus be seen that the terms employed in the Covenant were more or less strong for defining an obligation. M. Erich hoped that the Committee and especially the Drafting Committee would be able to find a formula in this connection which would satisfy everyone.

The Chairman said that, after the exchange of views which had just taken place, he thought Article 1 could be referred to the Drafting Committee.

In this connection, he wished to put certain questions to the Committee. In the first place, did the Committee agree that a distinction should be made (in accordance with the suggestion that had already been put forward) between cases of war and cases of threat of war.

This was agreed.

The Chairman then asked the Committee if it agreed to accept the principle contained in the Finnish proposal that, in case of recourse to war, financial assistance should be compulsory.

Baron Rolin Jaqueumyns (Belgium) said that he had already given many proofs to show how much he personally and on behalf of his Government, favoured the establishment of a Convention on Financial Assistance. He hoped that the principle would be adopted that the coming into force of this Convention would not be subject to an agreement on other questions such as disarmament. For this reason, he thought that no conditions of too rigorous a nature should be insisted upon in the application of financial assistance. He wondered if it was necessary to force an obligation on the Council and not to allow it, as had moreover been the case before, freedom to decide whether there was reason to grant financial assistance or not — and this even in the case of war; that was to say, when Article 16 would come into force.

He was the more in favour of giving the Council full liberty to appreciate the situation seeing that, in spite of the proposed Convention on Financial Assistance, Article 16 of the Covenant still existed and that this article admitted various possibilities. In paragraph 3, it was laid down that "the Members of the League agree that they will mutually support one another in financial and economic measures ...". This help might also be given in the form of direct intervention by armed force. In these circumstances, the Council could bring economic or other pressure to bear. Was it essential to lay down an obligation that recourse to financial assistance should nevertheless be obligatory even when this assistance might be harmful? The Council might decide that economic assistance was sufficient, and that financial assistance might go so far as to weaken intervention by armed force, which was provided for also under Article 16.

Consequently, Baron Rolin Jaqueumyns considered that the Committee ought to keep to the first proposal to the Assembly, that the Council should only accord financial assistance in cases where it seemed to it advisable to do so.

M. Tumedei (Italy) thought that the question ought to be examined all the more carefully, since the German and Italian delegations had proposed amendments, and a new proposal had just been presented by the British delegation to the effect that the Council should be left full liberty to decide whether it should grant financial assistance or not. M. Tumedei thought that it was of considerable importance to allow the Council full liberty and that consequently the word "may" should be inserted in the text instead of the word "must".

In his own opinion, and from a constitutional point of view, only the Members of the League of Nations were entitled to impose such an obligation on the Council. He drew the Committee's attention to the following two cases which might occur: several Members of the League might refuse to sign the Convention and consequently only a part of the Members might impose this obligation on the Council, an obligation which must certainly only be laid down by the Members of the League as a whole. The second possibility was that a non-Member State might sign and ratify this Convention. The representative of Turkey had already referred to this possibility. It would be unnatural if a non-Member State could impose an obligation on the Council by signing the Convention.

It might be objected that it was the Council's duty merely to determine the way in which the funds provided by its Members should be employed, but it should not be forgotten that the mere fact of granting financial assistance to a State implied an important moral judgment concerning responsibility for the war. It was not a question of financial aid alone, but also of an implicit judgment as to which party was the aggressor.

For these reasons, he thought it would be better to leave the Council free to make its decision without imposing any such obligation on it.

Referring to the speech made by the representative of Finland, which had apparently emphasised a certain contradiction existing between the duty imposed on the Council and the fact that the Council ought to be unanimous in its decisions, he said that if, in any particular
case, it so happened that the decision was not unanimous, financial assistance would not be granted and yet the terms of the text said that the Council must grant financial assistance.

By forcing the Council to grant financial assistance in every case, every Member of the League would be bound to a certain extent and their liberty of appreciation removed.

Moreover, in those cases where there was a difference of opinion between the Members of the Council, there existed, at the same time, a certain moral force which prompted the members of the opposition not to prevent a unanimous decision. M. Tumedei attached considerable importance to this moral force, but he considered that it would be inadvisable to try to add a kind of legal obligation to it.

Concerning to define first two points, M. Tumedei referred the Committee to the report of M. Rutgers on Article 16, where he had said that the draft Convention on Financial Assistance was important even from the point of view of Article 16 of the Covenant, and he thought that it would be difficult to combine the interpretation which so far had been given to Article 16 with the draft Convention on Financial Assistance. According to the terms of the resolutions adopted in 1921, it was not the Council which decided whether the Covenant had or had not been infringed but the Members of the League. The terms of the fourth resolution were as follows:

"It is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed."

That was equivalent to deciding (implicitly, it was true) which was the aggressor State and whether a breach of the Pact had been committed or not. When this proposal was submitted to the Third Committee of the Assembly, M. Tumedei had not insisted upon this argument which, in certain cases even, was of such a nature as to prevent the adoption of any Convention whatever, and he had made no attempt to give it its extreme logical application. But he thought that the existing relations between the Convention under consideration and Article 16 of the Covenant must be considered, and that no duty should be laid upon the Council that would not conform to the constitutional organisation of the League.

He wished to add certain remarks in regard to practical considerations. It was sometimes very difficult to define the aggressor State which was indubitably the responsible party for a war. It might sometimes happen that there was not a single guilty party, but two. Consequently, the Council's appreciation should be left entirely open, so that the former might be able to judge in certain cases whether, although a State had been attacked, it was not necessary to grant it financial assistance, since both the States concerned were guilty up to a certain point.

Another practical consideration was that one of the States concerned might be very wealthy, and the Council might argue that in this case there was no need to give financial assistance. In reply, it might be said that it might be true that such a State would not ask for financial assistance, but the Committee should bear in mind that financial assistance had a moral value of considerable importance, and even if a State had no need of it, it would ask for it simply because of moral reasons.

Finally, the necessity for keeping a certain reserve of funds must be considered. Cases might arise in which a part of such funds had already been employed and the remaining sum at the disposal of the Council was very small. Such a situation might easily arise if it were assumed that the Council would think it best always to keep a certain fixed sum in view of contingencies that might arise later. When such funds were completely exhausted, the Council's obligation would be merely platonic, for it would not have the means of administering the financial aid which it was its duty to grant. That was an extreme case, and he had no wish to insist upon the point.

But, as the Council had certainly noticed, there were practical reasons against the adoption of so rigid a formula. It was very much better to leave the Council freedom of appreciation. Moreover, it was very difficult to prevent each of the members represented on the Council from giving his opinion and from approving or disapproving of the decision.

In conclusion, M. Tumedei insisted that the Committee should not attempt to impose such an obligation upon the Council, but should leave it full liberty of action.

Dr. Göppert (Germany) fully supported the observations of the Italian and Belgian delegations. On one point, however, he was not in agreement with Baron Rolin Jacqueynys. He referred to the question of the relations between the present Convention and the Convention for the Reduction and Limitation of Armaments.

The German delegation considered that the Council should be authorised to grant financial assistance, but should not be compelled to do so. The delegate for Finland thought that this would lessen the value of financial assistance as a means of security, but this fear was not justified. By making it possible for the Council to grant financial assistance, the Committee would be implicitly creating a duty to do so, if such action were justified, and if the means at the disposal of the Council permitted.

The German delegate did not wish to give the action of the Council an automatic character, or to "mechanise" it in any way. For these reasons, he maintained the amendment proposed by Germany in agreement with the Italian delegation.

Viscount CECIL OF CHELWOOD (British Empire) did not consider the question as important as the Italian and Belgian delegations thought. Those delegations seemed to think that by using the word "shall," all discretion would be taken away from the Council. That, however, was not the case. The Council had first to be satisfied that there had been a resort to war by one of the States — that was to say, that one of the States was the aggressor —
and secondly, that the aggression had been made in violation of the State's international obligations. On both those points, whether the words "shall" or "may" were used, the Council's discretion was absolute and complete. It was only when every Member of the Council was satisfied that one of the parties to the dispute had resorted to war, and had done so in violation of its international obligations, that the obligation in question arose. It was incredible that any honourable Member of the Council who had arrived at those two conclusions could hesitate to say that, in those circumstances, financial assistance should be granted.

Viscount Cecil agreed with the German delegate that the difference between the two words was not very great because when the Council had arrived at those two conclusions, it would be bound to decide in favour of giving financial assistance.

Viscount Cecil wished to add a word regarding the relation between the present article and Article 16 of the Covenant. Article 16 provided two separate sets of sanctions. If any State had resorted to war in violation of its obligations under the Covenant, every other Member of the League was bound there and then, without any discretion, to impose economic sanctions (under paragraph 3 of the article), and to give financial assistance to the victim of the aggression. It would be an absolute obligation on every Member of the League as soon as it was satisfied that there had been a resort to war in violation of the obligations of the Covenant.

Again, under paragraph 2, there was the discretionary power of the Council to recommend what military measures should be taken. There were consequently two distinct obligations under Article 16 of the Covenant — the absolute obligation resting on all Members of the League, and the conditional obligation resting on the Council. From that point of view, he did not think it could be said that the clause under discussion was inconsistent with the general purpose of Article 16.

It was for those reasons that he attached no great importance to the question whether the words "shall" or "may" should be used. There had been no very convincing arguments in favour of one or the other, and the reason why the British Government had, on the whole, preferred "may" was because it wished by every means in its power to testify its confidence in favour of one or the other, and the reason why the British Government had, on the whole, preferred "may" was because it wished by every means in its power to testify its confidence in the Council, and to give it the fullest liberty of decision.

Dr. Riddell (Canada) considered that the question whether the decision of the Council should be optional or compulsory was one which should not be dismissed too lightly. Before offering financial assistance, the Council would have two important decisions to take. It would have, in the first place, to determine the aggressor, and then be sure that the aggression had been committed in violation of international obligations.

He thought that, if the Council were to be entrusted with taking decisions in the largest issues, it should still more be trusted to deal with matters of less consequence. He agreed, therefore, with Viscount Cecil that, although the matter was perhaps not of vital importance, it would be preferable to employ the word "may" rather than "shall".

The Italian delegate had justly observed that in certain cases the country victim of aggression might very well not feel the need of immediate financial assistance. In view of all the arguments raised, and after considering the problem as a whole, he thought there was nothing to be gained and a good deal to be lost by substituting "shall" for "may". He therefore supported the proposal to make the Council's action optional.

M. Massigli (France) did not wish to prolong a discussion on comparative philology, but he said that his Government had instructed him to support the Finnish proposal, both parts of which he accepted, that providing for a case of war and the other for a threat of war.

The arguments advanced by Viscount Cecil were of very great importance, and if the Italian and German delegates thought them over they would see that they greatly reduced the value of the objections (interesting though they were) that had been raised. The Committee should try to place itself in the position of a State that had failed to comply with its international obligations. That was a very serious matter. It was difficult, none the less, to imagine that the two parties in a lawsuit would each fail to comply with its obligations. In such a case, what would be thought of the value of the engagements which were entered into by the Members of the League of Nations?

In these circumstances, should the Council be granted great latitude? If it were thought that this Convention was intended, not as a substitute for the obligations of the Covenant, but to strengthen the guarantees that the Covenant afforded, the Committee would inevitably reach the conclusion that its signatories must necessarily be given the feeling that the guarantees of security had been increased. By adopting the text "may grant" the Committee would run the risk of giving these signatories the impression that the Convention was granting them nothing, especially if it were maintained that there was a connection between the Convention on Financial Assistance and that on the Reduction of Armaments.

Dr. Tumedei had examined the various hypotheses, some of which were practical though others were not at all probable. In any case, the difficulty could be overcome by suitable drafting. For example, it could be said that financial assistance would be given in the case when a State had violated its international engagements, unless the Council decided to the contrary by a unanimous vote, from which the two parties to the dispute would naturally be excluded. In this way, the liberty of the Council would be preserved so that it could take into account special circumstances which might arise.
hand, however, any State actuated by good faith would have the feeling that the Convention gave a positive guarantee. M. Massigli thought that such a solution of the difficulty would receive the approval of everyone.

M. ERICH (Finland) said that the Finnish delegation wished to thank the French delegation for the way it had supported its proposal, and for the arguments it had put forward.

Viscount Cecil had emphasised, most successfully, the essence of the contradiction which seemed to exist between the two views put forward, but M. Erich did not think that arguments which were directly applicable in this case could be deduced from Article 16 of the Covenant. It was true, as Viscount Cecil had pointed out, that paragraph 3 of Article 16 spoke of the obligation to apply economic and financial measures to support the State victim of an aggression, but that was a very general obligation, and the article in question did not determine the ways and means of carrying out this assistance. On the other hand, the present Convention sought to organise in advance a form of financial assistance which would inspire confidence.

There seemed to be a divergency of opinion in regard to the intention of the Financial Committee. M. Erich had already emphasised the following passage in the report of the Financial Committee in 1927:

"In case of an attacked State, being a party of the Convention, appealing for financial assistance under the Convention, the Council of the League, on the advice of the Financial Committee, would decide to what extent and in what manner this request is to be complied with, and would fix the amount of the loan."

There seemed to be no doubt that the Financial Committee had pronounced itself in favour of making it the Council's duty. The Financial Committee itself, in its 1929 report, had declared that, in the case of the threat of aggression, the financial assistance should be "prompt, automatic and efficacious".

There might be some doubt as to the meaning the Financial Committee had wished to give Article 1 of the draft Convention it had drawn up. This article said that financial assistance "shall be given in any case of war or threat of war in which the Council of the League of Nations, seized in virtue of the Covenant, decides that . . . " The Finnish delegation thought that these terms were strong enough, but there might certainly be some doubt as to the exact intention of the Financial Committee, and in this connection it would be useful if the delegation of the Financial Committee would be so good as to give its opinion on this point, for example, to the Drafting Committee. M. Erich, however, insisted that everything pointed to the fact that the Financial Committee had wished in its reports to express itself in favour of making it the duty of the Council to grant financial assistance. Only at the Third Committee of the last Assembly had the alternative "the Council may" instead of "the Council must" made its appearance.

M. Erich had one more observation to make in favour of making financial assistance obligatory on the Council. A State victim of aggression would obviously only apply to the Council in the case of extreme urgency and real need. It would have to realise that financial assistance was difficult to obtain and that the conditions under which loans were granted were severe. Paragraph 3 of Article 16 of the Covenant seemed to suggest that financial and economic assistance should be gratuitous, but the proposed conditions to be fulfilled before arranging a loan in accordance with the terms of the Convention on Financial Assistance were severe enough. Consequently, the mere fact that a State victim of aggression had applied to the Council would prove that it had real need of help and that its attitude could not have been motivated by equivocal reasons. That was a de facto guarantee that would have to be taken into consideration.

Viscount Cecil of Chelwood (British Empire), referring to a remark by Baron Rolin Jaequemyns, said the British Government attached the greatest possible importance to the Convention under discussion being made dependent on disarmament. With the exception of a few verbal suggestions which it might wish to make, the British Government was generally in favour of the Finnish proposals, both with respect to war and threat of war.

Dr. Göppert (Germany) asked if the next meeting of the Committee would begin with the discussion of the question whether financial assistance must be granted in case of threat of war.

The Chairman replied in the affirmative.

The continuation of the discussion was adjourned to the next meeting.

Article 1 (continuation).

The CHAIRMAN conveyed to the Committee the apologies of M. Janssen, member of the Financial Committee, who would be unable to attend the meetings before May 7th. He then pointed out that the Committee had concluded its discussion of the question whether financial assistance should be compulsory or optional, in other words, whether the Council should give financial assistance in all cases or whether the Council should be left to decide when to give it.

It did not appear that the Committee would reach sufficient agreement to be able to give clear and precise instructions to the Drafting Committee. He wondered, therefore, whether it would be desirable to refer the remainder of the discussion to the Drafting Committee itself, which would be able to take a decision in the matter with, eventually, the possibility of providing for reservations on the part of certain Powers, or, if it were necessary, to entrust it with the task of preparing two texts.

The arguments put forward were certainly very important, especially those advanced by the British delegation, which had to some extent been supported by the French delegation. In their opinion, too much importance should not be attached to the word "shall" or "may".

It seemed to the Chairman that it was in that direction that the Committee would be able to arrive at a compromise.

Baron Rolin Jaequemyns (Belgium) drew the Committee's attention to the amendment of the French delegation which would appear to facilitate agreement.

M. Cornejo (Peru) thought that the matter was very important, even fundamental. It was a question of deciding whether financial assistance should be obligatory or optional on the Council.

He had already said that, in his opinion, financial assistance was not in itself of very great importance. In fact, if all the action of the League of Nations were limited to financial assistance, it could be considered that all its work had failed. Consequently, if the question had no other repercussion, it would be immaterial to M. Cornejo whether an obligation were imposed on the Council, or whether it were left free to take a decision. Unfortunately, that was not the case. Under the Covenant, the Council had both deliberative and executive powers, and the two should not be confused. Article 16 of the Covenant contained the stipulations which formed part of the executive powers of the Council under which it was not entitled to deliberate. Either the words meant nothing, or if they meant anything that argument had to be accepted.

The first paragraph of Article 16 of the Covenant stipulated that if a Member of the League of Nations "resorted to war contrary to the engagements undertaken in Articles 12, 13 and 15, it should ipso facto be deemed to have committed an act of war against all other Members of the League". Everyone was aware of the meaning of the expression ipso facto. In his opinion, there was no more decisive expression in jurisprudence. It sufficed that a Member of the League resorted to war for all the other Members of the League to consider themselves attacked by the State which had violated Articles 12, 13 or 15. There could be no doubt about that. There was no question of a Council decision taken by a majority or unanimously. The recommendations contained in Article 16 were obligatory on the Council.

The fact of resort to war ipso facto brought into action all the sanctions contained in Article 16. The third paragraph of the article provided economic sanctions, among which was financial assistance. Thus ipso facto the Council was obliged, without discussion, to assist a State which was the victim of aggression. As M. Massigli had said, the object of the draft Convention was to strengthen the principles already contained in the third paragraph of Article 16. If, then, the Committee left to the Council the task of considering whether or not to give financial assistance, the stipulations of Article 16 would be weakened rather than strengthened.

On the other hand, as the decision of the Council also constituted a kind of judgment in favour of the State attacked and against the aggressor, if it considered the matter and finally decided that there was no ground for giving financial aid, its decision would be very grave in character. The decision would have destroyed the principle of Article 16.

Those were the reasons why M. Cornejo considered that the question was important. The decision of the Committee might involve the risk of completely nullifying the effect of the stipulations contained in Article 16, which was the most decisive article of the Covenant.

M. Tumedei had said that in certain cases it might not be possible to say exactly who was guilty. It might happen that two States were equally guilty. M. Cornejo could not agree with the representative of Italy on that point.
Formerly, when conflicts arose between tribes, doubts might perhaps have been felt as to which tribe was guilty of aggression and which was the victim. To-day, wars were too technical, too grave, to result in a rapid and impulsive decision. They were the fruit of long premeditation or of long preparation. It was quite well known which was the aggressor and which the victim, not only when war broke out but even before the war. In reality, the aggressor was usually a State which felt itself to be strong. The State which felt itself to be weak endeavoured to avoid war. It asked for arbitration, it appealed to justice and law, it resorted to the weapons of the week.

M. Cornejo had great respect for the Council. He considered it to be the supreme and fundamental authority of the League. It should be obeyed absolutely. It should not be forgotten, however, that it was composed of diplomats, of eminent jurists, who had a certain professional attitude. Moreover, they were obliged to respect the instructions of their Governments, and there was no conflict which did not concern, at least indirectly, some State. What could the unfortunate delegate do who received from his Government orders to support the cause of the aggressor State? He would be compelled to make a long speech during which he would make use of the doctrine of the jurists, the works of historians and diplomats, in order to prove that the lamb was the aggressor and the wolf the victim. There was not a single representative on the Council who would be so ignorant of diplomatic custom, so impolite, as to say to him: "Your speech is very scholarly, but it is based on nothing. Go into the streets, and everyone will tell you who is the aggressor."

As such language could never be used, another representative would rise to reply to a legal argument with another legal argument, to a diplomatic argument with another diplomatic argument. The clearest question was to give rise to a lengthy discussion. As diplomats were very clever, there would be no unanimity, and the requested financial assistance would be refused. It could then be said, "We do not know who is the aggressor, we cannot apply the sanctions of Article 16."

That was how, to put it simply, the executive power of the Council would be transformed into deliberative power.

The delegate for Canada had said "We can and must have confidence in the Council." M. Cornejo had great respect for the Council, but he had not absolute confidence in it. If everyone had confidence in the Council, there would be no such meetings as those which were often held in regard to similar questions. There would be no Naval Conference. The good sense of the Council would always be trusted. It was because everyone had not absolute confidence in the Council that the present Committee was meeting. It was for that reason that there were so many difficulties in the way of organising peace.

It was not possible to submit in advance to the decisions of the Council because they had to be taken unanimously, and because the Council represented Governments which had prejudices and interests. The Covenant itself, which had brought the Council into being, had no confidence in it, since it provided that the sanctions of Article 16 should be obligatory, that they should ipso facto be brought into action without any discussion in the Council. The question was extremely grave, for the executive force of Article 16 was at stake. The Committee should respect the principle of the obligation to give financial assistance, which already figured in the third paragraph of Article 16. If some members of the Committee had doubts it would be better to do nothing and to leave affairs in their present state.

Summarising, the speaker asked the Committee to decide unanimously that, in regard to the financial assistance comprised in Article 16, the Council's power should be executive and not deliberative.

The Chairman thought that the discussion had been sufficient to enable the matter to be referred to the Drafting Committee. He considered that it would be difficult to vote on M. Cornejo's proposal. Various delegations had expressed their views, and it was obvious that if the Committee voted it would not obtain the unanimity desired by M. Cornejo. In those conditions, it would be for the Drafting Committee to endeavour to find the best formula. If the Committee on Arbitration and Security could not adopt it unanimously the delegations which were unable to support it would be able to make reservations.

M. Ito (Japan) did not wish to enter into the details of the various proposals put forward in regard to financial assistance in case of threat of war, and would confine himself to speaking of the principle.

Financial assistance proceeded from Article 16 of the Covenant. In view of the importance of the provisions of that article, those who had drafted it had limited its field of application very definitely, if not in regard to details at least so far as the principle was concerned. The sanctions provided under the provisions of Article 16 were applicable only to the case of war. It was now a question of extending the application of the article to the case of threat of war. The extension might result from undertakings voluntarily accepted by a certain number of States, but some Governments were apparently not prepared to admit it. The Committee had already decided to strengthen the provisions of Article 16, so far as the case of war was concerned, by specifying the manner in which the principle contained in it should be applied. That resulted from the principle provisionally adopted at the previous meeting. Certain Governments would feel that there would be serious difficulties in going further, that was to say, in making it obligatory to give assistance in the case of threat of war.

On the other hand, several speakers had already emphasised the difficulty which the Council would experience in deciding which State should benefit from financial assistance. It was the problem of the designation of the aggressor. The difficulty would be infinitely
greater when it was necessary to decide which State should be given financial assistance in the case of threat of war. Moreover, it could be contemplated that the threat of war might last so long that the difficulty would be increased still further.

If the Council gave financial assistance to one of the parties, would there not be a danger of aggravating the situation instead of improving it? The Financial Committee had provided a very ingenious method, but its application would necessitate many precautions, and M. Ito even feared that it would raise a great many difficulties.

Finally, the Japanese delegate asked whether financial assistance in case of threat of war was even necessary. If hostilities broke out, the first measure which the States concerned would take would be the mobilisation of their financial and economic resources. If the resources of the two countries were very different, there would perhaps be difficulties, but if they were very nearly equal, financial assistance from outside would only become necessary when the States concerned had exhausted the resources which they had mobilised. If that were true in case of war, it was it was even more true in the case of a threat of war.

For those various legal, political, and financial reasons, M. Ito considered that it would be difficult, at the present time, to organise financial assistance in the case of threat of war. That difficulty had been clearly explained during the last Assembly, both before the Third Committee and before the small Committee which had studied that particular question.

M. Ito considered that it would be preferable for the Committee to confine itself to the case of war. If, however, it wished to provide for the case of threat of war, the Japanese delegation felt that the wisest course would be to adopt the proposal of the German and Italian delegations, which consisted in saying:

"If, in a crisis, the Council considers that there is a danger of war, it may notify the two parties to the dispute that financial assistance will be granted to a State against which one of the parties to the dispute goes to war . . . ."

In conclusion, M. Ito maintained in principle the attitude so for adopted in this matter by the Japanese delegate.

Dr. Göppert (Germany) recalled that the German delegation had already expressed its opinion in the past year, at the Third Committee of the Assembly, on the question whether financial assistance should be given in the case of threat of war. Count Bernstorff had said that he could not accept that idea. Seeing that several delegations had spoken in the opposite sense, the German delegation had again studied the question and had carefully re-examined all its aspects.

Without doubt, it would be highly desirable in itself if the idea of financial assistance could be put into practice, not only from the point of view of helping an attacked State, but also from all its aspects. Without doubt, it would be highly desirable in itself if the idea of financial assistance could be put into practice, not only from the point of view of helping an attacked State, but also from all its aspects.

In conclusion, M. Ito maintained in principle the attitude so for adopted in this matter by the Japanese delegate.

According to a French proposal which appeared on page 7 of the synoptic table, the Powers would be obliged to undertake not to provide any direct or indirect assistance to a Power at war with a State to which the Council had given financial assistance. Nevertheless, the result would be, in view of what Dr. Göppert had just said, that the Council, by virtue of Article 16 of the Covenant, might be obliged to recommend to all the Powers to do exactly the opposite, to apply all the sanctions of Article 16 to the beneficiary of the loan and to assist its opponent with all their power.

Moreover, it might be that the Council, in giving financial assistance during the stage preceding the opening of a war, would influence the attitude of the State benefited in a way which would prejudice the possibility of the peaceful settlement of the conflict. The speaker had specially in mind a conflict between two States whose resources were limited. It was in the nature of things that a State belonging to that category, after seeing so considerable an increase in its financial means, would profit if it could by increasing its armaments as
rapidly as possible until it felt itself to be superior to its opponent. Foreseeing that situation, its opponent would be led to press forward with the aggression in order to profit by the superiority which it still believed it possessed, and in order that the favourable moment should not escape it. That would happen solely because that State would have been informed that its opponent was increasing its armaments thanks to the means which had been granted it by the League of Nations.

Thus it could be seen that a loan granted by the League of Nations during the stage of the threat of war might precipitate the breaking out of the war. There was thereby a risk of a repeat of a particularly acute form of the dangers of the race in armaments.

The States which were favourable to the granting of a loan by the League of Nations in the case of a threat of war had not entirely ignored the existence of such a danger. They had endeavoured to avoid it by certain proposals. Nevertheless, it could not be admitted that those proposals were really effective. They tended to make the authorisation of the loan dependent on the double condition that the opponent refused or neglected to comply with the recommendations of the Council, whether in spite of the existence of an undertaking or — according to another suggestion — even if the State had not undertaken to comply with such a recommendation, and, on the other hand, to the second condition that, before granting financial assistance, the Council should have exhausted all other appropriate measures for stopping the conflict. It was quite possible, however, that the State which might have been recalcitrant at the beginning might nevertheless have changed its attitude if it had been given time to do so. It would equally be possible that the Council — when it was too late — would be obliged to realise that it could have employed methods other than those which it had considered as being alone applicable.

A few days previously, the Committee had discussed the question whether it was admissible to proceed to apply sanctions in the event of the non-execution of the recommendations made by the Council during the stage preceding the outbreak of a war. Several delegations had replied in the negative to that question. Should it not be said that financial assistance given to the opponent of the party which had not carried out a recommendation of the Council would actually constitute a sanction?

In reply to those who had hesitated to allow of the extension of financial assistance to the case of the threat of war, the objection had been raised that the prudence, the wisdom of the Council and the condition of unanimity in its decisions would constitute a sufficient guarantee. In Dr. Göppert's view, the question involved was that of a decision of principle on the point whether the method was good or not. The German delegation was sure that the Council could not assume responsibility in any such case, for the situation was always liable to be entirely changed, and in each case it might become obvious later that financial assistance had been wrongly granted, although it had originally been considered as entirely justified.

Dr. Göppert believed — and he thought that the financial experts would agree with him — that, in view of such considerations, financial preoccupations in regard to the moment more or less favourable for granting a loan should be relegated to the second place and should even disappear.

Even the existence of a convention providing for financial assistance to a State victim of an aggression could not fail to give ground for reflection to the State which was preparing an aggression, and to some extent it constituted a preventive measure.

The German delegation also believed that it would be useful to provide that the Council, in the case of threat of war, should make known to the parties that the one which might resort to war could expect that financial assistance would immediately be granted to its opponent. That would be a means of leading the parties in question to carry out the recommendation which the Council, acting in virtue of Article 11, might be led to apply.

In the past year, the German delegation had proposed the inclusion of a provision of that kind in the text of the Convention, a provision which had received the support of the delegate of Japan. The German delegation was prepared to examine willingly any other suggestions, on the sole condition that the loan itself should not be authorised in the case of a threat of war.

M. Cobian (Spain) felt that the statement of the German delegate was worthy of very close examination, both by the Committee and by the Drafting Committee. It seemed to him that Dr. Göppert had dealt with all the cases in which financial assistance raised grave difficulties. Nevertheless, he recognised the psychological importance of the draft under discussion and maintained the amendment which he had submitted at the Third Committee of the Assembly, according to which the Council, when it noted that there was a danger of war, could inform the parties to the dispute that financial assistance would be granted to a State against which one of the parties to the dispute resorted to war. It did not appear that that warning would be necessary if financial assistance were allowed only in the case of war. M. Cobian believed that the idea of the German delegate went further than the words which he had used, but that he had not ventured to refer explicitly to cases of threat of war.

There was apparently a misunderstanding in the present discussion, which M. Cobian wished to endeavour to dissipate. M. Cornejo and M. Ito were right when they saw in Article 16 the origin of the scheme for financial assistance. It was obvious that financial assistance could be placed among the measures provided under Article 16 of the Covenant. M. Cobian considered, however, that the draft on financial assistance did not go so far as Article 16, while, at the same time, it went further. It went less far because, in the opinion of a certain number of delegations, financial assistance should be extended and should not
be restricted to the cases dealt with in Article 11 of the Covenant, by considering it as a preventive measure.

The question, therefore, arose as to whether the Committee wished to consider the possibility of financial assistance only from the point of view of Article 16 of the Covenant, or whether it wished to consider it as a preventive measure. It might be supposed that the Committee would adopt the latter solution, since it was a question not only of cases in which war had already broken out but also of those in which there was a danger of war. On that point, the Committee should be able to take a decision either immediately or after the matter had been studied by the Drafting Committee.

M. Cobian himself felt that, if it were desired to provide measures for the avoidance of war, it was not necessary to consider merely cases of war, but to go further. Nevertheless, he did not disguise the difficulties with which the Committee was faced in that connection. Indeed, if provision were made only for cases of threat of war, it would probably be impossible to surmount the difficulties for, then, as Dr. Göppert had said, the threat of war might give rise to very diverse situations which might place the Council in a dangerous position.

The question involved, however, was not, in an absolute sense, that of the threat of war. All the proposals submitted to the Third Committee of the Assembly had originated in the principle that one of the parties to the dispute had refused to submit to the preventive measures prescribed by the Council. Thus, the field of action was more restricted. Certain facts had to come into existence — namely, the refusal of one party to submit to the measures ordered by the Council. After it had noted these facts, the Council could — for in that case there could be no obligation on the Council — as a preventive measure under Article 11, immediately grant financial assistance or make known to the State which had not submitted to its recommendations that it would grant financial assistance to the other party. It would seem that, on that ground, a solution could be found, and it would be the task of the Drafting Committee to draw up a formula which could be accepted by all the delegations.

M. Sokal (Poland) stated that the Polish delegation had always shown the greatest sympathy in favouring the extension of the principles contained in the Finnish proposal, because it considered that that proposal was one of the most valuable from the point of view of the prevention of war. It was of opinion that that proposal should apply not only in the case of war but also in the case of threat of war. If financial assistance were to play its full part, account would have to be taken of the serious cases of threat of war in which the action of the Council would be extremely effective, if, in certain cases, it could say that it would grant financial assistance to one of the parties. The case was somewhat similar to that in which war had already broken out and the Council granted financial assistance to the victim of the aggression. Nevertheless, a distinction should be drawn between them, because the stipulations formulated when it was a question of giving financial assistance in case of threat of war might have an optional character; on the other hand, when war had already broken out and the victim of the aggression had been designated, those stipulations should be obligatory.

The Polish delegation was of opinion, moreover, that it was necessary to leave the Council to decide in what way it would grant such financial assistance.

Dr. Riddell (Canada) said that, at the second session of the Committee, in 1928, acting on instructions from his Government, he had stated that Canada was willing to undertake a study of the question of financial assistance, as contemplated under Article 16. As he read that article, however, the proposal to extend the scope of the application of financial assistance to the case of threat of war seemed to go beyond Article 16, and differed from the original meaning of the Convention. He appreciated the force of certain arguments that had been brought forward in favour of adopting every possible means to prevent war: Canada's desire to bring about the peaceful settlement of all disputes was second to none. Its history demonstrated that fact. He felt, however, that any attempt to extend financial assistance at the present time to the case of threat of war would be going too far. Before it was decided to apply financial assistance to a threat of war, as well as to actual war, the arguments for and against should be carefully weighed.

M. Westman (Sweden) pointed out that the Swedish delegation was in favour of the idea of financial assistance not only in case of war but also in case of threat of war. He recognised the value of the objections which might be raised, in view of the difficulty of defining threats of war. Nevertheless, he hoped that a satisfactory solution would be found, not only in connection with Article 1 of the draft, but also with Article 14 which dealt with the control of the utilisation of the proposed loan.

The Swedish delegation had made reservations which appeared in the synoptic table and which concerned the power of the Council to make certain recommendations. In the present state of the discussion, the Swedish delegation maintained its reservations, both in regard to the case of war and in regard to the case of threat of war. It hoped, however, that the Drafting Committee would find a compromise which would give satisfaction to all the delegations and which would solve that grave problem.

M. Cornejo (Peru) was not a member of the Drafting Committee, but he considered that the whole Committee should assist the Drafting Committee by giving its views. It was for that reason that he wished to say that Peru was in favour of the extension of financial assistance to cases of threat of war.
The Spanish delegate had said with great clearness that the draft under discussion went further than and not so far as Article 16 of the Covenant. It went less far because it was concerned only with financial assistance. That was quite true, if it were understood that financial assistance was not to be subject to discussion. On the other hand, the draft Convention went further than Article 16 inasmuch as it considered financial assistance in the case of threat of war. In M. Cornejo’s view, that was the only interesting part of the draft. The first part, which concerned financial assistance in case of war alone would be useful? It should be taken into account that the League of Nations had above all a moral rôle. Unfortunately, it had no means of action. It had neither an army nor a fleet to adopt the rôle of an international police. Its power originated from the fact that it represented the conscience of the world. There could be no doubt that, if a dispute arose in the case of threat of war, it could never lead to an armed conflict. It was almost unthinkable that a nation, even if it were very strong, would have the audacity, in the face of public opinion, to attack a weaker nation. Consequently, any method leading to the submission of a conflict to the Council was a guarantee of peace.

It should not be forgotten that there still existed, and would perhaps exist for a long time, a prepossession in favour of courage and heroism. It would be very difficult for a weak State which felt itself to be threatened to appeal for the Council’s help. A nation, like an individual, did not wish to appear to be afraid. On the other hand, a State which was threatened would have no objection to asking for financial assistance, for no one was obliged to be rich. The possibility of asking for financial assistance in the case of threat of war was thus a means of bringing a conflict before the Council. In speaking of the psychological bearing of the draft, the German delegate had expressed a very legitimate opinion, but M. Cornejo could not associate himself with the fear expressed by the German delegate when the latter stated that financial assistance in case of threat of war might aggravate the situation. In his opinion, it would be impossible for the State which had asked for, and accepted, financial assistance from the League of Nations to take action contrary to the will of the Council; nor could it be supposed that the other party would have the courage to attack a Power which had placed itself under the protection of the conscience of the world.

Those were the reasons for which M. Cornejo considered that the interesting part of the draft was that which dealt with financial assistance in the case of a threat of war. The Peruvian delegate wished again to draw the attention of the Drafting Committee to the danger provided under Article 16 involved executive action and not deliberative action on the part of the Council.

M. DE CASTRO (Uruguay) recalled that, as a result of the report made by M. Cobian to the Assembly, in the name of the Third Committee, the majority of the delegations had stated that such a connection was necessary. The Third Committee of the Assembly had drafted an additional article on the matter which had been adopted at the first reading. It was still necessary to consider how that article should be combined with the other articles in the Convention. The article in question provided that the Convention on Financial Assistance would only enter into force at the time of the putting into force of the Disarmament Convention itself. Moreover, if the Disarmament Convention ceased to apply, the same would be the case with the Convention on Financial Assistance.

M. LARRIETA (Uruguay) said he thought that the problem of disarmament affected particularly the great Powers, whereas financial assistance affected chiefly the small Powers. It gave them the hope of being able to safeguard their independence in case
of conflict. He therefore regretted the desire to establish a connection between these two questions for, if no solution were found to the problem of disarmament, the system of financial assistance would, in consequence, not come into force. This would be a serious disadvantage to the smaller Powers."

M. de Castro believed, like the Persian delegation, which had also studied the question before the Third Committee, that it would be in accordance with the general principles of the Covenant, that the two Conventions should not be connected. Indeed, when referring to the German point of view, which was in favour of the decision of the Third Committee, the Persian delegate stated:

"It would be contrary to the great ideas of the League Covenant if this Convention for the prevention of war were made dependent upon the future convention for the establishment of a more secure peace. It is now, when armaments are not limited and every country can do as it pleases in the matter, that the threat of war is most serious. It seems therefore, that, if the League is genuinely anxious to progress towards a limitation of armaments as the prelude to complete disarmament, the Convention for Financial Assistance must be brought into operation before any of the others — without even waiting until they are ready."

M. de Castro therefore concluded by stating that he was against the establishment of any connection whatever between the Convention on Financial Assistance and the Disarmament Convention and even, if that were possible, between the Convention on Financial Assistance and any other convention, except the constitutional connection which existed with the Covenant of the League of Nations.

M. CORNEJO (Peru) asked whether the Committee was discussing Article 30.

The CHAIRMAN replied that that article was not under discussion at the moment. Certain delegations having made a declaration on the subject of the connection between the operation of the Convention and the reduction of armaments, the Chairman had asked M. de Castro, who desired to make certain observations, to speak. It was obvious, however, that if a general discussion were to be opened on the subject it would be preferable that it should take place when Article 30 was being considered. The Chairman therefore asked the delegates who wished to make declarations on the matter to wait until Article 30 was under discussion.


Article 1 (continuation).

The CHAIRMAN recalled that on page 7 of the synoptic table would be found the additional article to Article 1, on the subject of which a certain number of delegates had already explained their points of view. That additional article was also to be found in the Finnish proposal. The Chairman suggested that the additional article should be referred to the Drafting Committee in order that it might be added to Article 1.

This proposal was adopted.

Articles 2 and 3.

Articles 2 and 3 were referred to the Drafting Committee without observations.

Article 4.

M. TUMEDEI (Italy) recalled that, during the discussion of Article 4 in the Third Committee of the Assembly, he had made an observation which was not reproduced in the draft. He had asked whether it would not be desirable to fix a rule that amortisation should be equally divided over the whole period of the loan. He wished to develop the reasons for that suggestion.

The draft under discussion provided that the Convention should have a duration of ten years, and Article 10 stipulated that each loan might be concluded for a period of up to thirty years. That amounted to saying, in the extreme hypothesis of a loan being made during the tenth year of the Convention, that a State might be bound for a period of forty years, namely, the ten years of the Convention and thirty years from the date of the last loan during the former period. Supposing, in addition, that a loan had already been granted of which the service corresponded to 50, 60 or 70 million gold francs, there would remain only a very narrow margin, namely 30, 35 or 40 million gold francs. If the amortisation rule were not allowed at the very beginning of the period, an indirect limit would already have been established in the sense that it would be possible to borrow only a sum whose service corresponded to the reduced amount indicated above.

On the contrary, if it were possible to contract a loan, during the first five or ten years of which interest alone would be payable and the amortisation of which would only arise after the repayment of the first loan, the burden on each State would be considerably increased. It had been objected that this point concerned the details of the loan, and that amortisation could not be fixed in advance. There was nothing, however, to prevent a change in the formula which might say: if more speedy amortisation is not adopted,
amortisation shall at least be equally divided during the whole period of the loan. Since each Government had naturally to estimate the burden which it could bear, it was most important, if it were desired to encourage a Government to give its support, to fix a rule.

The Chairman agreed with M. Tumedei's opinion and said that doubtless the Drafting Committee would take it into account.

Article 4 was referred to the Drafting Committee.

M. Cornejo (Peru) drew the Committee's attention to the necessity for the avoidance by the Drafting Committee of the introduction into the draft of technical details; it should be limited to questions of principle. Technical considerations, such, for instance, as the determination in Article 4 of a period for the conclusion of a loan, should not be included in the draft. The conditions under which financial aid would be granted should be studied for each particular case; those conditions would depend on the state of the markets. If a group of bankers were prepared to grant a loan for a period of forty years, why prevent them?

M. Cornejo asked that merely the principles, especially the political principles, of the draft should be established, and that the technical details on the granting of financial assistance should be decided for each particular case.

M. de Chalendar (Financial Committee) drew the Committee's attention to the desirability of maintaining in Article 4 the provision proposed by the Financial Committee regarding an amortisation period of thirty years. The Financial Committee felt that it was undesirable to leave an indeterminate period during which States signatories would be bound. On the one hand, too short a period would inconvenience the contracting States, for the burden on their finances would be too great; on the other hand, too long a period would certainly hinder the adhesion of States signatories, for the undertakings made by the States would be too long. The figure of thirty years represented an average period which deserved the attention of the Committee on Arbitration and Security.

Articles 5 to 29.

The Chairman passed rapidly in review Articles 5 to 29 which still had to be examined by the Committee. In particular, he drew the attention of his colleagues to the provisions on page 9, which related to the amount to be inscribed. The Financial Committee proposed the insertion of one hundred million gold francs. Up to the present, however, no figure had been mentioned in the draft Convention, and the Chairman considered that the Committee should continue to follow that course. It would be for the Conference of representatives of the Governments to fix the figures.

The Chairman considered that the question of the removal of trustees, which appeared on page 12, as well as the other technical questions dealt with on the same page could be referred to the Drafting Committee.

In regard to Article 26 (page 22), the Chairman hoped that there would be no difficulty, since it was a question which was intimately bound up with the first draft Convention considered by the Committee. The Chairman simply pointed out that the great majority of the Third Committee of the Assembly had considered that it would be desirable to conform, so far as possible, to the exact expressions which appeared in the Covenant.

M. Cornejo (Peru) recalled the observations which he had already put before the Committee that morning.

Article 26 of the draft Convention stipulated that the decisions taken by the Council in virtue of Article 1 should be unanimous, the representatives of the Members of the League implicated in the war or the threat of war not voting. He recalled that the Covenant provided the Council with executive powers and deliberative powers, and that the stipulations contained in Article 16 of the Covenant should be among the executive powers. Article 16 contained the words \textit{ipso facto}, which excluded any possibility of discussion. When a case of war in violation of the articles of the Covenant occurred, and also of the stipulations of the Pact of Paris, the Council was compelled immediately to apply the sanctions provided in Article 16. That article and Article 10 were the most important articles in the Covenant. They provided for the extreme case, that was to say, the case of war.

Article 16, in particular, stipulated that if a Member of the League resorted to war, it was \textit{ipso facto} considered to have committed an act of war against all the other Members of the League. If it were a war of invasion, it was obvious that the State attacked could lose no time in considering, but would be obliged to defend itself. If the armies crossed the frontier, the victim of aggression would be obliged to defend its national territory. The very important principle, however, according to which, in case of aggression, all the Members of the League considered themselves to be victims of the attack, should not be forgotten. Consequently, it was not for the Council to deliberate. It had not to take a decision unanimously or by a majority. It was obliged to apply the sanctions laid down. If the object of financial assistance were to strengthen still more paragraph 3 of Article 16, the other measures prescribed in that paragraph would obviously have to be considered in the same way, that was to say, as executive powers of the Council. Otherwise, Article 16 would be weakened.

M. Cornejo recalled that he had stated during the previous meeting that; if the Council retained its liberty to consider the matter, it might very well happen in certain cases that it would reach the conclusion that it was not necessary to grant financial assistance. It
would of necessity follow that it would be impossible to apply the other sanctions prescribed in Article 16. Consequently, he considered that, in order to surmount the difficulties, it would be desirable not to refer to the Council in Article 26 of the draft Convention, but simply to refer to Article 16 of the Covenant. It could be said that in cases in which the Council applied the sanctions provided in Article 16 of the Covenant, it could also grant financial assistance under the conditions laid down by the Convention. It was simply a question of a reference to the executive powers of the Council laid down under Article 16 of the Covenant. M. Cornejo’s idea would be very clear, and in that way Article 16 would not be weakened; it was important that the draft Convention should strengthen Article 16 rather than weaken it.

In conclusion, M. Cornejo asked that his observations should be very carefully considered by the Drafting Committee, which was composed of eminent jurists and honest men who certainly sincerely desired to develop the principles of the Pact.

M. COBIAN (Spain) considered that the apprehensions of M. Cornejo were very legitimate. They had given rise during the work of the Sub-Committee, to a proposal in the form of an additional article. It had been admitted that none of the articles of the Convention must diminish the value of Article 16 of the Covenant. The speaker therefore wished to calm the apprehensions of M. Cornejo, for he himself had taken part in the work of the Third Committee of the Assembly. The financial assistance contemplated would be one of the measures provided in Article 16, but it would be regulated in a special manner and without in the least diminishing the value of that article.

Articles 5 to 29 were referred to the Drafting Committee.

Article 30 and Additional Article.

The CHAIRMAN pointed out that this was an additional article which concerned the question of the connection of the Disarmament Convention and the present Convention.

M. SOKAL (Poland) observed that on page 25 of the synoptic table it was stated that most of the delegations admitted the necessity for such a connection. Thanks to the efforts of the Financial Committee and to the work of the Committee on Arbitration and Security, it could be hoped that the Convention on Financial Assistance would be brought rapidly into action. It might be that even if the League of Nations succeeded in drawing up the Convention on Financial Assistance before the General Disarmament Convention was established, the first would be dependent on the second and would have to be waited for; that would be a mistake. The speaker considered that in that case no connection making one dependent on the other should delay the putting into force of the first Convention. For that reason it seemed to him that the arguments put forward by the delegate of Uruguay were convincing. The Drafting Committee should consider again whether there was not a possibility of speedily reaching a satisfactory solution in regard to financial assistance before the Disarmament Convention was drawn up.

Baron Rolin Jaequemyns (Belgium) considered that the Convention on Financial Assistance was of very great value and that too much emphasis should not be placed on certain clauses which it might be found difficult to accept. A minimum of agreement on the points on which almost all States were probably of the same opinion would be of great value. He considered, while taking into account the observations of the delegates of Uruguay and Poland, that agreement could be reached; that agreement should not be made dependent on agreement on certain other very delicate points. Once the minimum was attained, it was possible that when the Assembly was dealing with the question, certain reservations on the subject of the putting into force of the Convention would be withdrawn and that it would be successfully brought into operation.

M. CORNEJO (Peru) congratulated the Polish and Belgian delegations on their acceptance of the ideas so clearly stated by the eminent delegate of Uruguay.

All the States which were not great military Powers found it particularly strange to connect financial assistance with a very difficult question which was obviously the subject of legitimate preoccupations on the part of the great Powers — the question of disarmament. The day would certainly come when agreement would be reached in regard to a limitation of armaments. At the same time, he believed that the day would come when it would be essential that States should be compelled to put at the disposal of the League of Nations certain international military police forces, but that day was still very far off. The financial aid demanded by a State victim of an aggression was something which could be immediately realised. M. Cornejo was very glad that the Committee had in view a practical solution of a reference to the executive powers of the Council laid down under Article 16 of the Covenant. It could be said that in cases in which the Council applied the sanctions provided in Article 16 of the Covenant, it could also grant financial assistance under the conditions laid down by the Convention. It was simply a question of a reference to the executive powers of the Council laid down under Article 16 of the Covenant. M. Cornejo’s idea would be very clear, and in that way Article 16 would not be weakened; it was important that the draft Convention should strengthen Article 16 rather than weaken it.

In conclusion, M. Cornejo asked that his observations should be very carefully considered by the Drafting Committee, which was composed of eminent jurists and honest men who certainly sincerely desired to develop the principles of the Pact.

M. ERICH (Finland) stated that he would prefer, in regard to the first phrase of the additional article, that the entry into force of the Convention should be independent of the entry into force of the Disarmament Convention. There had, however, been very strong opposition to that proposal, and he was not convinced that it would be possible to carry it into effect.

In regard to the second phrase of the paragraph, it did not seem to be in harmony with Article 8 of the Covenant, according to which the Council had to prepare plans for the reduction of armaments, which would be submitted for the approval of the various Governments. It would not be possible to go beyond the limits of the armaments fixed without the consent of the Council.
The convention or the Conventions on disarmament would, according to the programme contained in the Covenant, be to some extent "constitutive" treaties, without a fixed time-limit. Such treaties could not be denounced, they would merely be submitted to revision every ten years.

It was obviously very difficult to realise such a programme as that provided in Article 8 of the Covenant. There were great obstacles even to the mechanism of disarmament. But, according to Article 8 of the Covenant, it would not appear that the Disarmament Convention would simply cease to be operative. Such a possibility was excluded by Article 8 of the Covenant. It could nevertheless be supposed that, contrary to the provisions of that article, a period established beforehand in regard to disarmament and the right to denounce the Disarmament Convention could be provided in the future convention. Doubts might be raised as to whether the Disarmament Convention was still in force, and in the affirmative, the Disarmament Convention could be provided in the future convention. Such a possibility was excluded by Article 8 of the Covenant. It could nevertheless be supposed that, contrary to the provisions of that article, a period established beforehand in regard to disarmament and the right to denounce the Disarmament Convention, while another State claimed that the Convention, in so far as it and other States were concerned, was still in force.

Everyone knew well that, in international life, the question whether and to what extent a convention was in force was not always easy to decide. There might be uncertainty. For that reason, he felt it desirable that the existence of the Convention on Financial Assistance should be assured independently of whether a convention on disarmament was still operative or not.

It might be asked if it were desirable to give a wide or restricted interpretation to the following expression in the Convention: "the Disarmament Convention ceases to be operative". Would that expression raise the question whether or not the Convention was applicable? That point was undoubtedly of very great practical importance since, in the Preparatory Commission on Disarmament, it was generally recognised that restrictions and limitation of armaments could only be maintained in time of peace and ceased to be applicable in time of war. If such were the case, M. Erich very well understood that the interpretation to be given to the expression might present difficulties. If it were felt that it was a question of the possibility of the application of the Disarmament Convention, the result would be a solution, in regard to the Convention on Financial Assistance, which would be unacceptable and impossible.

For those reasons, the delegate of Finland wished to draw the special attention of the Drafting Committee to the point, in the hope that the second phrase of the first paragraph would be maintained in its present form.

Mr. Cadogan (British Empire) recalled that his Government's communication to the Committee suggested that it would be desirable to provide that the Convention should not come into force until a general Disarmament Convention had also come into force. He felt bound to warn the Committee that his Government attached considerable importance to that point, and he could not at present hold out any hope that it would recede from this position. His Government felt that, under the Convention for Financial Assistance, certain Governments would be undertaking considerable obligations, and it was therefore felt to be important that the occurrence of situations in which they would be called upon to fulfil those obligations should, so far as possible, be prevented.

He noted with some regret that it was implied in most of the speeches delivered that afternoon that, if the entry into force of the Convention on Financial Assistance were delayed until the conclusion of a Disarmament Convention, a very great delay would be involved. He was not so pessimistic. He hoped that the delay would not now be great, and thought it would be more satisfactory, from many points of view, to make the two Conventions interdependent.

The delegate of Finland had made one or two observations as regards the actual drafting of the latter part of the proposed article which certainly had a good deal of force and could be discussed in the Drafting Committee.

Article 30 and the additional article were referred to the Drafting Committee.

The Chairman, before closing the discussion on the draft Convention on Financial Assistance, wished to return to the question raised at the morning meeting by the delegate of Turkey. He did not desire to open a debate on the subject, but he would ask the delegation of the Financial Committee to be good enough to explain its technical point of view on that question.

Sir Henry Strakosch (Financial Committee) was very glad that the matter had been raised. It had been referred originally to the Financial Committee in connection with a suggestion by one of the great Powers which desired to have the opportunity of participating in the guarantee of individual loans, though not of joining the Convention. The matter had been further discussed by the Financial Committee which had most sympathetically considered whether it would not be feasible to permit non-Members to join.

The technical difficulties referred principally to the allocation of duties and liabilities under the Convention, but there were other considerations, partly technical, partly moral. The guarantee of a country which did not subject itself to the obligations imposed under the Covenant might possibly be regarded as undesirable from a financial point of view.
The CHAIRMAN noted that the Committee had concluded the examination of the draft Convention on Financial Assistance. The Drafting Committee could now resume its work. He proposed that the Finnish delegation, which had initiated the draft, should assist it in regard to that particular part of its work. He also asked the delegation of the Financial Committee to be good enough to take part in the work of the Drafting Committee on the draft Convention on Financial Assistance. In addition, he proposed that M. Cobian, who had already dealt with the question, should act as Rapporteur.

The above proposals were adopted.

M. Cobian (Spain) thanked the Committee for the honour paid to him.

TENTH MEETING

Held on Thursday, May 8th, 1930, at 4 p.m.

Chairman: M. Beneš (Czechoslovakia).


The CHAIRMAN said that the Drafting Committee had met under the Presidency of Baron Rolin Jaqueynys. The Committee had made a special point of taking full account of the observations that had been made during the general discussion, as well as those that had been communicated to it by certain delegations. The result of its work was contained in the report of M. de Castro, delegate of Uruguay, who had kindly undertaken the duties of Rapporteur.


The report and draft resolution were adopted without observations.


The CHAIRMAN said that the draft Convention, together with the introductory note and the report concerning financial assistance, was before the Committee (document C.A.S.105) (Annex XIII). He thought it would be logical to start by studying the text of the Convention and giving the articles that had been redrafted, or eventually added to the original text by the Drafting Committee, a thorough examination. As had been the case during the first general discussion, the Committee had kept as closely as possible to the ideas expressed by the Financial Committee and the text it had drawn up; but, apart from these, there was a certain number of articles of political importance which the Drafting Committee had discussed very fully. Without trying in any way to shorten or prevent discussion of them in the plenary meeting, the Chairman drew attention to the fact that all political questions and questions of principle had been examined in great detail by the Drafting Committee. He asked those delegations that had not taken part in the discussions of the Drafting Committee to put forward any observations they might have to make.

He added that he would only ask for the passages that had been redrafted to be read.

The Preamble was adopted.

Preamble.

Article 1(A).

M. Cornejo (Peru) found himself obliged to insist upon the point of view that he had already expressed before the Committee.

The principle had been laid down that, in case of war, the State attacked in violation of international obligations had the right to financial assistance; but the Council retained a discretionary power to refuse such assistance. These two facts were contradictory.

A right could only exist when it was supported by a corresponding right. If a State victim of aggression had a real right to financial assistance, it seemed that the Council was obliged to grant such assistance and could not possibly refuse it. If it could refuse it, the right of the victim State no longer existed. The Committee should reflect well on the importance of the power of refusal given to the Council.

It was natural that, in the case of threat of war, the Council should keep full liberty of action, for a State might believe itself to be threatened, whereas, in reality, it was not threatened at all. Therefore, in the case of threat of war, the Council could not be obliged to grant
financial assistance; but the article in question referred to cases where war had already been declared. In the case of such a war declared against the Council’s opinion and in spite of its intervention, all the sanctions under Article 16, which provided more serious sanctions than that of financial assistance, would have been brought into play.

M. Cornejo reminded the Committee that Article 16 provided such sanctions as the obligation to direct an economic blockade against a state which had disobeyed the Council, the obligation for States to give each other economic assistance against any country that might be in a state of war against the whole League of Nations. If, in such circumstances, the victim State asked the Council for financial assistance and the Council refused, the result would be the collapse of the whole of the organisation that had been built up in the interests of peace. The Council’s refusal would mean that it actually authorised war.

If the Council were free to grant or to refuse financial assistance, was it certain that there would always be the unanimity necessary for the granting of financial assistance? The States parties to the dispute were disqualified from taking part in this unanimous vote, but it was quite possible for a State which was not a party to the dispute, but which had very important political relations with the aggressor State, to be represented on the Council, and such a State could paralyse the Council’s action by refusing to give its vote in favour of financial assistance.

Moreover, if the Council had the right to refuse financial assistance, it might easily happen that the victim State would prefer not to make a demand that might be refused, for in case of refusal it would find itself in a more difficult economic and political situation than if it had made no such demand.

Consequently, in M. Cornejo’s opinion, it would not be wise to allow the Council the right to refuse financial assistance.

He thought there would be no danger if the Committee omitted the last part of the article in question: "... unless the Council decide otherwise". That omission would help to make the article clearer.

It could not be said that the Council would be in a situation where it would have to undertake heavy responsibilities. The Council had assumed much more serious obligations, such as those resulting from Article 16 of the Covenant. Financial assistance was really the least important obligation of all.

M. Cornejo could not see why the decision of the Council should depend upon the goodwill of one of its Members, who might prevent the grant of financial assistance by his single veto.

In this way, the Council would be reduced to a state of complete powerlessness.

M. Cornejo repeated that the omission he had proposed would clarify the article, which already contained the definite idea of granting help to a State victim of aggression. By keeping the text proposed by the Drafting Committee, the Convention would be rendered null and void.

M. Cobian (Spain), Rapporteur, assured M. Cornejo that the Drafting Committee had considered all the observations he had presented at the plenary meetings of the Committee. If the Drafting Committee had decided on the text now before the plenary meeting, it was because it had felt that the matter was a very delicate one and that, in order to accomplish a work of any utility, it was necessary to keep in mind every aspect of the question.

M. Cornejo had examined the matter from the standpoint of an eminent lawyer. He had only seen the legal aspect of the question and the point of view of one of the contracting parties. He must remember that this Convention would lay obligations on all the States that signed it. The matter should be considered from its political side and from the point of view of the prestige of the Council of the League. For that reason, it was impossible to find a solution for the problem in any purely legal formula.

The Rapporteur called M. Cornejo’s attention to the fact that he was wrong when he said that the principle of the Council’s unanimity might wreck the whole scheme of financial assistance. Article 1(A) made it quite clear that the Council’s unanimity was indispensable for refusing financial assistance.

M. Cornejo (Peru) was satisfied by the Rapporteur’s last statement. It was quite a different thing if unanimity were necessary for the refusal of financial assistance, but in that case it should be expressly stated. A State victim of aggression had the right to financial assistance, and it was necessary for the Council to be unanimous to refuse it. In other words, it would be enough for a single State represented on the Council to decide to accept the demand of the State victim of aggression for financial assistance to be granted. If this interpretation were right, M. Cornejo was ready to accept the article, but in that case the following addition would have to be made: "... unless the Council decide otherwise unanimously".

The Chairman thought that Article 26 would satisfy everyone.

M. Cornejo (Peru) considered that the question was of sufficient importance to insist upon his point. Article 26 was the very reason why he had opened this discussion. That article said: “Decisions of the Council under Article 1(A) or 1(B) shall be taken by the unanimous vote of the Members...” That meant that a unanimous vote was just as necessary for granting financial assistance as for refusing it. It should be expressly stated that the unanimous vote of the Council was necessary for the refusal of financial assistance if that were the intention of the Committee.

The Chairman said that the proposed text had been drawn up after considerable discussion and that it was a compromise. The phrase to which M. Cornejo had objected
was one that had been proposed by M. Massigli in a moment of difficulty when the Committee was trying to find a compromise formula. Perfection was hardly to be expected in this world, and it was often necessary to put up with solutions that were not satisfactory to everyone. It was, however, the tradition of the League to try to solve the problems raised in the course of its work by concessions, and to find texts that could be accepted unanimously, or, at least, by the greatest possible majority. In such cases, those who were unable to accept a formula which they deemed to be too imperfect had the right to make reservations. Certain delegations had already made reservations to Article 2 in the Drafting Committee.

The Chairman gave this short explanation in the hope that to some extent it might allay the apprehensions of the delegate of Peru.

M. ERICH (Finland) wished only to make a few short observations. Doubtless, the criticism which M. Cornejo had directed against the text before the Committee was, for the most part, well founded. Most of his objections were similar to those which had already been raised by the Finnish delegation in the Drafting Committee, but the Finnish delegation thought that the reasons put forward by the Chairman were of decisive importance, and the Committee should remember that it had been necessary to arrive at a compromise that would be acceptable to everyone.

Certain delegations, including that of Finland, had had considerable scruples in accepting the last words of paragraph 1 of Article 1(A) ... unless the Council decides otherwise. Everyone knew that it was the result of a compromise, an account of which would be found in the Minutes; but, by keeping to the interpretation given to this reservation by the present Committee, no one could fail to realise that there had been no intention of depriving the established principle of financial assistance of its character as a guarantee of security which was necessary for certain States sincerely interested in the work of disarmament, but unable to afford to neglect measures of individual and general security.

There had been no intention to make the benefit of financial assistance depend on the will and pleasure of the Council. That would be just as contrary to security as to the idea of international guarantees. The Committee’s sole wish had been to emphasise the important duty that would fall on the Council to take a decision, as just as it was reasonable, with a full realisation of its responsibility, which ought not to be considered as weakened, but rather strengthened, by the fact that nearly all States, including several that were not Members of the League, were at the present moment bound by the Pacts of Paris. Consequently, it was to be hoped that neither the aforementioned reservation to Article 1 nor any other provision of the Convention would be interpreted or applied to the detriment of a loyal and peaceful State that had faith and confidence in the goodwill of the Council.

Article 1(A) was adopted, subject to the reservation of M. Cornejo.

Article 1(B).

The CHAIRMAN, before opening the discussion on this article, reminded the Committee that reservations had been made in the Drafting Committee by the Italian, German, Japanese and Canadian delegations, and these reservations had been included in the introductory note.

Article 1(B) was adopted.

Articles 2, 3, 4, and 5 (original text), were adopted without discussion.

Article 6.

The CHAIRMAN pointed out that an alteration had been made in the seventh line of this article: “This maximum shall be a sum bearing the same proportion to (100 million) gold francs ...” and to line 10: “... applicable (on January 1st, 1930) ...” These expressions had been put in brackets in order to show that the Governments, at the time of their decision, or the Assembly itself, should have full liberty to fix a definite figure and date. This point was made quite clear in the introductory note.

Article 6 was adopted.

Articles 7 and 8 (original texts) were adopted without discussion.

Article 9 (text of the Financial Committee) was adopted without discussion.

Articles 10, 11 and 12 (original texts) were adopted without discussion.

Article 13 (original text), with the exception of a slight change in the first line which read: “Where the Council of the League of Nations recognises ...” (instead of “decides”) was adopted without discussion.

Articles 14 and 15 (texts of the Financial Committee) were adopted without discussion.

Article 16 (original text) was adopted without discussion.

Article 17 (text of the Financial Committee) was adopted without discussion.

Articles 18, 19, 20 and 21 (original texts) were adopted without discussion.
The CHAIRMAN drew the attention of the Committee to the fact that this article raised the question of non-Member States. The delegate of Turkey had already made a declaration on the question of participation in the Convention. The matter had been dealt with in the introductory note, and would be examined later when the Committee came to discuss the aforementioned note.

Article 22 was adopted without discussion.

Article 22(A) (text of the Financial Committee) was adopted without discussion.

Article 23.

The CHAIRMAN pointed out that this article was a new one. It had been drawn up in these terms since it was meant to replace the original Article 1(C) which mentioned Article 16 of the Covenant. In that original article, provision had been made that no signatory States should give help by direct or indirect means to an aggressor State when the State victim of the aggression had received financial assistance. The Drafting Committee, after a long discussion, had come to the conclusion that it would be best to introduce this Article 23 and to include in it a negative form the undertaking to give no assistance. Article 16 of the Covenant would be dealt with later under a special article (Article 26(A)).

Article 23 was adopted.

Articles 24 and 25 (original texts) were adopted without discussion.

Article 26.

The CHAIRMAN pointed out that the Drafting Committee had taken care, in drawing up this text, to use the same expression as was used in the Covenant of the League.

Dr. RIDDELL (Canada) expressed the appreciation of the Canadian delegation of the work of the Drafting Committee. That Committee had had a difficult task, and had discharged it with great ability. His delegation had hoped, however, that the Drafting Committee would discover a formula taking fully into account the position of the Members of the League who were not represented on the Council, which maintained that their Parliaments were the final arbiters as regards violations of the Covenant.

The Canadian delegation, while still retaining its point of view with regard to Article 1(B), was pleased, however, to note that, although the scope of the Convention had not been limited strictly to the organisation of financial assistance as contemplated under Article 16, yet its extension to the case of a threat of war would depend, at least, upon conditions which made the case of threat of war not far removed from that of an actual state of war.

Article 26 was adopted.

Article 26(A) (the new article replacing the original Article 1(C)) was adopted without discussion.

Article 27 (original text) was adopted without discussion.

Article 28.

MUNIR Bey (Turkey) reminded the Committee that the Turkish delegation had already been informed, during the meeting of May 5th, that the Financial Committee had found certain technical difficulties in the way of the accession of non-Member States to the Convention on Financial Assistance. As the Turkish delegation did not know the nature of these difficulties, it had considered it wiser to reserve its opinion while awaiting fuller information. Meanwhile, it had got into touch with the members of the Financial Committee; and in the course of these investigations, the Turkish delegate had examined the question of the probable effect of the accession of non-Member States on the financial engagements of the other contracting parties and had shown (as he thought) that the adjustment of all these effects was already assured by the normal working of the Convention. He had consequently not found it easy thoroughly to realise the difficulties in question.

He did not desire to deal further with that point, but, nevertheless, he could not take note of the Committee's decision, which was based upon technical difficulties, without emphasising its special importance from the point of view of the international solidarity and peace which had been created by the Covenant of the League and extended and completed by the Pact of Paris.

As regards the second proposal of the Turkish delegation — namely, the question of the participation of contracting parties in the deliberations and decisions on that question the very fact of the exclusion of non-Member States relieved him from the necessity of returning to that point as far as it concerned the draft Convention before the Committee, although the possible legal connection between the different categories of States, which connection might result from aggression on the part of a State which was signatory to the Covenant of the League of Nations or the Pact of Paris against another signatory of either of those Acts, and also the effects of these relationships on the Convention on Financial Assistance, were problems which would have to be held over for future consideration.