The Chairman thanked the Turkish delegate for his statement and assured him that the question had been thoroughly examined by the Drafting Committee which had been forced to come to its present decision owing to technical and constitutional difficulties.

**Article 28 was adopted.**

**Articles A and B were adopted without discussion.**

**Article C.**

The Chairman reminded the Committee that the text of paragraphs 1, 2, 3 and 4 of Article C contained no modifications. A few changes had been made in the texts of paragraphs 5 and 6; paragraph 7 was an addition to the original text. **Article C was adopted without discussion.**

**Article D.**

Baron Rolin Jaequemyns (Belgium) regretted that it was necessary to submit such a provision to the Committee. The proposed wording did not seem to him to be quite clear and he suggested that the first paragraph should be re-drafted in the following terms: "The entry into force . . . shall be conditional upon the entry into force and maintenance in force of the plans for reduction of armaments adopted by the general Conference on Disarmament in application of Article 8 of the Covenant of the League of Nations".

The Chairman said that Article D had given rise to the longest and, perhaps, the most difficult of all the discussions that had taken place in the Drafting Committee. Many suggestions had been made and, in the end, the present text had been adopted. He thought that the Committee should try to avoid re-opening the discussion. Several important States had made very clear declarations on the point and had said that they would only vote in favour of the Convention if such a provision were retained in the text. The Chairman was quite prepared to accept the compromise contained in the proposal of Baron Rolin Jaequemyns.

Viscount Cecil of Chelwood (British Empire) said that he was quite ready to accept the amendment proposed by Baron Rolin Jaequemyns. He reminded the delegations that under the Convention any question of interpretation was to be determined by a majority of the Council, therefore he could not himself imagine that there would ever be any practical ambiguity, whatever words were used.

M. Rutgers (Netherlands) said that he had already spoken on this subject in the Drafting Committee. The entry into force of the article which authorised the Council to decide by a majority vote depended upon the article under discussion, so that he did not think that a majority decision of the Council could be taken on the question if the conditions laid down under Article D were fulfilled.

**Article D, as amended by Baron Jaequemyns, was adopted.**

**Article 31 was adopted without discussion.**

The Convention as a whole was adopted.

M. Gajardo (Chile) asked the Chairman to take note of the abstention of his delegation from the voting.


M. Cobian (Spain), Rapporteur, read his report (document C.A.S.108) (Annex XIV). The report was adopted.


The Chairman informed the Committee that the introductory note contained a resume of the discussions which had taken place during the plenary meetings and during the meetings of the Drafting Committee.

M. Cobian, Rapporteur, read the introductory note (document C.A.S.107) (Annex XV). The introductory note was adopted.

The Chairman drew the Committee's attention to the fact that on the second line on page 5 the words "paragraph 1" had been substituted for "paragraph 2". He was pleased to inform the Committee that the examination of the draft Convention was now finished. It had been on the stocks for many years and it had raised many serious difficulties. He wished to express his thanks to the Finnish delegation, which had been the
instigator of the draft Convention. He also expressed his thanks, on behalf of himself and
the Committee, to the members of the Financial Committee who had so willingly assisted
the Committee on Arbitration and Security. It was largely due to the experts of the Financial
Committee that it had been possible to arrive at the desired result.

Sir Henry Strakosch, on behalf of his colleagues on the Financial Committee, thanked
the Chairman for his appreciative remarks and the members of the Committee for the readiness
with which they had accepted the recommendations of the delegation of the Financial
Committee. He thought the members of the Financial Committee would be delighted with
the result, because they had always felt that a Convention of this kind would constitute
an instrument which would advance the cause of peace.

ELEVENTH MEETING

Held on Friday, May 9th, 1930, at 11.30 a.m

Chairman: M. Beneš (Czechoslovakia).

21. Registration of Treaties by the Secretariat of the League of Nations: Proposal by M. Cornejo
regarding Article 18 of the Covenant of the League.

The Chairman recalled that in document C.A.S.93 (Annex XX) dated April 10th, 1930 the
Secretary-General had communicated to the members of the Committee a letter, dated
March 7th, in which M. Cornejo asked that the addition which he had submitted
for the consideration of the Assembly, the Council and the Legal Committee on Article 18
of the Covenant of the League should also be put before the Committee on Arbitration and
Security. The addition was to the following effect:

"The Secretariat of the League of Nations may not register any treaty of peace
imposed by force as a consequence of war undertaken in violation of the Pact of Paris.
The League of Nations shall consider as null and void any stipulations which it may
contain, and shall render every assistance in restoring the status quo destroyed by force."

The Chairman thanked M. Cornejo for his very interesting proposal. All those who
had taken part in the work of the Committee on Arbitration and Security would certainly
be prepared to agree with the following view. Each had had in mind the necessity of dealing
with the work as an organic whole, and therefore of moving in the direction pointed out by
M. Cornejo. The duties entrusted to the Committee by the Preparatory Commission required
that every effort be directed towards the same end, which was the organisation of world security.

Despite certain divergencies of view, which had occasionally been perceptible, no member
of the Committee had failed in his duty, and everyone had carried on his work inspired by
the same ideal which dominated all differences in regard to the methods to be used. For
that reason, the work accomplished had been useful and would continue to be so, despite
the inevitable slowness of the procedure. During its fourth session, the Committee had
continued its studies of the application of various articles of the Covenant. This had been
useful, for, little by little, it had been possible by such a method to cause the different opinions
to draw closer together and thus to eliminate difficulties.

The last piece of work which the Committee had attacked and closely examined was the
grate problem of the prevention of war. Article 11 of the Covenant had been the main
pivot of the discussion. Article 16 had been touched upon. The very interesting proposal
of M. Cornejo came next. It was connected with several questions to which the Committee
had referred in passing and which it would certainly be possible to deal with later.

M. Cornejo, who had taken so active a part in the work of the Committee, would agree —
and the Chairman had been assured of this in private conversation with the representative
of Peru — that the question he had raised should be discussed at a moment when
the Committee felt sure of being able to do so usefully, and able to settle it in the manner
desired by everyone.

To achieve organic work it was necessary, before raising the questions contained in the
amendment proposed by M. Cornejo to Article 18, still more to study and find a solution
for the questions which were now before the Committee and which had arisen in connection
with the examination of other articles of the Covenant. The main preoccupation of the
Committee had been to discuss the questions which had been submitted to it by the Council,
by the Assembly, and subsequently by the Preparatory Commission for the Disarmament
Conference.

For these reasons, the Chairman asked M. Cornejo and the members of the Committee
to postpone consideration of the question of the amendment to Article 18 of the Covenant
to a more appropriate occasion. In accordance with the development of its work the
questions which would be submitted to it by the Preparatory Committee for the Disarmament
Conference, and as a result of the decision of the Council or of the Assembly in regard to the
proposal of M. Cornejo, the Committee would eventually be in a position to see how it could
begin the investigation of this interesting question.
M. CORNEJO (Peru) thanked the Chairman for his kind and sympathetic reference to the proposal which he had made. He agreed with the course suggested. It would, in his view, be preferable for his proposal to be discussed by the Council and the Assembly. The only task falling upon the Committee on Arbitration and Security would then be to give final form to the principles accepted by the Council and the Assembly.

The object of M. Cornejo’s proposal was to remedy an obvious omission in the Covenant. It was the duty of the League of Nations to preserve peace and secure the co-operation of peoples. The Secretary-General was carrying out a very important duty when he decided to accept the treaties submitted to the Secretariat for registration. This duty could not be reduced to the mere act of registration. A treaty concluded between Powers was not brought to the Secretariat like a document brought to a printer for printing. The Secretariat was obliged to determine whether the treaties submitted to it were in harmony with the aims of the League. If a war declared against the will of the Council were ended by a treaty of peace, such a treaty could not be accepted by the Secretariat.

M. Cornejo wondered even whether a treaty of military alliance could be so accepted. The objection might be made that the Council was available for purpose of consultation. Owing to the unanimity clause, however, that body would be placed in a very difficult situation when discussing a treaty of this kind. This duty, therefore, fell entirely on the Secretariat.

These few observations showed the immense importance of the question, which would usefully be discussed by the Council and the Assembly.


The CHAIRMAN proposed that members should reserve their observations until the Committee had taken note of the two texts contained in the Preliminary Draft and had adopted the report.


The CHAIRMAN recalled that the text of Article I was a compromise and combined the texts of the original Articles 1 and 2. It was further made clear that the article referred to non-military measures.

Article 1 was adopted.

Article 2.

The CHAIRMAN noted that, in column A, provision was made for the adoption of precise and limited measures, whereas, in the other column, the powers left to the Council were wider and the measures less clearly defined. A possibility was left to the parties to introduce the question of national safety.

Article 2 was adopted.

Article 3.

The CHAIRMAN said that, in column A, fresh measures of a strictly limited nature were laid down. This was not the case in regard to column B.

Article 3 was adopted.

Article 3 bis.

The CHAIRMAN said that Article 3bis raised the question of sanctions. Only the text in column A was shown, for certain delegations had thought it preferable that the Convention should include no article on the point.

Article 3bis was adopted.

Article 4.

The CHAIRMAN said that an agreement had been reached on the question of the Council’s vote. This had been all the easier after original Articles 1 and 2 had been combined.

M. Cornejo (Peru) thought it would be preferable completely to delete Article 4 which was, in his view, dangerous.

The Covenant wisely laid down in Articles 5 and 15 that questions of principle were to be decided by the Council by a unanimous vote, with the obvious exception of the parties concerned, but that questions of procedure were to be settled by a majority vote.

The provisions in the Covenant corresponded to the aims of the League. It was the League’s desire to defend the status given to Europe by the Treaty of Versailles. For such
defence the Covenant enjoined unanimity. On the other hand, when it was a question of settling the procedure to defend peace the Covenant laid down that a decision could be adopted by a mere majority.

Why should not the principles of the Covenant be followed? All that was necessary, in order to make certain that the question should be dealt with in accordance with the principles of the Covenant, was to do away with Article 4, since questions of principle should be settled by a unanimous vote, whereas procedure by a majority vote, and a number of decisions could be taken by the President of the Council himself. The action of the President had on several occasions already put an end to hostilities and caused the withdrawal of troops which had crossed the frontier of another State.

If Article 4 were adopted, the President of the Council might be prevented from taking such useful measures. States might question his powers to do so, and demand that the Council take up the matter and give its decision by a unanimous vote.

Normally, for questions of principle, unanimity was necessary, but this was not the case in regard to questions of procedure.

In conclusion, M. Cornejo proposed the deletion of Article 4, for such a course could at any rate give rise to no objection.

The CHAIRMAN thought that it would be difficult for the moment to adopt this proposal. Article 4 was one of those which had given rise to the most important discussions both in the plenary meetings and in the Drafting Committee. The members of the Committee on Arbitration and Security attached much importance to the express insertion of such a provision in the preliminary draft.

To satisfy M. Cornejo, the Chairman would remind him that the Committee had before it at the moment only a preliminary draft and not a final text. Several delegations had made reservations in regard to very important questions. They were to be found in the report, and M. Cornejo could follow the same procedure. When the question was discussed again the Committee could take up the examination of this proposal. There was no question of weakening in any way the scope of Article 5 of the Covenant. Article 6, which dealt with the powers of the Council, should entirely satisfy M. Cornejo in this respect.

M. CORNEJO (Peru) was satisfied with the observations of the Chairman, and asked that his own remarks and the reply to them should be inserted in the Minutes.

Article 4 was adopted.

Articles 5 and 6.

These articles were adopted without observation.

Articles 7 to 14.

The CHAIRMAN said that these articles contained the protocol clauses and that the text recently adopted at The Hague at the Conference on the Codification of International Law had been taken as a basis. It was unnecessary, he thought, to read them.

Viscount CECIL OF CHELWOOD (British Empire) said that the only article to which he thought attention might be drawn was Article 11, as amended (document C.A.S.110 [Erratum]).

The CHAIRMAN drew the Committee's attention to the last paragraph of that article, which contained an important principle.

Articles 7 to 14 were adopted.

The draft Convention as a whole was adopted.

The CHAIRMAN emphasised the fact that the report had been very carefully discussed by the Drafting Committee, and that the Rapporteur had done his best to give an accurate picture of the discussion in the plenary meetings and in the Drafting Committee.

The report was adopted without observations.

M. GAJARDO (Chile) said that he had abstained from voting on the draft Convention on Financial Assistance, and that he had had to record his abstention in view of the fact that he had not had time to consult his Government on the new text proposed by the Drafting Committee, especially in respect of certain delicate points such as that in which the possibility was contemplated that a State would find itself bound by an obligation from the mere fact that the Council had adopted a resolution although that State had not been a party to it. In acting in this manner, M. Gajardo left his Government perfectly free to act in any way it thought good, and to realise to the full its responsibilities either at the moment when the draft was submitted to it or, if necessary, when it signed the Convention at the next Assembly.

M. Gajardo was now in the position to adhere in principle to the draft treaty to strengthen the means of preventing war. This Convention, of which the object was to strengthen the action of the Council under Article 11 of the Covenant, was of the greatest importance for the future of peace, since it remedied the omissions in that article, and closed various openings through which war might enter.
The one moment when peace was in real danger was when national passions were aroused at a time when a dispute had just broken out between two States. Even the strongest Governments were no longer masters of the situation and were sometimes compelled to take extreme measures to fulfil the demands of inflamed public opinion. It was precisely at that moment that the need for counsels of prudence and even for measures to prevent a rupture would be felt.

There was no organisation better qualified by the high moral authority it enjoyed than the League of the Council to accomplish this high mission. The preliminary draft Convention submitted to the Committee for discussion was inspired by these ideas.

On every opportunity, both in the Committee and in the Assembly, Sweden had supported the suggestion to draw up a treaty to strengthen the means of preventing war. Now, faced with two texts, both of which contained useful elements, but neither of which appealed to be used in the manner contemplated.

In those circumstances, M. Fierlinger (Czechoslovakia) much regretted that the Committee had been unable to achieve a final solution by drawing up one single text to be submitted to the Council and to the Assembly. As it was necessary to choose between the two texts he would remind the Committee that, in one of the former meetings, he had expressed the view that the part to be played by the Council should be defined as clearly as possible. Its authority should be increased and the accomplishment of the duties incumbent upon it by the terms of the Covenant must not be forgotten. It must be effectively applied, and if need be, completed.

The government of Chile, anxious to promote the peaceful future of the world, while reserving its right to propose when the time came certain amendments to a number of articles of the Convention, fully adhered to the guiding principle contained in it. It had full confidence in the Council, and thought that the intervention of that body at a time of crisis might be, as had already proved the case in the past, the best method of safeguarding peace.

He thought, however, that the moment was come to assume a definite attitude. If so far as the two columns, to be found in Articles 2, 3 and 3bis were concerned, the Roumanian delegation preferred the text in column A.

In the first place, the provisions included in it were clear and precise. Secondly, a simple and effective form of control was set up. Finally, the third article contained a hint that sanctions would be applied, the nature of which would be decided by the Council.

The text of column A showed that the slight progress mentioned at the beginning of the Committee's work had been made. From a mere preliminary draft, which was all that the text had been in its original form, a draft Convention would emerge effective and capable of being used in the manner contemplated.

M. ANTONIADE (Roumania) did not wish to return to the discussion which had taken place. He thought, however, that the moment was come to assume a definite attitude.

In so far as the two columns, to be found in Articles 2, 3 and 3bis were concerned, the Roumanian delegation preferred the text in column A.

Viscount CECIL OF CHELWOOD (British Empire) thought that the Committee had made a step forward towards a solution of the problem, although it was evident that the draft Convention was not complete. He hoped that it would be possible between now and the next Assembly to overcome some of the difficulties which the delegations had felt in dealing with the subject, and as a slight contribution to that process he would venture to read to the Committee three short principles which his delegation thought ought to be observed, namely,

(1) It was prepared to accept the obligation of complying with any recommendation of the Council designed to safeguard peace, providing it was satisfied that it was not inconsistent with national safety;

(2) It was averse to doing anything which would, directly or indirectly, restrict or interfere with the existing powers of the Council under Article 11 of the Covenant;

(3) It could not agree to any extension of sanctions beyond those now provided for in the Covenant.

M. WESTMAN (Sweden) stated that his delegation was among those which, from the beginning — when the proposal was not, as it was to-day, the object of general interest — had supported the suggestion to draw up a treaty to strengthen the means of preventing war. On every opportunity, both in the Committee and in the Assembly, Sweden had supported that idea and it had been very glad to note in September last that the British Government considered that the moment for realising it had come and had suggested the transformation of the model treaty of 1928 into a general convention open for signature by all States.

The only possible policy should be to place in the hands of the League every possible means to maintain peace and to ensure the working of the Covenant must not be forgotten. It must be effectively applied, and if need be, completed.

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M. Massigli (France) had had occasion at previous meetings to explain at length the principles which had inspired the French delegation in the discussion of the problem submitted to the Committee. The remarkable report of which the Committee had just taken note had, on the other hand, summarised those principles. Finally, they were expressed in proposal A in the preliminary draft Convention. Therefore, he would not insist on them. Nevertheless, in thanking the delegations who had been good enough to venture to say that, although he had not been fortunate enough to obtain the support of all his colleagues for the principles defended by the French delegation, he at least congratulated himself on the turn which the debate had taken. Undoubtedly the discussion had shown the difficulties of the problem, but it had been sincere and complete. It had shown the common will to make further progress, so far as possible, in the direction of the organisation of peace with which the members of the Committee were animated. Now that the Committee's work was coming to a close, that was the only fact which M. Massigli wished to remember because it was comforting.

Dr. Göppert (Germany) recalled that the position taken up by Germany was sufficiently well known for him to be able to confine himself to a short statement. It was known that the ideas at the basis of the preliminary draft had originally been suggested by the German delegation, and now, as before, the latter attached great importance to them. It regretted that it had not been possible to reach complete agreement. In regard to the question which had raised most difficulty, that of military measures, the German delegation believed that it could support the compromise contained in proposal B. The text did not appear to it to be entirely satisfactory, but it supported that text as a compromise and with a view to approaching nearer to a general agreement, for it was only with regret that it gave up the hope of seeing its proposals adopted. Nevertheless, it realised that it was only by reciprocal concessions that a solution likely to be accepted unanimously could be found.

Dr. Göppert associated himself with the hope which had been expressed by the previous speakers. The German delegation hoped that the difficulties which still existed would be surmounted, and that on this important question agreement would soon be reached, an agreement which would mark a step forward in the work of organising peace.

M. Sokol (Poland) recalled that the Polish delegation had on several occasions intervened in the debate with a great desire to see general security strengthened by a new international undertaking. Now that the work was at an end, his delegation noted with sincere satisfaction that certain of its suggestions had been generally adopted and introduced into the text of the report and the annexes. Thus, in the case of a Convention under which a State would assume in advance a formal undertaking, it was indispensable that States should find difficulty in signing, but the very efficacy of the Convention in its practical application would be doubtful.

General de Marinis (Italy) said that from the beginning of the discussions in the Committee on a plan for a general Convention for strengthening the means of preventing war, he had stated the views of the Italian delegation on the question submitted to the Committee by the Assembly resolution of September 24th, 1929, that was to say, whether it would be possible to draw up a general draft Convention on the main lines of the model treaty drawn up at the third session of the Committee.

The German delegation in re-affirming its desire to give the Council greater facilities in any future action for preventing war — action which would be rapid and efficacious with supervision and the necessary sanctions — felt it to be its duty to submit the result of the Committee's work to its Government. It was superfluous to say that the latter would examine it with the greatest care and interest.

General de Marinis was now compelled to state that his doubts still subsisted, and had been confirmed by the discussions in the Committee and by the two very different texts submitted by the Drafting Committee.
At the beginning of the discussion, two possibilities had been put forward; one which would result in a considerable widening not only of the obligations of the contracting parties with regard to the Covenant of the League of Nations, but also of the rights and responsibilities of the Council; and the other which would involve the acceptance by the contracting parties of previous engagements of which the scope and consequence were not sufficiently laid down.

In the Drafting Committee, certain delegations, in a spirit of conciliation to which he was glad to pay tribute, had endeavoured to find formulae midway between the two possibilities. As a result, two texts had been drawn up on which the Committee was called to give an opinion. The first of these texts would, in the opinion of the Italian delegation, amount to an amendment of the Covenant, which it did not consider it opportune to make in this indirect manner, and which in any case exceeded the mandate given to the Committee on Arbitration and Security by the Assembly resolution of September 24th, 1929. The second text would perhaps mark a slight step forward, but it must be recognised that, in trying to give a contractual character to the moral engagements undertaken by the Covenant, the Committee might perhaps mark a slight step forward, but it must be recognised that, in trying to give a contractual character to the moral engagements undertaken by the Covenant, the Committee was incurring the risk of putting the Council in a very difficult situation and of making more difficult the settlement of a dispute which it was proposed to solve by pacific means.

It was perhaps desirable to explain this idea. The first paragraph of the second text was sufficiently clear, and, in consequence, the contractual obligation it contained in regard to any particular recommendation which the Council might make would be well defined. Since, however, something had to be added in regard to other possible recommendations of the Council, though it was difficult to mention them specifically, a reservation had to be made, so that the difference might become still more serious and more bitter. It was perhaps undesirable to contest those reasons, so that the Council's recommendations, it might perhaps reasonably fear that there was a risk of indirectly encouraging the parties to resist the Council's recommendations.

On the other hand, the party which saw that the Council's recommendations had not been applied by its adversary for reasons of national security would naturally be tempted to contest those reasons, so that the difference might become still more serious and more bitter.

In conclusion, little would be gained from the point of view of legal engagements and a good deal would be lost from the point of view of the moral obligation.

All these difficulties arose from having to take account in a general Convention of all the possibilities which might arise between a large number of contracting States.

Having made these remarks, he would ask whether it would not be preferable to strengthen the means of preventing war by means of special conventions which could be drawn up in a manner specifically adapted to meet the special conditions of each of the contracting parties and their relative position. Such conventions would have more effective results than would be possible within the framework of a general Convention in contributing usefully to the organisation of peace.

M. Choumenkovitch (Yugoslavia) had already had an opportunity, during the general discussion, of expressing the point of view of the Yugoslav delegation in regard to the fundamental principles which, in its opinion, should be the basis of the draft.

Thus, it was its desire to give greater precision and clearness to the document, and, at the same time, to facilitate the rôle of the Council by giving it the wider means of which it had need.

In accordance with that point of view, M. Choumenkovitch expressed the same preference as the Czechoslovak, Polish and Roumanian delegations for the French proposal, in view of the fact that the principles which they supported were crystallised in that proposal.

M. Ito (Japan) recalled that the Japanese delegation, in spite of its original attitude, was ready to collaborate in examining the possibility of generalisation referred to in the resolution adopted by the last Assembly.

In spite of the hard work and the conciliatory spirit shown on all sides, the Committee had been unable to draft a text which was acceptable to the majority of the delegations in regard to the essential points contained in the model treaty. In the opinion of the Japanese delegation, that result arose, to a great extent, from the nature of the problem. From the beginning of the work of the Committee it was understood that the whole problem of strengthening security was a regional one. When the German delegation put forward its suggestions, the Committee had decided to examine them. The result had been the drawing up of a model treaty.

The Committee had just examined once again the same problem. In view of the results of that examination the Japanese delegation was of opinion that the problem of strengthening the means of preventing war could only be usefully solved as between countries which were in similar situations, that was to say, on a regional and not on a general basis.

M. Morfoff (Bulgaria) reminded the Committee of the events of 1925. It was not for his country to state that the provisions of the Pact were insufficient. Bulgaria, however, would support any other provisions for strengthening peace.

M. Rutgers (Netherlands) recalled that, in regard to the military measures contemplated in Article 3, the delegation of the Netherlands had stated that it was in favour of the idea of including in the draft Convention only definite and limited obligations binding on States, and subject to supervision.
The Netherlands delegation especially regretted that the Committee had not been able to reach agreement regarding the obligation to cause land and air forces to respect the line of demarcation laid down by the Council.

Its views in regard to sanctions were very similar to those expressed by Lord Cecil. It had been unable completely to agree with either of the two texts presented in the preliminary draft, which would be made the object of future study by the Netherlands Government.

The Netherlands delegate noted with satisfaction that, in regard to non-military measures, an agreement had been reached. This was an appreciable step forward.

M. Raphaël (Greece) said that the Greek delegation had followed with great interest the work of the Committee. It would forward to its Government the text which had now been drafted. His Government would certainly examine it very sympathetically, for it was the work of the Committee. It would forward to its Government the text which had now been drafted.

The Greek Government had not hesitated, more particularly at the moment referred to by the Bulgarian delegate, to follow the recommendations of the Council, for its traditional policy had always been to desire peace.

M. Cornejo (Peru) wished to express the thanks of the Committee to the distinguished statesman and savant who had presided over its work with such talent and experience.

The Chairman recalled that the Turkish delegation had expressed the desire that note should be taken in the Minutes of the fact that it had abstained from discussing and voting on the draft Convention.


The Chairman, without wishing to make a closing speech, desired to point out the difficulties with which the Committee had had to deal from the first day of the discussion in regard to all the problems which had arisen, both in respect of the general Convention for the prevention of war as well as in respect of that on financial assistance. The discussion had been particularly difficult and the Drafting Committee had had to hold many meetings. The various questions had been thoroughly examined. It was impossible to try to hide the amount of disagreement. Disagreement existed, and this fact must be faced, but its importance need not be exaggerated.

If the reasons which had prevented the conclusion of complete agreement were sought, it would be found that political circumstances were, in reality, the main cause. Important problems had been discussed during the last months at the Naval Conference and at the Hague Conference. The Preparatory Commission was to meet in November and the Chairman shared the view of those who thought that this session might be the last which that Commission would hold.

All the discussion which had taken place had raised extremely important political questions which were engaging the attention of public and political circles in certain countries more particularly, but generally in all countries Members of the League.

It was invariably necessary, in such circumstances, to be calm and to wait a little in order to see more clearly. From the discussion it was possible to mark the amount of progress achieved. Several delegations had expressed the hope, shared by the Chairman, that at any rate the main difficulties could be overcome. The preliminary discussions had prepared the field, and had made it possible to discover the views of States more clearly and to define them. It was permissible, therefore, to draw the inference that the attitude of States would be definitely determined by the time the next discussion took place, and that an understanding under such conditions would be far more easily achieved.

It was not the duty of the Chairman to prejudge in any way the issue of the discussion. He would confine himself purely and simply to noting facts.

In regard to the question of armaments, in so far as aircraft were concerned, and in regard to the question of financial assistance, considerable progress had, he thought, really been achieved. Important results had been obtained. Financial assistance had, for several years been the object of serious discussions, and numerous difficulties had been met with at the outset. The Committee could not but congratulate itself on the positive results which had been obtained. It could come before the Assembly with a quiet conscience, for it had done everything in its power and had fulfilled its whole duty.

It remained to thank the members of the Secretariat, particularly M. Sugimura and all his colleagues, for the efficient aid which they had given to the Committee; the Rapporteurs, M. de Castro, M. Cobian and Baron Rolin Jaequemyns, and finally, all the members of the Committee for their continuous efforts, for the goodwill that they had shown and particularly for the good nature with which they had submitted to the soft harshness which the Chairman had been compelled to show in order to preside efficiently over the work and prevent any useless prolongation of the discussion. Such prolongation led only too often to an impasse. The members of the Committee had understood his motives and had materially assisted him to achieve appreciable results and for this he would thank them most sincerely.

Viscount Cecil of Chelwood (British Empire) said that he felt that such success as the Committee had achieved was largely due to the Chairman's extremely able conduct of the proceedings.
Draft General Convention on the General Lines of the Model Treaty
to strengthen the Means of preventing War.

ANNEX I.

CIRCULAR LETTER ADDRESSED BY THE SECRETARY-GENERAL
TO THE MEMBERS OF THE LEAGUE OF NATIONS.

C.L.288.1929.VII.

Geneva, October 23rd, 1929.

On the report of its Third Committee, the tenth Assembly decided, on September 24th,
29, to invite the Council to request the Committee on Arbitration and Security to consider
the possibility of establishing a draft general Convention on the general lines of the model
treaty1 to strengthen the means of preventing war, which Convention could be referred to the
Governments in time to enable the latter to indicate, at the eleventh Assembly, whether
they are prepared to accept it.

In pursuance of this Assembly resolution, the Council, on September 25th, 1929, decided
to ask the President of the Committee on Arbitration and Security to summon that Committee
in due course to consider this question. The Council further thought it desirable that the
Committee should be assisted as far as possible in its work by previous study and discussion.

Accordingly, the Council has instructed me to ask all Governments Members of the League
to forward as soon as possible any suggestions or observations they may wish to submit
to the Committee on Arbitration and Security with regard to this question.

ANNEX II.

REPLIES TO CIRCULAR LETTER 288.1929.VII.

C.A.S.86.

1. Reply from the Danish Government.

[Translation.]

The Danish Government considers that, since the draft model treaty to strengthen the
means of preventing war furnishes an excellent basis for negotiations, it is very desirable
that a treaty on the general lines of this model should be signed and ratified by as many
countries as possible.

When examining the details of the draft, it must be borne in mind that its underlying
ideas date back to a period before the coming into force of the Pact signed at Paris and
known as the Kellogg Pact, which contains a general veto on war, that is to say, an obligation
of a more far-reaching character than that which is to be embodied in the model treaty.

This, however, does not make it less desirable that States should accept the special
obligations laid down in the draft, according to which they would be required to comply
with certain recommendations by the Council of the League of Nations, etc. But it does
necessitate a revision of certain formulae and provisions in the draft which may appear
to presuppose a certain right to go to war — a right henceforward excluded by the coming
into force of the Kellogg Pact.

Accordingly, the Danish Government proposes the following amendments:

1. The Preamble should contain an express reference to the Kellogg Pact and to the
obligations accepted thereunder.

2. Article 3 refers to the event of hostilities having already broken out and of
the possibilities of a peaceful settlement having been exhausted. This assumption is
incompatible with the principles of the Kellogg Pact, by which States have undertaken in
no circumstances to resort to other than peaceful means for the settlement of disputes with
one another. Consequently, the Danish Government proposes the following text.

1 See document C.535.M.162.1928.IX.
"In the event of hostilities of any kind having broken out between the High Contracting Parties, for any reason whatever, the Parties undertake in all cases to comply with the recommendations which the Council, etc."

3. A dispute might arise between a State which has ratified the treaty and a State which has not ratified it, but which declares itself willing in this particular case to accept the obligations arising out of Articles 1-5 of the treaty and to comply with them.

In that case, the State which ratified the treaty ought not to be able to evade the obligations which the treaty imposes upon it. In the interests of peace it must be required to fulfil them. The Danish Government therefore proposes that in Article 6 the words "the High Contracting Parties" should be replaced by "States which have undertaken to accept the obligations of the present Treaty, either by ratification in accordance with Article 8 or by a special declaration made at the invitation of the Council of the League of Nations voted for by a majority of that body".

4. In Article 7 we propose the following addition to the present text: "or in the obligations contained in the Pact of Paris of August 27th, 1928, on the renunciation of war".

5. The Danish Government is of opinion that the treaty should enter into force as soon as possible. If the signatory States do not all consent to ratify it, it should enter into force as between those who do ratify it.

We therefore propose that the first paragraph of Article 9 should read as follows:

"The present Treaty shall enter into force for each contracting party as soon as it has deposited its ratification."

6. The Danish Government does not think that the treaty should expressly stipulate the right of the contracting parties to denounce it. The Kellogg Pact, the scope of which is much wider, contains no provision for denunciation and there is something shocking in the idea that States which have signed the Kellogg Pact or which are Members of the League of Nations may, by denouncing the treaty, secure for themselves greater freedom to engage in hostilities, when previous undertakings of a more far-reaching character entirely forbid recourse to warlike measures. Accordingly, the Danish Government suggests that Article 10 of the draft should be suppressed, and it would then be implied that the obligations in the treaty, which invest the Council of the League of Nations with a certain authority, would, of course, be conditional upon the contracting States still being Members of the League of Nations.


[Translation.]

Brussels, February 22nd, 1930.

The Belgian Government is of opinion that the model treaty to strengthen the means of preventing war ought to be considerably changed, at least in Articles 3 and 4, as a result of the adoption by the majority of the States Members of the League of Nations of the Pact of Paris for the Renunciation of War.

Articles 3 and 4 of the treaty provide for action on the part of the Council after hostilities have broken out, but a country which had recourse to arms in violation of the Pact of Paris would hardly be likely to observe the undertaking to suspend hostilities to allow of action by the Council.

Will the Committee on Arbitration and Security, without knowing the full effect of bringing the provisions of the Covenant of the League of Nations into line with those of the Pact of Paris, be in position to determine how the States Members or non-Members of the League could more effectively secure observance of their undertakings by stipulating as between themselves certain specific means of recourse to the Council to prevent the outbreak or continuance of war?

Subject to these considerations, the Belgian Government desires to say how much it appreciates, from the point of view of guarantees of security, the value of the contractual provisions of the model treaty, whereby the States which adopt it undertake, in the event of a dispute, to carry out the recommendations of the Council of the League of Nations.

(Signed) HYMANS.


[Translation.]

Geneva, February 17th, 1930.

The Hungarian Government — which is not represented on the Committee of Arbitration and Security — does not desire at present to submit any suggestions or observations with regard to the work of that Committee, but reserves the right to do so later, when the Draft General Convention has been drawn up by the Committee and communicated to the Hungarian Government.

(Signed) Zoltán BARANYAI,
Acting Chargé d'Affaires at the Royal Hungarian Delegation accredited to the League of Nations.
4. REPLY FROM THE NETHERLANDS GOVERNMENT.

C.A.S.90.
[C.P.D.192.]

Berne, February 24th, 1930.

[Translation.]

In a note enclosed with my letter No. 1609 of July 15th, 1929, the Netherlands Government forwarded to you its observations on the text of the “model treaty to strengthen the means of preventing war”, adopted by the ninth Assembly on September 20th, 1928, and I am instructed by the Minister for Foreign Affairs to inform you that these observations also apply to the draft general Convention on the lines of the model treaty.

(Signed) W. I. DOUDE VAN TROOSTWIJK.

Appendix.

Observations by the Netherlands Government dated July 12th, 1929.

The Government of the Queen has the honour to acknowledge receipt of the Secretary-General’s Circular Letter 187.1928.IX., dated November 12th, 1928, by which he forwarded to the Netherlands Government the text of a model treaty to strengthen the means of preventing war, which had been adopted on September 20th, 1928, by the ninth Assembly.

The Netherlands Government has studied this text with great interest and is glad to find itself in complete agreement with the principles on which the draft is based. It considers that it would certainly be an advantage to establish the obligation of the parties to apply the Council’s provisional recommendations with regard to the substance of the dispute and formulating conservatory measures forbidding the parties to modify to their advantage the situation de facto or de jure while the Council is dealing with the question (Article 1). It also agrees entirely with Articles 2, 3 and 4. A treaty such as that drawn up by the Committee on Arbitration and Security would, in the opinion of the Netherlands Government, be a useful complement to the provisions of the Covenant, if it were accepted by the Members of the League of Nations.

The Netherlands Government desires, however, to make certain observations which have occurred to it during its examination of the model treaty.

The expression “provisional recommendations . . . designed to prevent any measures being taken by the parties which might have a prejudicial effect on the execution of the arrangement to be proposed by the Council” obviously refers to the recommendations for conservatory measures to be made by the Council. It seems to the Netherlands Government that the word “conservatory” should be inserted in this article. It is, of course, understood that these measures could in no case affect the substance of question.

The Government of the Queen wonders whether mention should not be made in the treaty of the possibility of referring to the Permanent Court of International Justice any question of legal interpretation of the treaty, i.e., disputes as to whether the particular case provided for by the treaty has arisen. In particular, there might be a divergence of views between the Council and the contracting party as to whether the Council’s recommendation really referred to the substance of the dispute. An advisory opinion from the Court invited by the Committee on Arbitration and Security would, in the opinion of the Netherlands Government, be a useful complement to the provisions of the Covenant, if it were accepted by the Members of the League of Nations.

The Government of the Queen wonders whether mention should not be made in the treaty of the possibility of referring to the Permanent Court of International Justice any question of legal interpretation of the treaty, i.e., disputes as to whether the particular case provided for by the treaty has arisen. In particular, there might be a divergence of views between the Council and the contracting party as to whether the Council’s recommendation really referred to the substance of the dispute. An advisory opinion from the Court invited by the Council or a decision on a legal point by the Court on the Council’s request, could only strengthen the authority of the Council’s decision. It goes without saying that, if recognition of the jurisdiction of the Permanent Court of International Justice were inserted in the Convention, it must be stipulated, so that the effect of the treaty should not be rendered null and void, that the State must, in the first place, carry out the Council’s recommendation. It is also a question whether, for the case provided for in Article 1, it should not be stipulated that the Council’s recommendation would only apply during a definite period, for example, three months, and that a special decision of the Council renewing it would be necessary to maintain the recommendation.

So far as the question of the control to be exercised by the Council is concerned, the Polish delegation’s proposal seems, in the opinion of the Netherlands Government, preferable to the present drafting of Article 4.

Article 5 leaves in suspense the question of the voting procedure in the case of Article 1. It would be better to state definitely that this vote would be effected by unanimity and not by majority. With regard to the exclusion of the vote of the representatives of the parties concerned, as laid down in Article 5, it may be asked whether, in limiting Article 1 to conservatory measures, the same rule should not be applied to this article. From a drafting point of view, the expression “the vote of the representatives of the parties not counting in calculating unanimity” seems preferable.

Finally, it would perhaps be desirable not to omit in the Preamble of the new model treaty to strengthen the means of preventing war an allusion to the Pact of Paris concerning the illegality of war, with which this model treaty is in perfect harmony.

1 See Appendix.
5. REPLY FROM THE ESTONIAN GOVERNMENT.

Ministry for Foreign Affairs.

Tallinn, February 27th, 1930.

[Translation.]

The question had been carefully examined by the proper authorities in Estonia, who are in favour of a draft general Convention drawn up on the broad lines of the model treaty.

For the Minister:

(Signed) J. LEPPIK,
Director of the Political Department.

6. REPLY FROM THE SWISS GOVERNMENT.

Federal Political Department.

Berne, March 10th, 1930.

[Translation]

The Federal Council has always taken a great interest in this matter, and instructed its delegation at the ninth Assembly to give its support to the proposals of the Committee on Arbitration and Security for a model treaty on the lines suggested by the German Government to strengthen the means of preventing war.

At the same time, the Federal Council thinks that a general treaty of this kind would be of chief importance for those States which do not consider themselves free from the danger of aggression, and are consequently desirous of obtaining further guarantees of security. The Government has certain doubts as to the utility of a State like Switzerland being a party to such a Convention. If, however, as is to be hoped for the sake of general peace, the proposed Convention is established, the Federal Council would certainly consider carefully whether Switzerland should accede to it.

The Federal Council sees no objection to the future general Convention following the main lines of the model treaty adopted by the ninth Assembly of the League of Nations. In its views, however, the first article of the model treaty ought not to cover too wide a field. The authority given to a body like the Council to insist, even temporarily, on obedience to its recommendations by the two parties in dispute, should be altogether exceptional. It would seem that, with the means of peaceful settlement now available, intervention of this kind would only be justified for the prevention of actual hostilities. The Council would therefore have to be obviously face to face with a danger of war. This danger would only exist, as a general rule, if one of the parties had acted so as directly to threaten the security of the other by mobilisation, concentration of armed forces, etc. It would perhaps be better, therefore, to limit the first article by making it clear in the last clause that the Council would only make provisional recommendations to prevent "any military measures (not 'any measures') being taken by the parties which might have a prejudicial effect on the execution of an arrangement to be proposed by the Council".

Article 2 of the draft treaty lays down a principle which has become so axiomatic for the peaceful settlement of international disputes that it is not surprising to find it in a Convention for strengthening the means of preventing war. Such a provision should, however, be so drawn up or interpreted as not, for example, to be applicable against a State which mobilised its armed forces after the other party had already mobilised; otherwise, it would put a premium on aggression.

Articles 3, 4 and 5 of the model treaty could be embodied in the general Convention without change. They deal with cases where hostilities have already begun, and where it is reasonable that the Council should be empowered to make provisional decisions immediately binding on belligerents. The task is no longer to facilitate the settlement of a dispute, but to prevent the shedding of blood.

We do not think that the other articles call for any comment at the moment.

(Signed) MOTTA,
Federal Political Department.
Ministry for Foreign Affairs.

Oslo, March 14th, 1930.

[Translation.]

The Norwegian Government is in complete sympathy with the idea of such a Convention and considers that it would be a natural and effective means of supplementing the Covenant. Better results might well be obtained by a general convention to which States might become parties without special negotiations than by a model bilateral treaty.

The Norwegian Government considers that the model treaty enclosed with your letter might, in its broad lines, be used as the basis of a general convention for this purpose, subject to certain modifications in view of the Pact of Paris. It appears that — taken in conjunction with Article 5 — Article 1 of the model would be of small importance. Granted that a unanimous vote (including the votes of the representatives of the parties) is necessary, the authority of the Council would hardly be greater than that of a conciliation commission. Article 1 only lays down that the parties undertake to carry out the temporary recommendations of the Council, which their own representatives have already accepted.

The Norwegian Government is, on this account, a little doubtful whether the rules of voting laid down in Article 5 of the Convention (to the effect that any decision taken unanimously, but without the votes of the representatives of the parties, is obligatory) could not be made to embrace Article 1, notwithstanding that this would mean a deviation from the system of the model, in conformity with which Article 1 connects with paragraph 3 of Article 15 of the Covenant touching the conciliatory duties of the Council. It does not seem that the insertion of a clause to this effect, which would, moreover, be in harmony with the basic ideas of the Convention, would conflict with the terms of the Covenant of the League of Nations which govern the working of the Council (as was mentioned at the top of page 2 of document C.535.M.162.1928.IX).

When the present treaty is being drawn up, it might perhaps be made clear whether the obligations which States may have undertaken by other Conventions to submit questions of interpretation to the Permanent Court of International Justice or to a Court of Arbitration should not apply to disputes concerning the interpretation of this general Convention, in so far as its terms affect the authority of the Council of the League of Nations.

(Signed) J. L. Mowinckel.

ANNEX III.

C.A.S.98.

OBSERVATIONS OF THE BRITISH DELEGATION.

Geneva, April 28th, 1930.

His Majesty’s Government in the United Kingdom have had under consideration the draft model treaty to strengthen the means of preventing war. Owing mainly to pressure of business in connection with the London Naval Conference, they have unfortunately been unable yet to put in final form the conclusions which they have reached thereon. I am daily expecting to receive their final instructions in regard to all the points which have been under consideration.

2. It may, however, be of assistance to the Committee on Arbitration and Security, if I were to communicate to the members forthwith the views of my Government on those points in regard to which their wishes are already known to me, while reserving the right to raise other points at a later stage, when my final instructions have been received.

3. In the first place, His Majesty’s Government consider that some reference should be made in the Preamble to the Pact of Paris, and they would accordingly suggest that paragraph 2 should read: “Noting that to this end the task of the Council of the League of Nations and the purposes of the Pact of Paris in ensuring peace and conciliation might be facilitated by undertakings assumed voluntarily in advance by the States...” Similarly, they are of opinion that, in view of the existence of the Pact of Paris, Article 3 of the draft treaty should be modified by the deletion of the words “without the possibilities of a peaceful settlement having in the Council’s opinion been exhausted”. Further, in view of the fact
that this article is designed primarily to safeguard the possibility of trouble arising out of frontier incidents, they would recommend the substitution of the following words in the opening phrase: "In the event of hostile acts of any kind having been committed by one High Contracting Party against another . . ." The beginning of the article would thus read: "In the event of hostile acts of any kind having been committed by one High Contracting Party against another the High Contracting Parties undertake, etc."

4. His Majesty's Government would propose to add to Article 7 the words "... nor as imposing any obligation on the High Contracting Parties to cease or refrain from action taken in accordance with the recommendations of the Council."

5. Seeing that it is now proposed to convert the draft model treaty into a general treaty, to be opened for signature, it would appear that Articles 8 to 11 inclusive require some revision, and His Majesty's Government would suggest the substitution for them of the following:

Article 8. — The present Treaty shall come into force as soon as the Secretary-General of the League of Nations has received the ratifications or accessions on behalf of two Members of the League of Nations.

Article 9. — Ratifications or accessions received after the entry into force of the Treaty in accordance with Article 8 shall take effect as from the date of their receipt by the Secretary-General of the League of Nations.

Article 10. — After the expiration of . . . years from the coming into force of the present Treaty in accordance with Article 8, it may be denounced by an instrument in writing deposited with the Secretary-General of the League of Nations. The denunciation shall take effect six months after its receipt by the Secretary-General and shall operate only as regards the Member of the League on whose behalf it has been deposited.

The Secretary-General shall notify all the Members of the League of any denunciations received.

Article 11. — The present Treaty shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

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

6. As I have indicated above, I may shortly have further proposals to make for the modification or amendment of the draft treaty.

(Signed) CECIL.

ANNEX IV.

C.A.S.98(a).

FURTHER OBSERVATIONS OF THE BRITISH DELEGATION.

Geneva, April 29th, 1930.

In my letter of yesterday I indicated that I might have further suggestions to make for the amendment or modification of the draft model treaty to strengthen the means of preventing war.

2. His Majesty's Government in the United Kingdom, being impressed with the importance of facilitating the action of the Council under Article 11 of the Covenant for the prevention of the outbreak of hostilities, consider that a further article might be inserted, between Articles 2 and 3, as follows:

Article 2(A). — The High Contracting Parties undertake, in the event of a threat of hostilities, between them, to accept and apply such precautionary measures as the Council, acting in exercise of the powers of the League under the first paragraph of Article 11 of the Covenant, may recommend with a view to preventing an outbreak of hostilities.

3. The above completes the proposals which for the present I have to submit to the Committee.

4. I desire to add that, although the indications which I have of the general ideas of my Government enable me to make these proposals, I am not sure of being able to receive, during the discussion at the present session, their final and detailed recommendations. I must therefore reserve their right to make, if necessary, further observations at a later stage.

(Signed) CECIL.
REVISED SYNOPTIC TABLE OF THE TEXT OF THE MODEL TREATY TO STRENGTHEN THE MEANS OF PREVENTING WAR, AND OF THE OBSERVATIONS OF THE GOVERNMENTS.

Geneva, April 28th, 1930.

|---------------------------------------------------------------|

**MODEL TREATY TO STRENGTHEN THE MEANS OF PREVENTING WAR.**

**Preamble.**

(List of Heads of States)

Being sincerely desirous of developing mutual confidence by strengthening the means of preventing war;

Noting that to this end the task of the Council of the League of Nations in ensuring peace and conciliation might be facilitated by undertakings assumed voluntarily in advance by the States;

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

(List of Plenipotentiaries)

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

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<th>Observations of the Governments.</th>
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**British Empire.**

His Majesty's Government consider that some reference should be made in the Preamble to the Pact of Paris, and they would accordingly suggest that paragraph 2 should read:

"Noting that, to this end, the task of the Council of the League of Nations in ensuring peace and conciliation might be facilitated by undertakings assumed voluntarily in advance by the States..." (document C.A.S.98).

**Denmark.**

The Preamble should contain an express reference to the Pact of Paris and to the obligations accepted thereunder (document C.A.S.86).

**Netherlands.**

It would be desirable not to omit from the Preamble of the new model treaty to strengthen the means of preventing war an allusion to the Pact of Paris concerning the illegality of war with which this model treaty is in perfect harmony (document C.A.S.90).
Text submitted to the Ninth Assembly

Observations of the Governments.

**Article 1.**

The High Contracting Parties undertake, in the event of a dispute arising between them and being brought before the Council of the League of Nations, to accept and apply provisional recommendations by the Council relating to the substance of the dispute and designed to prevent any measures being taken by the parties which might have a prejudicial effect on the execution of an arrangement to be proposed by the Council.

1. Replace the expression: "provisional recommendations" by the expression "conservatory measures".

2. It should be stipulated that, in the case provided for in Article 1, the Council's recommendation would only apply during a definite period, for example, three months, and that a special decision of the Council renewing it would be necessary to maintain the recommendation (document C.A.S.90).

**Article 2.**

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.

**Article 3.**

In the event of hostilities of any kind having broken out, without the possibilities of a peaceful settlement having in the Council's opinion been exhausted, the High Contracting Parties undertake to comply with the recommendations which the Council may make to them for the cessation of hostilities, prescribing, in particular, the withdrawal of forces having penetrated into the territory of another State, or into a zone demilitarised in virtue of international treaties, and in general inviting them to respect each other's sovereignty and any obligations assumed in regard to demilitarised zones.

**Netherlands.**

1. The first article ought not to cover too wide a field. This article should only apply in the event of the Council being manifestly face to face with a danger of war. It would, perhaps, be better therefore to limit the first article by making it clear in the last clause that the Council would only make provisional recommendations to prevent "any military measures (not 'any measures') being taken by the parties which might have a prejudicial effect on the execution of an arrangement to be proposed by the Council" (document C.A.S.90).

**Switzerland.**

This article should be so drawn up or interpreted as not, for example, to be applicable against a State which mobilised its armed forces after the other party had already mobilised; otherwise, it would put a premium on aggression (document C.A.S.90).

**British Empire.**

His Majesty's Government are of opinion that, in view of the existence of the Pact of Paris, Article 3 of the draft treaty should be modified by the deletion of the words "without the possibilities of a peaceful settlement having in the Council's opinion been exhausted". Further, in view of the fact that this article is designed primarily to safeguard the possibility of trouble arising out of frontier incidents, they would recommend the substitution of the following words in the opening phrase: "In the event of hostile acts of any kind having been committed by one High Contracting Party against another". The beginning of the article would thus read: "In the event of hostile acts of any kind having been committed by one High Contracting Party against another, the High Contracting Parties undertake, etc." (document C.A.S.98).

**Belgium.**

The model treaty ought to be considerably changed, at least in Articles 3 and 4, as a result of the adoption by the majority of the States Members of the League of Nations of the Pact of Paris for the Renunciation of War.

Articles 3 and 4 of this treaty provide for action on the part of the Council after hostilities have broken out. But a country which had recourse to arms in violation of the Pact of Paris would hardly be likely to observe the undertaking to suspend hostilities to allow of action by the Council (document C.A.S.90).

**Denmark.**

Replace the present wording by the following text: "In the event of hostilities of any kind having broken out between the High Contracting Parties for any reason whatever, the parties undertake in all cases to comply with the recommendations which the Council, etc." (document C.A.S.86).
### Article 4.

High Contracting Parties between whom hostilities may have broken out undertake to lend themselves to any action which may be decided upon by the Council with a view to ensuring the observance and execution of the measures it may have recommended in conformity with Article 3.

### Article 5.

In the cases referred to in Articles 3 and 4, the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the members other than the representatives of the parties which have engaged in hostilities.

### Article 6.

The provisions of the present Treaty shall only apply on the basis of reciprocity, i.e., in respect of disputes between the High Contracting Parties.

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<th>Country</th>
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<tr>
<td><strong>Belgium.</strong></td>
<td>Same observation as for Article 3.</td>
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<tr>
<td><strong>Netherlands.</strong></td>
<td>The proposal made by the Polish Delegation seems preferable to the present drafting of Article 4 (document C.A.S.90).</td>
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<tr>
<td><strong>Norway.</strong></td>
<td>The rules of voting laid down in Article 5 (to the effect that any decision taken unanimously, but without the votes of the representatives of the parties is obligatory) could perhaps be extended also to Article 1 (document C.A.S.90).</td>
<td></td>
</tr>
<tr>
<td><strong>Denmark.</strong></td>
<td>Replace the words “the High Contracting Parties” by “States which have undertaken to accept the obligation of the present Treaty either by ratification 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” (document C.A.S.86).</td>
<td></td>
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1. During the third session of the Committee on Arbitration and Security the Polish delegation proposed the following wording for Article 4:

> "The High Contracting Parties, considering that the provisions referred to above will not be effective unless accompanied by a system of prompt control, undertake forthwith to conform to such measures of supervision as may be applied by the direction of the Council" (see document C.535.M.162.1928.IX).

Article 7.

The present Treaty may not be interpreted as entailing any change in the task of the Council of the League of Nations as laid down in the Covenant.

Article 8.

The present Treaty shall bear to-day's date; it shall be ratified. The instrument of ratification shall be forwarded to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League.

Article 9.

The present Treaty shall enter into force as soon as all the ratifications have been deposited. The present Treaty, done in one copy, shall be deposited in the archives of the League of Nations. The Secretary-General of the League of Nations shall be requested to deliver certified true copies to all the High Contracting Parties.

Article 10.

The present Treaty shall be concluded for a period of . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Observations of the Governments.

BRITISH EMPIRE.

His Majesty's Government would propose to add to Article 7 the words "nor as imposing any obligation on the High Contracting Parties to cease or refrain from action taken in accordance with the recommendations of the Council" (document C.A.S.98).

DENMARK.

Add to the present text the following words: "Nor the obligations contained in the Pact of Paris of August 27th, 1928, on the Renunciation of War" (document C.A.S.86).

BRITISH EMPIRE.

"The present Treaty shall come into force as soon as the Secretary-General of the League of Nations has received the ratifications or accessions on behalf of two Members of the League of Nations" (document C.A.S.98).

DENMARK.

The first paragraph of Article 9 to read as follows: "The present Treaty shall enter into force for each contracting party as soon as it has deposited its ratification" (document C.A.S.86).

BRITISH EMPIRE.

"Ratifications or accessions received after the entry into force of the Treaty in accordance with Article 8 shall take effect as from the date of their receipt by the Secretary-General of the League of Nations" (document C.A.S.98).

DENMARK.

"The Secretary-General shall notify all the Members of the League of any denunciations received" (document C.A.S.98).

BRITISH EMPIRE.

"After the expiration of . . . years from the coming into force of the present Treaty in accordance with Article 8, it may be denounced by an instrument in writing deposited with the Secretary-General of the League of Nations. The denunciation shall take effect six months after its receipt by the Secretary-General and shall operate only as regards the Member of the League on whose behalf it has been deposited. "The Secretary-General shall notify all the Members of the League of any denunciations received" (document C.A.S.98).
Text submitted to the Ninth Assembly

Observations of the Governments

Article 11.

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

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

DONE at... on...

British Empire.

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

"IN FAITH WHEREOF the above-mentioned plenipotentiaries have signed the present Treaty" (document C.A.S.98.)

General Observations.

Netherlands.

Mention should perhaps be made in the treaty of the possibility of referring to the Permanent Court of International Justice any question of legal interpretation of the treaty, i.e., disputes as to whether the particular case provided for by the treaty has arisen. In particular, there might be a divergence of views between the Council and the High Contracting Party as to whether the Council’s recommendation really referred to the substance of the dispute. An advisory opinion from the Court invited by the Council or a decision on a legal point by the Court on the Council’s request, could only strengthen the authority of the Council’s decision. It should, however, be stipulated that the State must in the first place carry out the Council’s recommendation (document C.A.S.90).

Norway.

(1) Certain modifications should be introduced in view of the Pact of Paris.

(2) It might perhaps be made clear whether the obligations which States may have undertaken by other conventions to submit questions of interpretation to the Permanent Court of International Justice or to a Court of Arbitration should not apply to disputes concerning the interpretation of this general convention, in so far as its terms affect the authority of the Council of the League of Nations (document C.A.S.90).
ANNEX VI.

PROPOSALS BY THE GERMAN DELEGATION.

Geneva, April 30th, 1930.

1. Insert after Article 2 the following new article:

"Article 2bis.

Should a dispute become so acute that the commencement of hostilities is to be feared, the High Contracting Parties undertake to accept and carry out the recommendations made by the Council for the purpose of fixing (in order to avoid the danger of direct contact between the troops of the conflicting parties) on the territory of each of these parties a line of demarcation which must not be crossed by the land or air forces of the country in question.

As regards naval forces or air forces employed at sea, the High Contracting Parties undertake to take, on the recommendation of the Council, all steps they may deem necessary to ensure that these forces shall refrain from any act of hostility and any action likely to lead to acts of hostility on the part of the other party."

2. Article 3 to be worded as follows:

"Article 3.

In the event of hostilities of any kind having broken out, the High Contracting Parties undertake to accept and carry out the recommendations which the Council may make to them for the cessation of hostilities by fixing, in particular (in order to avoid the danger of direct contact between the troops of the conflicting parties), on the territory of each of the parties to the conflict, a line of demarcation, to within which the forces outside the line must be withdrawn and which may not be crossed by the land and air forces of the country in question.

As regards the naval forces and air forces employed at sea, paragraph 2 of Article 2bis shall apply."

ANNEX VII.

REPORT SUBMITTED BY HIS EXCELLENCY BARON ROLIN JAEQUEMYNS.

The Committee on Arbitration and Security was requested by the Assembly and the Council to consider whether it would be possible to prepare a draft General Convention on the lines of the model treaty to strengthen the means of preventing war; this draft might be submitted to the Governments soon enough to enable them to state at the eleventh ordinary session of the Assembly whether they are prepared to accept it.

It is perhaps desirable to recall the fact that the question of strengthening the means of preventing war was examined by the Committee on Arbitration and Security at its second and third sessions on the basis of the suggestions submitted by the German delegation. It did not appear possible at that date to frame a draft General Convention, and the outcome of the Committee's examination was a model treaty, in regard to which the Assembly of 1928 expressed the hope that it might usefully serve as a basis for States desiring to conclude a treaty of this kind. The resolution of the Assembly of 1929 instructing the Committee to re-examine the question was the outcome of the British delegation's initiative in the matter.

At its fourth session, the Committee examined at considerable length the conditions under which it could best carry out the task entrusted to it by the last Assembly. This examination was based on the model treaty itself and on various observations and proposals transmitted to it by a number of Governments both before the opening of the session and during the discussion.

The lengthy exchange of views which took place in the Committee revealed the fact that the transformation of the model treaty into a General Convention raised a certain number of problems of great importance and of an extremely delicate nature. Certain delegations even doubted the desirability of converting the model into a General Convention.

As regards some of these problems, the Committee succeeded in reconciling the various points of view; but in the case of others, and, in particular, the problem of the more or less compulsory character of the military measures recommended by the Council and that of supervision and sanctions, it was unable to make uniform proposals.

Owing to these difficulties, the Committee could only prepare a preliminary draft Convention, setting out the texts representing the two main tendencies in regard to Articles 2, 3 and 3bis. Each of these two texts was supported by a number of delegations; other delegations made intermediate proposals, or abstained or made reservations.
Certain delegations propose that the Preamble of the Convention should include a reference to the Paris Pact signed on August 27th, 1928. The Committee unanimously found that any action designed to strengthen the means of preventing war was necessarily in accordance with what was intended when the Paris Pact was drawn up and signed; but it did not think it desirable to include an explicit reference to this matter in the Preamble of a Convention which relates primarily to the pacificatory and conciliatory action of the Council of the League of Nations, more particularly since a number of States Members of the League have not yet acceded to the Paris Pact and, moreover, some of the Powers which signed the Pact are not Members of the League.

Ad Article 1.

The Committee decided to combine the provisions of Articles 1 and 2 of the model treaty into a single article. The High Contracting Parties thus agree to obey any recommendation of the Council designed to prevent the aggravation of the dispute. The Committee was anxious, however, to make it clear that the conservatory measures in question must relate to the actual subject of the dispute and must be of a non-military character. Military measures form the subject of Article 2 of the Convention.

It was proposed that the Committee should include in Article 1 a provision to the effect that the conservatory measures prescribed by the Council should have a limited duration — e.g., three months. The Committee agreed that the measures contemplated in this article are of an essentially provisional character and must therefore be of limited duration. It did not, however, think it possible to lay down in the Convention itself a maximum period to be applicable in all contingencies which might arise, as these might take most varied forms. It must, therefore, be left to the Council to fix the duration in each individual case; moreover, the duration can always be prolonged if circumstances render it necessary.

The Committee’s attention was further drawn to the fact that Article 1 might involve a duplication of powers if the Permanent Court of International Justice, an Arbitral Tribunal or a Conciliation Commission were asked to deal with a dispute and if, under an existing agreement between the High Contracting Parties concerned, those organs were empowered to order conservatory measures. The Committee desires to point out in this connection that Article 1 cannot come into play unless the dispute has been referred to the Council, and that the Convention is not intended to change in any way the conditions under which a dispute may be referred to the Council; these conditions are the outcome of the Covenant and cannot be limited by particular conventions. In most cases, the Council will very possibly find the conservatory measures ordered by the Court, by an Arbitral Tribunal or by a Conciliation Commission to be quite sufficient. The Council, however, must be allowed the right to contemplate other conservatory measures, in view of the different and essentially political character of its intervention.

Ad Article 2.

Two main currents of opinion were revealed in the Committee regarding the provisions to be included in this article.

Recalling the German suggestions to which the draft owes its origin and which involved very important preliminary undertakings, certain delegations expressed the view that, while they thought it impossible to assume indefinite obligations in advance, they nevertheless considered it essential, if real progress was to be made in regard to the present state of affairs, that the Convention should include limited but precise undertakings, the general powers as to recommendations conferred on the Council by Article 11 of the Covenant being in any case safeguarded. They would therefore have to be simple and clear measures, easy to supervise and such that, if violated, there would be no uncertainty as to the consequences. The delegations in question further pointed out that, as it is a General Convention and not a model regional treaty, the measures in question would have to apply to all cases which might arise and must therefore relate, not only to land forces, but also to naval and air forces.

It is with a view to these considerations that the wording in the first column of Article 2 is drafted. It was proposed by the French delegation and supported by certain other delegations.

Further, a number of delegations, although prepared to accept the obligation to comply with all the recommendations of the Council for safeguarding peace which were not incompatible with the national security, expressed the fear that, if the measures which could be taken by the Council were enumerated, there might be a danger of weakening the general powers devolving upon the Council under Article 11 of the Covenant. If the Council were led to recommend measures not explicitly provided for in the Convention, the parties might, by appealing to the definite engagements contracted by them, refuse to apply such measures, and might thereby weaken the moral obligation incumbent upon them under Article 11 of the Covenant.

A few delegations therefore proposed the text given in the second column of Article 2. The A few of the measures capable of diminishing the threat of war or ending it is left to the discretion of the Council. The parties’ undertaking to comply therewith is absolute as regards the measures prescribing the withdrawal of forces having penetrated into the territory of another State or into a zone demilitarised in virtue of international treaties. As
regards the other measures, the parties cannot refuse to obey the Council unless they consider that the measures are incompatible with their national security. In such a case the parties must, however, at once inform the Council of the reasons for their refusal to comply with its recommendations.

One delegation also proposed that the parties might take the same attitude if they thought their case was one of legitimate self-defence. This suggestion, however, was not supported by other delegations.

The two texts proposed thus agree in providing that the measures to be prescribed by the Council for the withdrawal of forces having penetrated into the territory of another State or into a zone demilitarised in virtue of international treaties must be binding upon the parties in all circumstances.

The Committee also unanimously agree that, whatever the wording ultimately adopted for Article 2, the general powers held by the Council under Article 11 of the Covenant cannot be restricted or weakened by the Convention. Such is the object of Article 6.

Ad Article 3.

The question of the supervision of measures recommended by the Council depends largely upon the solution adopted for Article 2.

Proposal A is, in the opinion of the delegations which supported it, the necessary outcome of the new responsibility devolving upon the Council under Article 2. In all cases the Council will supervise the carrying out of the measures it prescribes.

Proposal B regarding Article 3 is connected with proposal B of Article 2. The High Contracting Parties agree to comply with any action on the part of the Council consisting in the dispatch to the spot of representatives to ensure the execution of the measures prescribed. It is for the Council to determine in what cases it will consider recourse to such supervision necessary.

Ad Article 3bis.

The delegations which proposed the texts appearing in the first column of Articles 2 and 3 considered it essential to specify in the Convention the consequences of a violation of the measures recommended by the Council; these consequences may, in certain particularly serious cases, involve an obligation on the part of the High Contracting Parties to consider the violation as a flagrant and unprovoked aggression and as a recourse to war within the meaning of Article 16 of the Covenant.

Other delegations considered that the proposed Convention must necessarily retain its preventive character and must therefore not contain any stipulation which would come within the province of Article 16 of the Covenant.

Ad Article 4.

The Committee was of opinion that the provisions regarding the Council's methods of voting should be extended, not only to Articles 2 and 3, but also to Article 1. If this stipulation were not extended to Article 1, that article would have little practical value, since the parties would retain the power to stop any useful action by the Council simply by voting against it.

One delegation proposed the addition to Article 4 of a provision whereby any juridical disputes which may arise between the Council and any of the High Contracting Parties should be referred for an advisory opinion to the Permanent Court of International Justice.

The Committee did not see its way to adopt this suggestion, as it might give rise to difficulties of a constitutional nature.

Ad Article 5.

This article lays down the principle of reciprocity. One Government proposed that the Committee should establish in this article that the provisions of the Convention should apply, not only between the High Contracting Parties themselves, but also between the High Contracting Parties and any States which, on the invitation of the Council, may have assumed the obligations of the Convention for a special case.

The Committee could not see its way to accept this suggestion. It did not consider it desirable to allow States to accept the obligations imposed by the Convention only for certain concrete cases. The formal clauses of the Convention, moreover, are so drafted as to make accession possible at any time, even after the Convention has come into force. Such accession, however, must be a general one — i.e., must apply to all cases which may arise during the period of validity of the Convention.

Ad Articles 7 to 14 (Formal Clauses).

The text of the formal clauses (embodied in Articles 7 to 14) was prepared on the model of other general conventions recently approved.

The Committee could not see its way, however, in the present circumstances to decide how many ratifications or accessions would be required in order to bring the Convention into
force. As, however, it is a convention on security, the Committee thought it necessary to include in Article 11 a provision whereby each of the High Contracting Parties may, setting aside any other reservations, render the entry into force of the Convention, in so far as it itself is concerned, subject to ratification or accession by certain States named by it.

One delegation proposed the inclusion of a clause whereby the Convention could be signed by the delegates at the Assembly of the League of Nations. The Committee thought, however, that there was no need to include such a clause in the draft, as the Governments would be wholly free to give their delegates full powers in this respect; this, indeed, has already been done in several cases.

The Committee on Arbitration and Security, having thus acquitted itself, as far as possible, of the task entrusted to it by the Assembly's resolution, would suggest that the preliminary draft Convention, the Committee's report, and the Minutes, be communicated to the Members of the League for their information.

ANNEX VIII.

A.11.1930.VII. — Extract.

[C.A.S.110.]

PRELIMINARY DRAFT GENERAL CONVENTION TO STRENGTHEN THE MEANS OF PREVENTING WAR.

[Names of the High Contracting Parties.]

Being sincerely desirous of developing mutual confidence by strengthening the means of preventing war,

Noting that for this purpose the task of the Council of the League of Nations in ensuring peace and conciliation might be facilitated by undertakings assumed voluntarily in advance by the States,

Have decided to conclude a convention and have for that purpose appointed as their plenipotentiaries:

[Designation of Plenipotentiaries.]

Who, having deposited their full powers found in good and due form, have agreed as follows:

Artide 1.

The High Contracting Parties undertake, in the event of a dispute arising between them and being brought before the Council of the League of Nations, to accept and apply the conservatory measures of a non-military nature relating to the substance of the dispute which the Council, acting in accordance with the powers conferred on it by the Covenant of the League of Nations, may recommend with a view to preventing the aggravation of the dispute.

Artide 2.

Proposal A.

In the cases mentioned in Article 11, paragraph 1, of the Covenant of the League of Nations, and without prejudice to the application of Article 16 of the Covenant, the High Contracting Parties undertake to comply with the measures which the Council may prescribe with a view to:

(a) The withdrawal of forces having penetrated into the territory of another State, or into a zone demilitarised in virtue of international treaties;

(b) The withdrawal of naval forces beyond certain geographical limits which will be fixed by the Council for this purpose, the naval forces of the two parties, however, retaining full liberty of movement beyond those limits, and the prohibited zones allowing of the necessary communications being maintained between the various territories under the authority of each party;

Proposal B.

If, in the event of a threat of war, the Council, acting in virtue of the provisions of Article 11 of the Covenant of the League of Nations, recommends the withdrawal of the forces of one of the High Contracting Parties having penetrated into the territory of another State or into a zone demilitarised in virtue of international treaties, the High Contracting Parties undertake to comply therewith without delay.

Each High Contracting Party also undertakes to conform to any other recommendation which the Council may make to it with a view to reducing the threat of war or to ending it in so far as it does not consider such recommendation incompatible with its national security; in such a case, however, it shall at once inform the Council of the grounds for its refusal to comply with the recommendation.
(c) The prohibition of military or civil aircraft of the High Contracting Parties concerned to fly over frontiers on or near which the Council shall think fit to take such measure.

If, on the frontier concerned, there is no zone demilitarised in virtue of international treaties, the High Contracting Parties further undertake to comply with any other measures which the Council may prescribe to prevent contact between the land or air forces, provided this does not involve the withdrawal of these forces further back than the exterior limits of the defence organisations of any kind existing on the frontiers of the High Contracting Parties concerned at the time when the Council of the League takes these measures.

Article 3.

Proposal A.

As soon as they shall have been notified of the measures decided upon by the Council in application of Article 2, the High Contracting Parties concerned shall take all steps to ensure their execution without delay.

If, owing to special circumstances or to hostilities acts by the other party one of the High Contracting Parties thinks it necessary, it may inform the Council that it is postponing the total or partial execution of the prescribed measures until the arrival on the spot of the Commissioners instructed by the Council to supervise the execution of the measures which it has prescribed for the two parties.

The High Contracting Parties undertake to grant these Commissioners all facilities for the performance of their task, whether on land or on board their respective naval forces.

The rules to be followed for the composition and working of Commissions of Control shall be embodied in executive regulations which shall be prepared by the competent organs of the League of Nations, so as to enter into force at the same time as the present Convention.

Proposal B.

If, in the cases provided for in Article 2 above and for the purpose of satisfying itself that the prescribed measures have been carried out, the Council of the League of Nations, decides to send representatives to the spot, the High Contracting Parties undertake to lend themselves to any action of the Council to this effect.

Article 3bis.

Proposal A.

If any violation of the measures defined in Article 2 is noted by the Commissioners mentioned in Article 3 and continues in spite of the Council's injunctions, the Council shall notify the measures to be taken to put an end to the said violation and the High Contracting Parties undertake to comply with the recommendations it may make to them on this matter.

Should one of the parties concerned be guilty of a deliberate and persistent violation of the prescribed measures and open or resume hostilities, without the Commissioners appointed by the Council finding the other party guilty of a similar violation of the Council's prescriptions, the High Contracting Parties shall consider the action so taken as a flagrant and unprovoked act of aggression and as a resort to war within the meaning of Article 16 of the Covenant. In such case they agree for their part to comply with the provision of the said article as against the offending State.
Article 4.

In the cases referred to in Articles 1, 2 and 3, the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the members other than the representatives of the parties to the dispute.

Article 5.

The provisions of the present Convention shall only apply as between the High Contracting Parties.

Article 6.

The present Convention may not be interpreted as restricting the task or the powers of the Council of the League of Nations as laid down in the Covenant.

Article 7.

The present Convention shall remain open until (date) . . . . for signature on behalf of any Member of the League of Nations or of any non-Member State to which the Council of the League of Nations has communicated a copy of the Convention for this purpose.

Article 8.

As from . . . . (date) any Member of the League of Nations and any non-Member State mentioned in Article 7 on whose behalf the Convention has not been signed before that date may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 7, indicating the date of the deposit of the instrument.

Article 9.

A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of . . . . Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General of the League of Nations to each Member of the League of Nations and to each non-Member State mentioned in Article 7.

Article 10.

The present Convention shall enter into force on the . . . . day after the date of the procès-verbal mentioned in Article 10 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Convention shall enter into force on the . . . . day after the date of the deposit of a ratification or accession on its behalf.

Each of the High Contracting Parties shall have the right to inform the Secretary-General of the League of Nations at the moment of the deposit of his ratification or of the notification of his accession, to the exclusion of all other reservations, that he makes the entry into force of the Convention, in so far as he is concerned, conditional on ratification or accession on behalf of certain countries named by him.

Article 11.

The present Convention may be denounced after the expiration of . . . . years from its coming into force in accordance with Article 11.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 7.

Each denunciation shall take effect . . . . after the receipt by the Secretary-General of the notification, but only as regards the Member of the League or non-Member State on whose behalf it has been notified.
Article 13.

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 14.

The French and English texts of the present Convention shall both be authoritative.

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

Done at . . . . . . . . . . . . on the . . . . . . . . . . . . . . . . . . . . in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and to any non-Member State to which the Council of the League of Nations has communicated a copy of the present Convention in accordance with Article 7.

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Financial Assistance.

ANNEX IX.

C.A.S.91.

[Translation.]

MEMORANDUM BY THE DANISH GOVERNMENT.

The Danish Government has studied with great interest the proposal for a Convention for Financial Assistance to States Victims of Aggression, and desires to express its high appreciation of the initiative taken by the Finnish Government in the matter. The idea of creating a feeling of security not based on military armaments has the entire sympathy of the Danish Government, but it cannot be denied that the proposed scheme gives rise to certain misgivings.

The League Covenant is based on the idea that in the event of a violation of the Covenant the Council will take any action that may be deemed wise and effectual to safeguard the peace. It is difficult to foresee under what circumstances a violation may occur and what rules will be most appropriate to the particular case. The Danish Government therefore feels that there is a tendency to exaggerate the importance of framing rules in advance to apply to breaches of the Covenant; on the other hand, it does not underestimate the importance of investigating what means can be used in such a case.

In serious conflicts the proposed Convention will be of little practical value, but in less dangerous disputes it may possibly have some utility. Nevertheless, the Danish Government cannot be expected to agree to enter into any engagements in excess of those already embodied in the Covenant until a reduction of armaments has taken place. Denmark cannot therefore adhere to this scheme, unless the entry into force of this Convention is made subject to the adoption and entry into force of the General Convention for the Reduction and Limitation of Armaments.

From the point of view of principle, the Danish Government feels some doubt as to the utility of affording financial assistance in the case of a threat of war. Apart from the difficulty of deciding which is the threatened State, the Council, in pronouncing upon that point, will not have that complete impartiality which is desirable in a mediator between States. If, on the other hand, the Council defers rendering financial assistance until it had attempted mediation, it is highly probable that the assistance will lose much of its value. The Danish Government is, however, prepared to agree to the granting of financial assistance to a State threatened with aggression on condition that, before such assistance is granted, the Council shall have tried every appropriate means to bring the dispute to an end through mediation or in any other way. A further condition in every case where there is any question of granting financial assistance — whether there is an actual aggression or merely a threat of aggression — must be that the State concerned shall have bound itself in advance to accept and carry out such provisional measures as the Council may decide upon with the object of preventing any aggravation of the situation or restoring peace, and to accept the Council's mediation, judicial decision or arbitration.
Further, some anxiety is felt at the fact that a departure is made from the principle laid down in Article 4 of the Covenant, in that, according to the proposal under consideration, the Council will be able to reach a decision and impose financial obligations on the individual Members of the League without those States that are not Members of the Council having any opportunity of participating in the Council’s deliberations and decisions.

Lastly, the Danish Government considers it desirable that it should be laid down in the Convention that the Council’s decision to guarantee a loan in any particular case shall be conditional upon the State concerned having ratified or acceded to the General Disarmament Convention.

ANNEX X.

MEMORANDUM BY THE BRITISH GOVERNMENT


I am directed by Mr. Secretary Henderson to inform you that His Majesty’s Government in the United Kingdom of Great Britain and Northern Ireland have had under consideration the draft Convention for Financial Assistance, as presented to the Assembly in September last by the Financial Committee of the League of Nations, which is shortly to be examined by the Committee on Arbitration and Security, in co-operation with the Financial Committee, in order that a final text may be drawn up to be submitted for the approval, either of a special conference, or at the latest, for that of the next Assembly. His Majesty’s Government are prepared generally to accept that draft, subject to certain modifications, of which the principal are explained below.

2. His Majesty’s Government are of opinion that Article 1 of the draft Convention should be amended to read as follows:

“IN CASE OF WAR.

(a) If a State, in violation of its international obligations, resorts to war against a High Contracting Party, the Council, seized in virtue of the Covenant, and at the request of that party, may decide that the financial assistance provided for in the present Convention shall be accorded to the said contracting party.

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

Before granting financial assistance, the Council shall try to use all appropriate measures to stop the conflict by mediation or other means.

“THREAT OF WAR.

(c) The financial assistance referred to in paragraphs (a) and (b) of the present article shall only be granted by the Council if the State involved:

(1) Accepts and applies the provisional recommendations which may be made by the Council with a view to preventing the aggravation of the situation or to the re-establishment of peace; and

(2) Accepts the Council’s mediation or the arbitral or judicial settlement of the disputes.

REFUSAL OF SUPPORT.

(d) Without prejudice to the obligations arising from Article 16 of the Covenant, the High Contracting Parties undertake to give no help, direct or indirect, to any Powers that may be involved in hostilities against a High Contracting Party to which the financial assistance provided for in the present Convention has been accorded in connection with the said hostilities or with the dispute out of which they arose.”

3. His Majesty’s Government also consider that an article, similar to that set out below, should be added to the draft Convention:

“CONNECTION WITH DISARMAMENT.

The present Convention shall not come into force until a general Disarmament Convention, in accordance with Article 8 of the League Covenant, has been brought into operation. The present Convention shall cease to have effect as soon as the general Convention ceases to be operative.”
"It is also to be a condition that no country which is not a party to such Disarmament Convention or which shall fail to carry out its obligations of such a Convention, shall be entitled to the benefits under the present Convention."

4. Mr. Henderson would be glad if the views of His Majesty's Government could be made known, in due course, to the members of the Committee on Arbitration and Security, in order that, by this means, time may be saved proportionately in the discussions of the Committee.

(Signed) C. Howard Smith.

ANNEX XI.

C.A.S.102.

PROPOSAL BY THE FINNISH DELEGATION

Geneva, April 30th, 1930.

Article 1.

If a State, in violation of its international obligations, resorts to war against a State which is a party to the present Convention, the Council, at the request of that party, should decide that the financial assistance provided for in the present Convention shall be accorded to it. The financial assistance may be made subject to the condition that the said State shall undertake for its part to accept a judicial settlement of the dispute.

In the event of an imminent danger of rupture, the Council may accord financial assistance to a State which has applied to the Council for this purpose, if the circumstances show that the applicant State is obviously threatened by another State, and on condition that the applicant State undertakes to accept the Council's mediation or the judicial or arbitral settlement of the dispute.

If the Council, in pursuit of its duty under the Covenant and acting within the limits of the rights it derives either from the Covenant or from general or special conventions applicable to the case, shall, in any international dispute likely to lead to a rupture, have taken action to prevent the aggravation of the situation and to safeguard peace, and if either of the parties obstructs the Council's measures, the Council may declare that it will accord the financial assistance to the other contracting party to the present Convention. The financial assistance, however, may be made subject to the condition that the State to which it is accorded shall give a previous undertaking to accept the peaceful settlement of the dispute or the putting into execution of any provisional recommendations which the Council may make with a view to safeguarding peace.

Additional Article to Article 1.

Without prejudice to the obligations arising from Article 16 of the Covenant, the High Contracting Parties undertake to give no help, direct or indirect, to any Powers that may be involved in hostilities against a High Contracting Party to which the financial assistance provided for by the present Convention has been accorded.

ANNEX XII.

A.15.1930.VII. — Extract.
[C.P.D.190.]
[C.A.S.88 and Addenda.]

SYNOPTIC TABLE OF THE TEXTS AND SUGGESTIONS SUBMITTED IN REGARD TO THE DRAFT CONVENTION ON FINANCIAL ASSISTANCE CONTAINING THE PRELIMINARY DRAFT SUBMITTED TO THE TENTH ASSEMBLY, THE SUGGESTIONS MADE IN THE THIRD COMMITTEE OF THE TENTH ASSEMBLY, THE PROPOSALS AND OBSERVATIONS OF THE FINANCIAL COMMITTEE AT ITS THIRTY-SEVENTH SESSION, AND THE SUGGESTIONS SUBMITTED BY GOVERNMENTS TO THE COMMITTEE ON ARBITRATION AND SECURITY AT ITS FOURTH SESSION.

Note by the Secretariat.

The draft Convention on Financial Assistance has already appeared on the agenda of the Committee on Arbitration and Security, at its second and third sessions, in accordance with a resolution adopted by the Eighth Assembly (document C.P.D.94).
After examination of the said draft, the Committee on Arbitration and Security expressed a desire that the Ninth Assembly should give its opinion on certain questions of principle (document C.354-M.1928.IX).

The Ninth Assembly gave its directions (document C.P.D.133) in accordance with which a text submitted to the Tenth Assembly (document C.69.1020.II).

The Tenth Assembly had this draft examined by the Third Committee and thereafter adopted the following resolution (document A.69.1929.IX):

"The Assembly:

"Having examined the draft Convention on Financial Assistance drawn up by the Financial Committee,

"Noting that the determination of the cases 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;

"Taking into consideration the various amendments which have been submitted, several of which necessitate adjustment in the technical machinery of the plan of assistance, whereas others are of a political character;

"Requests the Council to take steps to ensure the early establishment of a complete text capable of being submitted to States for signature at the earliest possible date.

"It accordingly suggests that the Council should instruct the Committee on Arbitration and Security to draw up this text in co-operation with the Financial Committee. The text would, after it had been communicated to the Governments, be submitted for the approval either of a special conference or at the latest for that of the next Assembly."

The Council gave effect to this resolution by its decision of September 24th, 1929 (P.V.3, Fifty-seventh Session of the Council).

In accordance with the instructions it had received, the Financial Committee, during its thirty-seventh session, discussed the draft Convention in the light of the observations made in the Third Committee of the last Assembly. It submitted its conclusions in the report reproduced in document C.A.S.87.

With a view to ensuring practical co-operation with the Committee on Arbitration and Security, as provided for by the Council and the Assembly, the Committee appointed M. de Chalendar, M. Janssen, M. Pospisil and Sir Henry Strakosch to assist in drafting the text which the Committee on Arbitration and Security is to prepare.

The annexed synoptic table, which was prepared by the Secretariat, gives the draft Convention submitted to the Tenth Assembly, the suggestions made in the Third Committee, the proposals and observations made by the Financial Committee at its thirty-seventh session, and the suggestions submitted by Governments to the Committee on Arbitration and Security at its Fourth Session.

<table>
<thead>
<tr>
<th>Text submitted to the Tenth Assembly</th>
<th>Third Committee of the Tenth Assembly</th>
<th>Financial Committee</th>
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</table>

**DRAFT CONVENTION ON FINANCIAL ASSISTANCE.**

**PREAMBLE.**

(Heads of States.)

Recognising the importance of creating a system of financial assistance to be given in the event of war or threat of war with a view to restoring or safeguarding the peace of nations;

Considering that this object may best be achieved by means of an international convention;

Have appointed as their plenipotentiaries for this purpose:

Who, having communicated their full powers, found in good and due form, have agreed as follows:
### Third Committee of the Tenth Assembly.

**Additional Article to Article I.**

*Proposal by the French delegation, supported by the Spanish, Finnish and Netherlands delegations, to add the following article to the Convention:*

> "Without prejudice to the obligations arising from Article 16 of the Covenant, the High Contracting Parties undertake to give no help, direct or indirect, to any Powers that may be involved in hostilities against a High Contracting Party to which the financial assistance provided for by the present Convention has been accorded."

<table>
<thead>
<tr>
<th>Financial Committee</th>
<th>Observations by the Governments.</th>
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<tbody>
<tr>
<td><strong>Additional Article to Article I.</strong></td>
<td><strong>Ad additional Article to Article I.</strong></td>
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<tr>
<td>The Financial Committee considers that, from a financial point of view, a clause of this kind is desirable and that it logically follows from the main intention of the Convention.</td>
<td>The Finnish Government proposes the text submitted by the French delegation to the Tenth Assembly, which is shown opposite.</td>
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<tr>
<td><em>Text proposed by the British Government:</em></td>
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<tr>
<td>&quot;Without prejudice to the obligations arising from Article 16 of the Covenant, the High Contracting Parties undertake to give no help, direct or indirect, to any Powers that may be involved in hostilities against a High Contracting Party to which the financial assistance provided for in the present Convention has been accorded in connection with the said hostilities or with the dispute out of which they arose.&quot;</td>
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</tbody>
</table>
Article 6.

1. Subject to the provisions of Article 18 regarding payment of interest in the event of default, the annual liability which can fall to the charge of any Government in the capacity of an ordinary guarantor, in respect of all the loans contracted in accordance with the present Convention, is limited to a maximum. This maximum shall be a sum bearing the same proportion to . . . . . . . million gold francs as the contribution to the League's expenses payable by the Government, under the scale of allocation applicable on the date of the entry into force of this Convention, bears to the total contributions due from all the Members of the League.

2. The Council shall, as soon as possible, notify to the various Governments the maximum annual liabilities which result for them from the provisions of paragraph 1.
Ad Article 6.

Paragraph 1. — Date of Scale of Allocation.

It was suggested in the Third Committee of the Assembly that the liabilities of the guarantor Governments in respect to a particular loan ought to be apportioned on the basis of the shares of the League expenditure which they bear at the date of authorisation of the loan.

The Committee thinks that this idea is irreconcilable with the view taken that the Governments will desire to know the extent of their maximum possible liabilities as soon as possible, preferably before they become parties to the Convention.

The Financial Committee thinks it desirable, however, to adopt a basis, not the scale of allocation applicable on the date of the entry into force of the Convention, but the scale applicable on an earlier date, for instance, on January 1st, 1930, and to draft the paragraph as follows:

"Subject to the provisions of Article 18 regarding payment of interest in the event of default, the annual liability which can fall to the charge of any Government in the capacity of an ordinary guarantor, in respect of all the loans contracted in accordance with the present Convention, is limited to a maximum. This maximum shall be a sum bearing the same proportion to 100 million gold francs as the contribution to the League's expenses payable by the Government, under the scale of allocation applicable on January 1st, 1930, bears to the total contributions due from all the Members of the League."

Case of a State becoming a Member of the League of Nations and a Party to the Convention after the latter has entered into force.

It is a defect, as was pointed out in the Third Committee of the Assembly, that provision is not made for the case of a State becoming both a Member of the League and a party to the Convention after the latter has entered into force.

The Financial Committee pointed out that this lacuna exists both in Article 6 and in Article 9. It proposes to add to Article 6, paragraph 1, a sentence worded as follows:

"In the case of a Government which was not liable to contribute to the League's expenses under the scale mentioned in the preceding sentence, the scale of allocation applicable on the date on which it became bound by the obligations of the present Convention shall be substituted for the said scale."

Amount to be inserted.

The Financial Committee points out that the fixing of the maximum sum to be inserted in Article 6 is a task which must, in the last resort, be reserved to the Conference of Government representatives which will finally adopt the Convention. As, however, the Council and the Assembly have asked that a complete text of a Convention should be elaborated, this point has also to be covered.

After a considerable further examination of the question, the Financial Committee has decided to propose the insertion of a sum of 100 million gold francs.
SPECIAL GUARANTEES.

Article 7.

Subject to the provisions of Article 10, a High Contracting Party may accept the obligations of a special guarantor in respect of the Government of any of his territories. Such Government is thereby constituted a special guarantor, and the guarantee which it accords to loans to be contracted in accordance with the present Convention shall be a special guarantee within the meaning of the present Convention, without any further action or consent on the part of the Government.

Article 8.

The special guarantees are created for the purpose of strengthening the security on which a loan contracted in accordance with the present Convention is issued by ensuring that the service of such loan shall be guaranteed for its full amount, not merely by all the guaranteeing Governments as ordinary guarantors, but also by a small number of Governments which, as special guarantors, will bear, within the limits of their special guarantees, the risk of any delay in the payment of the amounts due from any of the other Governments as ordinary guarantors. The amount covered by each special guarantee accordingly includes the amount of the Government’s liability as an ordinary guarantor together with an additional amount, and it is determined, as provided below, in such manner that the total of the additional amounts thus guaranteed by the special guarantor Governments will equal the total amount guaranteed by the Governments which are ordinary guarantors only. In the event of a default by the borrowing Government on the service of the loan, the total amount covered by a special guarantee is payable in full, but the sum paid by a special guarantor Government in excess of its liability as an ordinary guarantor is reimbursable, after the service has been met, out of the balance of the amounts collected from the guaranteeing Governments.

Article 9.

1. Subject to the provisions of Article 10 regarding the payment of interest in the event of default, the annual liability which may fall to the charge of any special guarantor Government in respect of all the loans contracted in accordance with the present Convention is limited to a maximum which includes the Government’s obligation as an ordinary guarantor and the additional amount covered by its special guarantee. This maximum shall be determined by dividing the sum total of the maximum obligations of all the Governments, as ordinary guarantors, among the special guarantor Governments in proportion to the contributions due from them to the expenses of the League of Nations under the scale of allocation applicable on the date of entry into force of the present Convention.

2. The said maximum liabilities of the special guarantor Governments shall be notified to them by the Council of the League of Nations as soon as possible. They shall be revised by the Council, in the event of any change in the number of Governments which are ordinary guarantors or of those which are special guarantors, as soon as possible after such change has occurred.

Article 10.

The following Governments may be special guarantors under the present Convention:

(a) The Governments of permanent Members of the Council of the League of Nations;
(b) The Governments of other Members of the League which are unanimously invited to become special guarantors by those Governments which themselves are special guarantors. Such invitation may be given either before or after the entry into force of the Convention.

Acceptance of the obligations of a special guarantor may be intimated at the moment of signature or at that of ratification or at the moment of accession to the Convention, or subsequently by a declaration in writing deposited with the Secretary-General of the League of Nations, who shall notify such acceptance to all the Members of the League.

Article 11.

The Secretary-General of the League of Nations shall send to the Trustees provided for in Article 12 a certified true copy of each notification of its maximum liability made to a Government in execution of Article 6 or Article 9.
### Ad Article 9.

**Paragraph 1.** — Case of a State becoming a Member of the League of Nations and a Party to the Convention after the latter has entered into force.

It is a defect, as was pointed out in the Third Committee of the Assembly, that provision is not made for the case of a State becoming both a Member of the League and a party to the Convention after the latter has entered into force.

The Financial Committee proposes that the last sentence of Article 9, paragraph 1, should be modified and should read as follows:

“This maximum shall be determined by dividing the sum total of the maximum obligations of all the Governments, as ordinary guarantors, among the special guarantor Governments in proportion to their respective maximum obligations as ordinary guarantors.”
Text submitted to the Tenth Assembly.

TRUSTEES.

Article 12.

1. Upon the entry into force of the present Convention, the Council of the League of Nations shall appoint five persons to act as Trustees of loans contracted in accordance with the Convention. The Trustees shall be nationals of the Swiss Confederation and habitually resident in Switzerland.

2. (a) The Trustees shall be appointed for periods of five years. At the end of their term of office, they may be reappointed for the like or any less period. A Trustee may at any time resign on giving three months’ previous notice in writing to the Council of the League of Nations.

(b) The Council of the League of Nations may at any time remove a Trustee.

(c) In the event of a vacancy occurring for any reason in the office of Trustee, the Council of the League of Nations shall without delay appoint another Trustee. If, in his opinion, it is necessary to do so, the Acting President of the Council may appoint a person to act until the vacancy is filled by the Council.

3. (1) The Trustees shall appoint from their number a Chairman and Deputy-Chairman and draw up their rules of procedure subject to the provisions of the present Convention. Except in the case mentioned in Article 15, paragraph 1, meetings shall be convened by the Chairman, or, if he is unable to act, by the Deputy-Chairman.

(2) Three Trustees shall constitute a quorum. All decisions may be taken by a majority; in case of equality of votes, the presiding Trustee shall have a casting vote.

(3) The Secretary-General of the League of Nations shall be entitled to be present or be represented at all meetings of the Trustees.

(4) The expenses incurred by the Trustees in executing their functions in connection with any loan and such honoraria for the performance of those functions as may be fixed by the Council of the League of Nations shall be paid by the borrowing Government.

(5) The Council of the League of Nations may advance to the Trustees the amounts referred to in paragraph (4); any sum so advanced shall be repaid to the League by the borrowing Government.

(6) No Trustee shall incur any personal liability in the execution of his functions as Trustee, except for a breach of his duties knowingly and intentionally committed by him.

(7) The Trustees shall report annually to the Council of the League of Nations upon the execution of their functions as Trustees of each loan contracted in accordance with the present Convention; they shall be entitled at any time to bring to the attention of the Council any difficulties experienced by them in performing such functions.

Authorisation of Loans.

Article 13.

1. Where the Council of the League of Nations decides, in virtue of Article 1, that a High Contracting Party shall receive financial assistance under the present Convention, it shall authorise the Government of such High Contracting Party to issue a loan enjoying the ordinary guarantees and the special guarantees resulting from the Convention. The Governments of those High Contracting Parties whom the Council declares to be involved in the war or threat of war shall be excluded from being guarantors. The Council may exclude the ordinary guarantee or special guarantee of any Government if, in its opinion, it would not be desirable that such ordinary guarantee or special guarantee should attach to the loan.
<table>
<thead>
<tr>
<th>Third Committee of the Tenth Assembly</th>
<th>Financial Committee</th>
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<tr>
<td><strong>Ad Article 12.</strong></td>
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<tr>
<td><strong>Paragraph 2 (b). — Removal of Trustees.</strong></td>
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<tr>
<td>The suggestion has been made in the Third Committee that it might be desirable to require the unanimity of the Council for the dismissal of a Trustee.</td>
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<tr>
<td><strong>Paragraph 6. — Liability of Trustees.</strong></td>
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<td>Certain criticisms were made in the Third Committee of the formula proposed in paragraph 6 with regard to the liability of the Trustees.</td>
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<tr>
<td><strong>A Body Corporate to undertake the Trust.</strong></td>
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<tr>
<td>A suggestion was made by the Third Committee that the Council should be empowered to appoint a body corporate to perform the functions of the Trustees.</td>
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<tr>
<td><strong>Ad Article 13. Concordance with Article 1.</strong></td>
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<tr>
<td>The French delegation proposed to substitute the word &quot;recognises&quot; for the word &quot;decides&quot;.</td>
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<tr>
<td><strong>Definition of Government.</strong></td>
<td></td>
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<tr>
<td>The Swedish delegation proposed in the Third Committee to draft a passage in paragraph 1 as follows: &quot;... authorise the Government or other competent authority of such High Contracting Party...&quot;, etc.</td>
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<tr>
<td><strong>States to be excluded from the Guarantee.</strong></td>
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<tr>
<td>The French delegation proposed to substitute for the last two sentences of paragraph 1 a single sentence reading as follows: &quot;The Council may exclude the ordinary guarantee or special guarantee of the Government of a High Contracting Party if, in its opinion, it would not be desirable in the interest of the success of the loan that such ordinary guarantee or special guarantee should attach to the loan.&quot;</td>
<td></td>
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<tr>
<td><strong>Paragraph 2 (b). — Removal of Trustees.</strong></td>
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<td>The Financial Committee considers that it is desirable to retain the original text.</td>
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<tr>
<td><strong>A Body Corporate to undertake the Trust.</strong></td>
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<tr>
<td>The Financial Committee is of opinion that this suggestion would not be an improvement, and that the principle of appointing persons and not bodies or institutions as Trustees should be maintained.</td>
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<tr>
<td><strong>Definition of Government.</strong></td>
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<tr>
<td>The Financial Committee is of opinion that it would be sufficient if the Swedish representative, at the time of the conclusion of the Convention, made a statement on this point, to be noted and accepted by the representatives of the other Governments.</td>
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<tr>
<td><strong>States to be excluded from the Guarantee.</strong></td>
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<tr>
<td>The Financial Committee proposes to read: &quot;The Council may exclude the ordinary guarantee or special guarantee of any Government, if, in its opinion, it would not be desirable in the interest of the success of the loan that such ordinary guarantee or special guarantee should attach to the loan.&quot;</td>
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</table>
2. (a) The maximum sum to which the service of the loan may amount in each year shall be fixed by the Council. The sum fixed by the Council shall be expressed in gold francs as defined in Article 24, and, for the purpose of determining the sum to which the service may amount in the currencies in which the loan is actually contracted, those currencies shall be treated as being at the moment of signature of the loan contracts on the legal parity with gold.

(b) The annual sum fixed for the service of the loan in any year shall not exceed the amount which can be covered by special as well as by ordinary guarantees without imposing on any Government a liability in excess of the maximum fixed by the present Convention.

(c) The amount for each year of each Government's liability as an ordinary guarantor shall be determined by dividing the service of the loan among all the guaranteeing Governments in the proportion of their maximum possible annual liabilities as ordinary guarantors under this Convention, as fixed by Article 6. The total amount covered by each special guarantee shall be determined by dividing the said service among the special guarantor Governments in the proportion of their maximum possible annual liabilities as special guarantors as fixed by Article 9. For the purpose, however, of simplifying the application of the special guarantees, the Council, with the consent of the special guarantor Governments whose liabilities are affected, may make minor fractional adjustments of the percentages attributable to the special guarantor Governments to the extent necessary to convert such percentages into convenient whole numbers.

3. For the purpose of the preceding provisions, no account shall be taken of the liability for interest which may result under the provisions of Article 18 from a default by a Government in meeting its obligations as an ordinary or as a special guarantor.

**Issue of Authorised Loans.**

*Article 14.*

1. The Council shall require that the conditions and terms of issue of a loan contracted in accordance with the present Convention, that is to say, *inter alia*, the method of issue, the securities (if any) on which the loan is raised, the issue price, the rate of interest, the amortisation (including any stipulations as to repayment before maturity), the expenses of issue, negotiation and delivery, and the currency or currencies in which the loan is issued, shall be submitted for approval to it or to a person or persons appointed by it for the purpose. As provided in Article 13, paragraph 2, the currency or currencies in which the loan is issued and in which its service is payable shall, for the purpose of determining the maximum to which the service may amount, in every case be treated as being at the moment of signature of the loan contracts on the legal parity with gold. The arrangement made by the Council with the borrowing Government in question shall be embodied in a Protocol duly accepted by the latter.

2. The loan shall not possess the ordinary guarantees and special guarantees resulting from the Convention unless the contracts relating to it shall have been certified in writing by a person or persons appointed by the Council (such persons, if more than one, acting by a majority if unanimity is not secured) to be in conformity with the decisions of the Council and the Protocol provided for by paragraph 1 above and the provisions of the present Convention. A signed duplicate of the certificate shall be delivered to the Secretary-General of the League of Nations for communication to the Trustees, together with copies of each contract authenticated by the borrowing Government in sufficient number to enable him to send one to each Trustee.

3. The following provisions shall be obligatory in all cases:

(a) The Trustees appointed under the present Convention, acting as provided therein, shall be Trustees of the loan for all purposes for which Trustees are appointed, and in particular shall make all payments for interest or amortisation due on the loan out of the funds supplied by the borrowing Government or, in the event of its default, by the Governments guaranteeing the loan as special or ordinary guarantors.

(b) Except in the case of short-term credits of a currency not exceeding two years, a reserve shall be constituted in the hands of the Trustees by the direct transfer to them by the issuing houses out of the yield of the loan of an amount sufficient to pay one-half of the annual service of the loan as issued. Any sums drawn from this reserve by the Trustees shall immediately be refunded to them by the borrowing Government.
Ad Article 14.

**Paragraph I. — Control of Loan Service.**

It was proposed in the Third Committee that rules should be inserted in the draft Convention to secure an international control over the service of amortisation and interest of a guaranteed loan. The Financial Committee fears that to lay down such rules firmly for all cases may lead to certain complications. In the case of certain loans, an international control of the service might be desirable, but perhaps not in the case of others. It would therefore seem preferable to leave it optional for the Council to insist on such a control.

**Employment of Loan.**

Some of the delegates on the Third Committee have held the view that paragraph I is drafted in a manner which would not permit conditions regarding the employment of an authorised loan to be embodied in the Protocol. In order to remove any doubt on this point, the Financial Committee proposes to insert a new paragraph I (a) reading as follows:

"The Council may make conditions as to the employment of the proceeds of the loan and the supervision of such employment. These conditions shall be embodied in the Protocol mentioned in paragraph I."
The borrowing Government shall provide the Trustees with the funds necessary to meet the service of the loan in time of war as well as in time of peace. Such remittances shall be in the hands of the Trustees not later than thirty days before each payment falls due.

 Deposit of Bonds in respect of particular loans.

Article 15.

1. As soon as possible after a contract for the issue of all or part of an authorised loan has been certified in accordance with Article 14, paragraph 2, the Trustees, convened by the Secretary-General of the League of Nations, shall examine the contract and the relevant decisions of the Council and ascertain and notify to the Governments whose guarantees attached to the loan:

   (a) What is the total amount of each payment due in respect of that issue in each year;
   (b) What is the maximum sum for which each Government, whether it be an ordinary or a special guarantor, may be liable as an ordinary guarantor in respect of each such payment;
   (c) What is the maximum sum for which each special guarantor Government may be liable as a special guarantor in respect of each such payment.

The sums mentioned in (b) and (c) shall be determined in the manner provided in Article 13, paragraph 2 (c).

2. Within four months of the receipt of the above notification, each Government, according as it is solely an ordinary guarantor or a special guarantor, shall deposit to the order of the Trustees with the National Bank of Switzerland, or elsewhere as requested by the Trustees, either an "Ordinary Guarantee Bond" in the form given in Annex I, or a "Special Guarantee Bond" in the form given in Annex II, bearing a separate coupon for each payment for which the Government may be liable in each year. The coupons shall be expressed and be payable in the currency in which payment is due to the bondholders. If the issue is made in more than one currency, separate bonds shall be deposited in respect of the service due in each currency.

3. The coupons of the said bonds shall be payable at an address satisfactory to the Trustees fixed by the Government.

4. The omission to deposit bonds as provided above shall in no way affect the obligations of the Governments, whether as ordinary or as special guarantors, or prevent the issue of the loan on the security of the ordinary guarantees and special guarantees which attach to it in virtue of the present Convention.

Operation of the Ordinary Guarantees and Special Guarantees in the event of default by the Borrowing Government.

Article 16.

1. (a) The service of loans contracted in accordance with the present Convention shall always continue to be primarily a charge upon the borrowing Government. The guarantees provided under the Convention shall enter into operation only if, and to the extent to which, the Trustees are neither provided with the necessary funds by the borrowing Government nor able to meet the service out of the reserve constituted in accordance with Article 14, paragraph 3 (b).

(b) In such a case, the Trustees shall call simultaneously on all the guaranteeing Governments, whether they be ordinary or special guarantors. They shall apply the yield of the calls to meet the service of the loan and shall then reimburse to the special guarantor Governments pro rata out of the balance of such yield the amounts paid by them in excess of their liabilities as ordinary guarantors. Delay by a guarantor Government in meeting a call is recognised as creating a duty to compensate special guarantor Governments as provided in Articles 18 and 20 for the prejudice caused to them by the resulting delay in the reimbursement of the amounts paid by them in excess of their liability as ordinary guarantors.

(c) All amounts obtained by the Trustees from the guaranteeing Governments, with the exception of the amounts reimbursed as contemplated in paragraph (b) and of amounts paid to them by way of interest under Article 18, shall constitute a debt due, with interest, from the borrowing Government.

(d) The liabilities between Governments which result from the present Convention shall be settled through the intermediary of the Trustees.

2. The principles set out in paragraph 1 shall be applied in accordance with the provisions of Articles 17 to 21 below.