(a) have fulfilled their international engagements as regards the reduction of armaments;
(b) have given complete information regarding their armaments in accordance with Article 8 of the Covenant of the League of Nations;
(c) have sent all their international conventions to the Secretariat of the League of Nations for purposes of registration, in accordance with Article 18 of the Covenant of the League;
(d) have made a declaration in accordance with Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice with regard to the obligatory recourse to the Court in certain classes of disputes.

Lastly, the Norwegian Government desires to draw attention to the importance which should be attached to a clear and precise wording of those provisions of any treaty of guarantee which refer to the cases in which the obligations implied in the guarantee would become effective. Thus it must be clearly stated whether the guarantee would only hold good in the event of a war undertaken in contravention of the provisions of Articles 12, 13, and 15 of the Covenant, or whether it would also apply to other wars. Obviously the misgivings which would in any case be aroused by a military guarantee would be still greater in the latter case.

The rules by which a State should be considered as “attacked” would also have to be defined. — (Signed) C. F. Michelet.

(19) Panama.

[Translation.]

I have the honour to acknowledge receipt of your communication No. C. L. 119, 1922, IX, dated October 23rd, in which you forwarded to me the Resolution adopted by the Third Assembly of the League of Nations regarding the problem of the general reduction of armaments and a Treaty of Guarantee as a means of solving that problem.

My Government has duly noted the terms of this Resolution, and the noble aims which inspire it and has great pleasure in giving its approval to them.

I am bringing this to Your Excellency’s notice for any action required, and have the honour to be, etc. — (Signed) Narciso Garay.

(20) Poland.

[Translation.]

The Polish Government is glad of this opportunity to define its opinion on the problem of the reduction of armaments, in which it continues to be deeply interested. The Polish Government considers that co-operation between the League of Nations and the Governments of the States Members of the League constitutes the surest guarantee of the efficacy of the work of the League of Nations in this respect.

The League of Nations is guided by great ideas; it is working towards distant ends and is laying the foundations of the future. On the other hand, Governments which are responsible to their peoples are obliged to give first consideration to the needs of the moment and the current requirements of the State. However, close co-operation between the League of Nations and the various Governments, with a view to reconciling these two points of view and the legitimate aspirations of all parties, should soon remove the difficulties caused by the necessity of co-ordinating the exigencies of the present time with principles which can only be fully applied in the future.

The Polish Government, though it is obliged by the nature of its duties to consider the armament question primarily from the point of view of its own responsibilities, is unwilling to lose sight of the lofty aims and noble ideals by which the work of the League of Nations is inspired, and which the Government considers as its own ideals.

The Polish Government will be guided by these considerations in offering its observations on Lord Robert Cecil’s draft, which was submitted to the Temporary Mixed Commission and communicated to the Government in the Note dated May 7th last.

Leaving to the competent judgment of the Permanent Commission of the Council the task of formulating an opinion on technical military questions, we shall confine ourselves to general observations, having regard primarily to the special circumstances of the military and political position of Poland and of States similarly situated.

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The ultimate objects of the work carried on in the name of pacific ideals are: the elimination of war as a method of solving international difficulties, and the abolition
of armaments, the instruments of warfare. Before it attains its final object, this work must pass through phases representing stages in the realisation of its essential principles. These principles are:

To prevent the outbreak of hostilities;

To localise conflicts, and consequently to limit the extent of the resultant destruction;

To create conditions in which force shall be employed only as an instrument of justice and in which any act of deliberate violence shall be condemned;

To reduce the armed forces of the various countries, and consequently diminish unproductive work and expenditure.

It must be pointed out that, as war has not yet been eliminated as a means of settling international disputes, States and their responsible officials are obliged to consider armaments as an ultimate means of defence and the sole guarantee of their existence.


It is in the light of these considerations that we propose to examine Lord Robert Cecil's draft. In the first place, it gives occasion for general observations.

The Draft Treaty examines the problem of peace-time armaments and compensation for their reduction. It deals only with a portion of the military problems as a whole. It may be said that:

Peace-time effectives are only a portion of war effectives.

The army is not the only weapon used by a country in warfare, and the condition and value of its armaments are not a criterion of its military power,

Strategic considerations seriously affect the military position of a country.

War is the effect produced by a series of causes, and becomes, in itself, the cause of a new system of international relations between various States.

These questions form a collection of problems relating to the armaments of each State and the conditions of reduction which each State would be able to accept.

Of the great mass of interdependent problems, the Draft Treaty of Guarantee selects the single question of peace-time armaments and endeavours to reduce it to the common denominator of a uniform criterion for all States.

A few examples will show the error inherent in this method:

On the assumption of a defensive or an offensive war, can we compare the armaments of Esthonia, with her two million inhabitants, with those of her neighbour, Soviet Russia, with her 120 millions?

Can we draw a parallel between the naval Empire of Great Britain and the Continental State of Czechoslovakia, in regard to the nature and organisation of their individual categories of armaments?

Can we draw a parallel between Germany and Poland, as regards the traditions of military organisation and the industrial conditions of the two countries?

Even more striking instances might be found by comparing countries situated in different continents.

It is therefore difficult to consider the question of the reduction of armaments or the guarantees necessary for the establishment of an equilibrium, unless we consider them in their relation to the whole body of military problems.

Articles 8 and 10 of the Covenant of the League of Nations.

Guarantees, in the form of collective action by all Members of the League in the event of one them being threatened, are provided in two Articles of the Covenant: Article 8, whereby collective guarantees are to serve as compensation for the reduction of armaments, and Article 10, which is an obligation of "guarantee against any violation of the territorial integrity and political independence of Members".

There is no doubt that in both cases the essence of the guarantee is the same, for its actual origin is to be found in the conception of international solidarity, and its formal origin in the articles of the Treaty itself. The technical form of the guarantees is identical in both cases; it will be defined by the Council of the League of Nations, as the directing body.

There is a contradiction between Article 10 of the Covenant of the League of Nations and Article 1 of Lord Robert Cecil's Draft. Whereas under Article 10 all Members of the League, without exception, are obliged to intervene, it is proposed in the guarantee scheme that assistance should be given only on condition that the State attacked should already have carried out a reduction of its armaments.

A further discrepancy between Article 10 of the Covenant of the League of Nations and Lord Robert Cecil's Draft should be pointed out. It consists in the fact that the guarantees provided by Article 10 are mutual guarantees among the Members of the League, whereas the guarantees laid down in Lord Robert Cecil's Draft concern the States signatory to the Treaty; the Treaty of Guarantee therefore may apply to States which are not Members of the League, or may not apply to all the Members of the League.
Consequently, after the Treaty of Guarantee had come into force, the States Members of the League, in virtue of Article 1 of the Treaty, would be under no obligation to take action on behalf of a Member of the League which had not adhered to the Treaty, whereas, under Article 10 of the Covenant, they could not evade this obligation.

The Polish Government considers that both forms of guarantee described above are useful and should be retained. If they are to be carried out by the various States it will be necessary:

(a) To define clearly the practical forms in which they are to be applied, and to authorise Governments to substitute these guarantees for their present obligations;

(b) To reconcile the contradictions which result from the amplification of Articles 8 and 10 of the Covenant of the League of Nations.

The Polish Government has set forth its observations on Article 10 in a Memorandum, in reply to the League of Nations Circular Letter (C. L. 17) dated February 22nd last. In this Memorandum it states the necessity of maintaining Article 10, which, in its opinion, is one of the most essential parts of the Covenant of the League of Nations.

The Draft under consideration confronts Governments with two questions:

(a) Can the State undertake to accept the obligations towards other States which Lord Robert Cecil proposes?

(b) Are the guarantees proposed by Lord Robert Cecil sufficient to enable the State to consent to a reduction of armaments?

The reply to the first question will be partly negative. The obligations involved by the guarantees affect the entire territory of the State and consist in executive economic and military measures.

The Polish Government could not guarantee that public opinion would be prepared to accept obligations outside the sphere of the direct or indirect interests of the State, particularly if they are not purely military obligations.

Sufficient data are lacking to enable us to answer the second question. The principles of the Treaty of Guarantee include the guarantee of a proportionate reduction. Guarantees and the reduction of military strength are thus very closely connected. In the absence of information as to the character and precise extent of the reduction in military strength, it is impossible to gauge the precise value of the guarantees.

Analysis of the Articles of the Treaty of Guarantee.

An analysis of certain Articles of the Treaty of Guarantee suggests some observations. The Treaty provides (Articles 4 to 7) for the conclusion by the League of Nations of military Conventions for the defence of a threatened country. In the form selected in this Draft, such military conventions are public documents, and it is, therefore, doubtful whether the principle can be maintained.

It would thus be entirely justifiable to accept responsibility for the obligations embodied in Articles 8 and 11. Every undertaking given by any State must be faithfully kept. Any breaking of faith in this connection would entail action by all States. The method proposed by Lord Robert Cecil of determining on which of the States engaged in the war responsibility falls (Articles 12 and 13) cannot be accepted. Any question of responsibility for war is too complicated to be decided in four days. A decision taken under such circumstances against a State, thus setting all the Contracting Powers against it, would lead to unforgivable acts of injustice. We may leave to the Permanent Committee the task of analysing the definitions of the principles on which assistance is to be given to the party attacked (Articles 14 to 17); but we must point out that the proposed methods do not fulfill the principles laid down in paragraph 3 of Resolution XIV of the Assembly, regarding the necessity that assistance shall be immediate and effective. The reduction of military forces in peace-time involves a weakening of defence forces, particularly during the first phase of the war, when the peace-time army is forced to discharge the duties of the cadres which are called upon to develop the national army and to cover the frontiers. The proposed assistance, therefore, could only be effective in the second phase of the war; and, even then, it would be impossible to tell how far the proposed assistance could counter-balance the reduction unless the exact nature of the armaments concerned were known.

All engagements involving a more or less permanent burden to the State in case of intervention, such as the burden of expenditure (Article 18), must be very accurately defined.

The principle that the coming into force of the Treaty shall be conditional upon its acceptance by all the Great Powers (as, for example, Great Britain, France, Germany, Italy and Russia in Europe) is not entirely unjustified. The military forces of the countries mentioned depend on the forces of their strongest neighbours. This is particularly true in the case of the six States which are neighbours of Soviet Russia and Germany, neither of
which Powers is a Member of the League of Nations. It should be noted that the Draft Treaty of Guarantee does not provide guarantees which would enable a State to act in accordance with this principle, and reduce the military forces which, under present conditions, it is obliged to maintain.

At the same time, Lord Robert Cecil's Draft gives no guarantee in exchange for the guarantees offered to others. A weaker State, acting under the instructions of the League (Article 4) and intervening actively in a conflict between two other States, might be defeated by the superior strength of the aggressor State and might incur financial and territorial loss. It may be asked, therefore, how the integrity of such a State will be assured against the consequences of its engagements, or, in other words, who will decide on the international arrangements and agreements concluded as a result of the war, and how and in what way will the expenditure involved by such disputes be met. Regarding pecuniary expenditure, the Draft Treaty refers only to the settlement of accounts. But the guarantees would entail considerably greater expense for all the States than is contemplated in the Draft.

**Final Observations.**

Our examination of the problem of disarmament and guarantees leads us to formulate the following proposals for the pacification of international relations, as far as present circumstances permit.

**(a)** Inter-State military guarantees can be effective only within the radius of the direct common interests of individual States or groups of States. This community of interests is the foundation of all associations, and constitutes a live and genuine guarantee.

**(b)** As a basis for its own reductions, every State must primarily consider the reductions in the forces of enemy countries which are its immediate neighbours. It would therefore be desirable to conclude regional agreements for the reduction of armaments between neighbouring States whose relations are not friendly.

(Signed) M. T. GWIAZKOWSKI.

(21) Portugal.

August 6th, 1923.

We have the honour to inform you:

1. That the Portuguese Government fully agrees that, unless it be general, no scheme for the reduction of armaments can be successful.

2. That the Portuguese Government has reduced its armaments to a minimum beyond which, in the present state of the world, it could not go; that this reduction was necessary for financial reasons, and that, in the event of an improvement in her financial position, Portugal would be obliged to replace her old and obsolete armaments by modern ones corresponding to present-day military requirements. A guarantee which the Assembly unanimously judged sufficient for the security of every country might lead to an important general reduction of all armaments. No guarantee of this kind has as yet been submitted for discussion.

3. The guarantee furnished by a defensive agreement which would bind the parties to provide immediate and effective assistance, in accordance with a pre-arranged plan, in the event of one of them being attacked would not be much more efficacious or reliable than the majority of the individual treaties which have always existed between different nations. A much more positive guarantee would be furnished by an obligation binding all Members of the League to place all their forces at the disposal of the Council, in order to effect the execution of the decisions of the International Tribunal in disputes between States. The suggestions, rather than definite schemes, which have hitherto been proposed in this connection have not yet assumed a form sufficiently positive to inspire confidence in the efficacy of international action. And as long as this collective international action, under the control of the League of Nations, cannot be absolutely relied upon — as can the national forces of the various countries for the enforcement of the law — the system of separate agreements will continue.

The Portuguese Government agrees, however, to contribute, as far as lies within its power, to the extension and strengthening of this collective international action in such form as may be established after mature consideration of the question.

4. No State which desires the preservation of the world’s peace by means of law can, in principle, oppose the reduction of armaments.

In conformity with the principles set forth in the first conclusion, the Portuguese Government would prefer to give its preliminary consent to this reduction in a general treaty.

(Signed) AUGUSTODE VASCONCELLOS.
(22) Roumania.

[Translation.] December 18th, 1922.

I have the honour to inform you that the Royal Roumanian Government considers that the reduction of armaments recommended by the League is most necessary, in view of the present economic difficulties of almost every country in Europe.

For this reason, Roumania has already limited her forces and her expenditure on armaments to the minimum compatible with present circumstances. She regrets that her geographical situation does not allow her to make those reductions which she would desire, but which she cannot carry out until she has obtained effective guarantees for her security. — (Signed) N. N. TILODORE.

(23) Spain.

[Translation.] July 18th, 1922.

His Majesty's Government is wholly favourable to any idea which may, as far as is possible, obviate armed conflicts; it therefore approves in principle Resolution XIV of the Assembly, which lays down that any reduction of armaments would be a step towards peace. Nevertheless, on examining the various points of which this resolution is composed, His Majesty's Government feels bound to make, on some of these points, certain observations referring to matters of detail rather than of principle.

Thus, an examination of the third point would suggest the following:

(1) That it is essential to define, beyond any possibility of doubt, the meaning of the term "aggressor State".

(2) The meaning of the phrase "in accordance with a pre-arranged plan" must be precisely defined. His Majesty's Government takes the view that this phrase can only refer to arrangements made beforehand as to the extent of the assistance which the contracting countries undertake to provide and the form which such assistance is to take, as this phrase cannot possibly refer to the plan of operations to be carried out in each particular case.

(3) As regards the navy, the limitation of the assistance to be afforded to an attacked country — in the case of countries attacked in the same part of the globe, cannot be justified and should be abandoned, in view of the fact that naval forces may be transported with great facility and may carry out operations against the maritime trade of the aggressor State at several points simultaneously.

The Spanish Government considers that, despite the serious difficulties which would undoubtedly arise, the best means of ultimately effecting a reduction of armaments would be the conclusion of a general treaty, as the League of Nations could not countenance partial treaties unless the latter offered serious guarantee for the security of other States and facilitated their disarmament.

Among other reasons, a general treaty would be preferable to partial treaties on account of the advantages which it would offer from a moral point of view. These advantages are indisputable as, if a large number of States adhered to the treaty, it would be very difficult for a Power to attack one of them, knowing that it would be confronted by the whole world, whereas with partial treaties the aggressor State might hope to obtain the support of Powers which had not signed the treaty, and it would certainly take steps towards this end.

In this connection, it should be pointed out that a general treaty would allow of the possibility of effecting a reduction of armaments, in view of the fact that the confidence of the signatory States would increase in proportion to the number of contracting Powers. In the case of partial treaties, on the other hand, the result would be a purely negative one, as States bound by a pact of this kind might even be obliged to increase their armaments in order to preserve their superiority over the other States outside the treaty.

Moreover, this solution by means of a general treaty is laid down in the Assembly Resolution in the words "that no scheme for the reduction of armaments can be fully successful unless it is general".

As regards the reduction of armaments, it is the duty of the great Powers to take the lead in this direction; the general aims of any treaty of guarantee should be:

To inspire full confidence in the signatory Powers on the two following points, so as:

(1) To remove all danger of attack,

(2) To allow the aggressor no prospect of victory, in the case of attack, where the treaty could not guarantee the attacked State from invasion.

To reduce to a minimum, by means of the Treaty of Guarantee, the duration of the war in general, and in particular the duration of the operations within the territory of the attacked
State. With a view to attaining this end, the assistance to be afforded to the attacked State must be immediate and effective, and must extend to the spheres of military, naval and air warfare, economics, finance, industry, etc., as the reduction of the armaments of the State receiving this assistance would be conditional upon the preliminary estimate of the assistance on which it could count.

To bind the Powers adhering to the Pact to furnish their assistance immediately — a condition which would involve the periodical revision of the Treaty of Guarantee. — (Signed) Quinones De Leon.

(24) Sweden.

[Translation.]

June 1st, 1923.

The Royal Government desires to state, at the outset, that its reply should be regarded as being purely provisional, since the constitution of the Kingdom does not authorise it to anticipate the policy of the Riksdag in regard to any detailed proposals which may subsequently be put forward.

I.

As is pointed out in the annexed Memorandum, which has been drawn up by the Legal Adviser to the Royal Ministry for Foreign Affairs, the system of guarantee contemplated in the Assembly's Resolution is so indefinite, even in its essential features, that it will inevitably be the subject of varying interpretations in regard to the offensive wars to which the Guarantee would be applicable. The Resolution in question does not explain in what respects the Treaty of Guarantee would entail an extension of the obligations assumed by the High Contracting Parties, over and above those already assumed under the system of guarantee created by the Covenant of the League of Nations. If the term “offensive wars” is understood to mean wars undertaken in violation of the Covenant, and therefore prohibited, the effect of the contemplated Treaty of Guarantee, from the standpoint which we are considering, would be that the Members of the League would undertake — in addition to the economic sanctions which they are bound to apply under Article 16 — to take armed action against any State which resorted to war in violation of the obligations imposed on it by Articles 12, 13 and 15. If, on the other hand, the term “offensive wars” is also to include (even with the exceptions referred to in the Memorandum) wars which are undertaken in circumstances which would not constitute violations of the Covenant and which cannot, therefore, be at present classed as prohibited or involving, in any case, economic sanctions under Article 16, the new system would obviously assume an entirely different character.

II.

In the first of the two cases indicated above, the effect of the new system of guarantee would therefore be that the Members of the League of Nations would renounce the right which they possess under Article 16 of considering independently whether they should comply with an invitation to take part in armed action against a State which has failed, in the circumstances referred to in Section I, to observe the obligations imposed on it by the Covenant.

Before coming to a decision on the adherence of Sweden to the League of Nations, the Royal Government and the Riksdag carefully considered the extent of the obligations which the country would thereby assume. They attached particular importance to the fact that the adherence of Sweden to the League would in no way involve her renunciation of the right to decide for herself whether she should participate, in any given case, in military sanctions undertaken under Article 16. It may be assumed that the Swedish Government would not be inclined to recede from this point of view.

In order to get a clear view of this question, it seems desirable to consider the following points. The system of guarantees instituted by the Covenant, and the obligations which it imposes on the Members of the League, clearly presuppose that the League will possess the universal character and the world-wide and undisputed authority which it requires in order to work successfully for the maintenance of peace. If certain countries have attached so much importance to their right to examine for themselves this question of military sanctions, this was principally because they believed that there was no immediate certainty of this condition being realised. It is true that, since then, the League has been at work for three years and that during that period its authority has gradually increased. But many of the conditions which were responsible for the view indicated above still exist.

The League still fails to include in its membership two great European Powers, Germany and Russia, and also the United States of America. Events have shown that it has not yet acquired the necessary vigour to enable it to contribute effectively to the solution of some of the gravest international problems which are at present occupying the attention of the world. The conflict between the interests of various States is still so great that the influence of the League can only increase very gradually. By accepting a system of guarantee
which would compel them to defend the status quo against external aggression, its Members would expose themselves to grave perils, since the present juridical situation contains many elements of future conflicts. It is true that the Covenant indicates certain means of eliminating these elements by pacific methods and without resort to violence. For instance, the League is empowered (Article 19) to advise the reconsideration of Treaties which are in force; and the Council may, when endeavouring to effect a settlement of a dispute, recommend to the parties a solution which involves the modification of an existing juridical situation. But although we may hope that the Council, in such a case, would be actuated by a desire to serve the cause of peace, we cannot ignore the fact that its means of action in this respect are severely limited by the clause which allows a State to refuse to accept the procedure of conciliation when the dispute arises out of a matter "which by international law is solely within the domestic jurisdiction of that party" (Article 15); and that the task of the Council in finding solutions which are both equitable and in the interests of peace will become increasingly difficult in proportion as the conflict of interests is more pronounced. These considerations alone would make it very difficult for a State in the position of Sweden to accept an engagement to intervene with armed force in the numerous cases in which she is already under an obligation to participate in measures of economic pressure.

There is a further consideration. It is perhaps natural that States whose political and military situation is, in the present state of Europe, precarious, should see advantages in a Treaty of Guarantee, which would reduce the risks to which they are exposed in case of war; but it is equally natural that States which are more favourably situated in this respect feel some hesitation in undertaking an engagement to participate in acts of war, to which they might be committed by the Treaty of Guarantee, and which would not be offset, so far as they are concerned, by any political and military advantages. In the case of Sweden, whose geographical position affords her a fair degree of protection, and whose relations with other States are normal, the obligations arising out of a joint Guarantee would increase the danger of her being drawn into war to an extent entirely out of proportion to the increased risk incurred, from the same cause, by certain other countries. There is, no doubt, hope, that the day will come when all States will agree to regard any disturber of the peace as a common enemy, against whom they will all be prepared to take up arms immediately. But, as has already been said, we have not yet reached that stage, and there is no reason to suppose we shall reach it in the near future. In the present disturbed condition of the world, no Swedish Government could ask the representatives of the nation to undertake international obligations possibly involving Sweden in warlike operations, which might appear to the nation to be in no way connected with the vital interests and independence of the country.

III.

If, on the contrary, we assume the second of the two hypotheses set forth in Section I, i.e., that the new Treaty of Guarantee goes further than the present Covenant of the League of Nations, and regards all wars as prohibited — with the exceptions to which we have already alluded — this would imply a substantial modification of the principles upon which the League is founded. An agreement designed to create a guarantee against wars of all kinds would require to be supplemented by new provisions for the final settlement, by pacific means, of every form of international dispute. It would be impossible to retain the rule laid down in Article 15 of the Covenant, according to which, when an effort at conciliation has failed, the Members of the League, in certain cases, recover their right to act as they may think necessary for the maintenance of right and of justice. The Covenant would have to provide another procedure involving, in all cases, a binding decision in regard to the settlement of the dispute, and amounting, in fact, to compulsory arbitration in all disputes.

A revision in this sense of the system at present laid down by the Covenant can hardly be considered desirable at the present moment, and it is improbable that many of the Members of the League would be inclined to accept so great a restriction of their freedom of action. From the point of view of Sweden, it need hardly be said that such an extended obligation to participate in both military and economic sanctions for the maintenance of peace would impose additional burdens on the country and would be even less acceptable to public opinion that would be the case under the interpretation of the system of guarantee given in Section II.

It seems, however, that it should be possible to strengthen the system of guarantee already provided by the Covenant, without laying down any obligation to take part in military measures. The judicial procedure and the procedure for conciliation which are already provided might be supplemented in such a way as to put additional restrictions on the freedom of action of the parties to a dispute. A step might be made in this direction by rendering the judicial procedure compulsory for legal disputes and by modifying the Covenant, in the sense of the amendment which was once submitted by the Swedish Government. It might also be desirable to supplement the existing rules concerning political disputes for instance by extending the power of initiative which is vested in the Council under Article 19, in regard to the revision of Treaties, and also by prolonging the "moratorium" which is provided by Article 12, and by making it obligatory to begin further steps for conciliation after a certain lapse of time. Such modifications of the existing system would involve an obligation for the Members of the League to take part in the economic blockade of a State seeking to have recourse to war in violation of the new Clauses.
The question of strengthening the present system of guarantee has been raised in connection with the problem of the limitation of armaments. These two questions have been linked together, because it was held that many States would oppose any scheme for the reduction of their armaments unless they could obtain more effective guarantees against external aggression. But it is questionable whether the interdependence which has thus been established between these two questions is calculated to further agreement in regard to the latter question. The problem of guarantees resolves itself, as has been pointed out, into a large number of subsidiary questions which present great difficulties, and which affect the very basis of the legal organisation created by the League of Nations; it is therefore improbable that unanimity could be easily obtained in favour of any solution. Such unanimity is all the less probable because the relationship between the Treaty of Guarantee and the Peace Treaties is also a question surrounded with peculiar difficulties. Like Sweden, many States will certainly feel justifiable hesitation in accepting the proposed system of guarantee. Owing to the manner in which these two questions have been linked together, the delay which will probably be experienced in arriving at a solution of the problem of guarantees will inevitably retard the adoption of effective international measures for the limitation of armaments on the strength of other guarantees of security for the States concerned than that in question. Yet it is evident that such delay would be most prejudicial to the League of Nations itself and also to the different States. — (Signed) Hedestierna.

Annex to the Reply of Sweden.

MEMORANDUM ON THE SYSTEM OF GUARANTEE PROVIDED BY THE COVENANT OF THE LEAGUE OF NATIONS AND ON THE SYSTEM PROPOSED BY THE THIRD ASSEMBLY OF THE LEAGUE.

By the terms of Articles 10-17 of the Covenant, certain wars are to be regarded as contrary to the Covenant and, in this sense, as "prohibited". But it is also recognised and explicitly laid down (Article 15) that, in certain other cases, the Members of the League possess complete liberty of action and may therefore even have recourse to war without being guilty of a violation of the Covenant. The attitude of the authors of the Covenant on this question was due to the fact that it did not appear possible or advisable to institute a compulsory arbitral procedure leading, in all cases, to a final settlement of the dispute.

Under Article 16, the Members of the League are bound, within certain limits, to cooperate in the repression of wars which are prohibited by the terms of the Covenant. The obligations imposed on them by this Article are, however, subject to two kinds of limitations: first, in regard to the kinds of wars to which sanctions are applicable, and secondly, in regard to the nature of these sanctions. The Members of the League are bound to apply sanctions to a State which has recourse to "war in disregard of its Covenants under Articles 12, 13 or 15" (as regards States not Members of the League, see Article 17), but Article 16 contains no reference to Article 10. Moreover, in a resolution adopted in 1921, the Assembly of the League declared that: "Subject to the special provisions of Article 17, the economic measures referred to in Article 16 shall be applicable only in the specific case referred to in this Article." As regards the nature of the sanctions, the Council of the League may, it is true, invoke the Members of the League to co-operate, not only in economic, but also in military measures; the States are not, however, legally bound to co-operate except in economic sanctions.

The new system of guarantee which has been outlined by the Assembly of the League is based on the principle that the contracting States should bind themselves to take armed action in case of aggression directed against one of their number. But the cases in which sanctions would be applicable are not clearly defined. An act of aggression might involve a violation of the terms of Articles 12, 13 or 15 of the Covenant, and in that case it would, even now, give occasion for the application of sanctions — at any rate of economic sanctions — by the other Members of the League. But aggression might also take place in such circumstances that it could not be regarded, under the existing rules of the Covenant, as prohibited, or, at any rate, as contrary to the provisions of Articles 12, 13 or 15. Such a case would arise if an attempt to settle a dispute by the pacific methods laid down in the Covenant had failed, and if the prescribed delay had been observed, without, however, any binding decision having been arrived at on the expiration of this period.

It is evident that the scope of the new scheme of guarantee will vary considerably, according as it is intended either to impose an obligation on States to co-operate in military sanctions, in cases in which they are already bound under the existing terms of the Covenant to take part in economic sanctions, or as its object is to compel them, in addition, to intervene with armed force in other cases of aggression.

In the former of these two hypotheses, the new scheme will have the effect of adding to the obligations which Article 16 of the Covenant already imposes on Members of the League. In the case of a war undertaken in contravention of the terms of Articles 12, 13 or 15, the Members of the League will be bound to co-operate, not only in economic, but also in military measures. This situation would arise in the following cases:

(1) If a Member of the League should make war upon another Member without submitting the dispute either to arbitration or to the Permanent Court of International Justice or to the Council as an organ of conciliation, or, again, without waiting for three
months after the issue of the arbitral or judicial award or the report of the Council (Article 12).

(2) If a Member of the League should make war upon another Member which has complied with the award of the Court (Article 13).

(3) If a Member of the League should make war upon another Member which has complied with the recommendations of a report unanimously adopted by the Members of the Council — other than the representatives of the parties to the dispute — (or who has complied with the recommendations of a report adopted by the Assembly with the requisite majority, when the Assembly is acting as an organ of conciliation).

(4) If, in circumstances corresponding to those indicated in paragraphs (1), (2), and (3) above, a Member of the League should make war on a State not a Member of the League which has complied with an invitation addressed to it by the Council under Article 17 to accept a procedure of conciliation or a judicial procedure in conformity with the Covenant.

(5) If, in the circumstances referred to in paragraphs (1), (2), and (3) above, a State which is not a Member of the League should make war on a Member of the League after having accepted an invitation addressed to it by the Council under Article 17 to accept a procedure of conciliation or a judicial procedure.

(6) If a State not a Member of the League should make war on a Member of the League, after refusing to comply with an invitation addressed to it by the Council under Article 17.

On the other hand, the obligation to co-operate in coercive military (or economic) measures would not exist in (certain) other cases. An act of aggression committed by a Member of the League against another Member after the procedure for conciliation had been applied and three months had elapsed since the report of the Council, would not, in some cases, give occasion for sanctions, e.g. if the recommendations of the Council's report had not been unanimously adopted, or if they had been unanimously adopted but had not been accepted by any of the parties to the dispute.

According to the second of the two hypotheses stated above, the new scheme of guarantee would also be applicable to acts of aggression which do not at present involve an obligation for the States to co-operate in economic sanctions or which cannot, speaking generally, be regarded as prohibited under the Covenant. The Treaty of Guarantee would therefore have the effect of prohibiting all offensive wars except those — it may be assumed — undertaken in execution of a decision of the Council of the Permanent Court and those resulting from the action of the League against a State which had violated the Covenant. In order to render practicable so far-reaching a scheme, it would apparently be necessary, as a first step, to extend the procedure for conciliation and arbitration laid down by the Covenant. If all offensive wars are to be declared illegal, it appears desirable to institute some procedure involving a decision which would be binding upon the parties and which would thus amount to compulsory arbitration for disputes of all kinds. For otherwise, a State might be entitled to claim armed support from the other Powers against aggression without being under a corresponding obligation, to submit the dispute for impartial enquiry and settlement.

A Treaty of Guarantee based on these principles would, it will be seen, cover a far wider field than would be the case under the first hypothesis. Its adoption would entail a substantial modification of the principles upon which the League of Nations is at present founded. It is very unlikely that such a scheme would secure general acceptance. Experience shows that the majority of the Members of the League are not even prepared to accept the very limited extension of the procedure of conciliation and arbitration laid down in the Covenant, which is expressed in the Additional Clause to Article 36 of the Statute of the Permanent Court of International Justice, regarding the compulsory submission of all disputes of a legal nature to a judicial procedure.

(25) Switzerland.

[Translation.]

May 30th, 1923.

Being desirous of carrying out the recommendations of the Assembly and Council of the League, the Federal Government has continued to watch with close attention the preliminary investigations undertaken with a view to drawing up a draft Treaty of Mutual Guarantee. It has also noted with interest the replies already sent by several Governments of States Members of the League to the circular letter from the President of the Council, dated October 23rd, 1922, the text of which was forwarded to us by the Secretariat of the League of Nations.

After the fullest consideration, the Government of the Confederation is nevertheless of opinion that, in the present state of the discussion on this question, it could not make any useful contribution to the study of the problem, until the States which will be obliged to assume the heaviest liabilities under such an agreement have stated their views.

As regards the attitude of Switzerland towards the proposals for a Treaty of Guarantee, we venture to point out that this was made clear at the third session of the Assembly by the Representatives of the Confederation: Switzerland can only welcome and second any endeavours which the Powers may make to achieve a general reduction of armaments; she is however, bound by the obligations imposed upon her by the international régime guaranteeing her perpetual neutrality. — (Signed) Motta.
June 25th, 1923.

Membership of the League does not oblige Venezuela to carry out the provisions of the Covenant by signing new general Treaties; it can be done by means of internal or other measures, and has actually been done by Congress in 1920, when it approved the Convention on Traffic in Arms and Ammunition signed at Saint-Germain-en-Laye on September 10th, 1919, and by the Law on the Manufacture, Carrying of, and Traffic in Arms, passed in pursuance of that Convention.

The Venezuelan Department of Foreign Affairs supports the view that the pacification of the minds of the people has been and remains one of the most urgent necessities, and is also the most effective means of securing a reduction of armaments.

The moral aspect of the subject is of incalculable importance. Public opinion must be stimulated to prefer legal settlements; in place of the age-long habit of settling disputes by war, we must inculcate the habit of settling them - public disputes as well as private ones - by legal process.

Before any agreement leading to the abandonment of material preparations for war can be effected, the people must be induced to abandon the warlike spirit; for if, when armaments had been reduced, public opinion in every country were not opposed to destructive action against other countries, war would break out at the first opportunity in spite of the Treaty of Limitation, and the nations concerned having sufficient financial resources would soon succeed in equipping themselves for it.

In Venezuela this pacific spirit is universal. As has already been observed, in promulgating the law on the bearing of arms, the Republic limits its armaments to the minimum essential for the maintenance of internal order; but it has also given proof of its constant anxiety for the ideal of international peace by concluding in recent years a Treaty of Peace with the United States and various Arbitration Treaties with South American countries. It is laid down in the Constitution of the Republic that every Treaty signed by the National Government must contain a clause providing for arbitration in all disputes arising out of the execution of the Treaty.

By this means, Venezuela has solved her most difficult problems, including those connected with the boundaries of the Republic.

The Treaty of Mutual Guarantee may be briefly defined as a defensive agreement whereby the signatory States would undertake to provide immediate, effective and energetic assistance in accordance with a pre-arranged plan in the event of one of them being attacked.

The Ministry is of opinion that the problem of disarmament obviously affects in a direct manner the great Powers alone. The military organisation of Venezuela, being merely a guarantee of internal security, does not constitute an international danger and is not a heavy burden on the population. The country has no navy whatever, and its artillery force is confined to that required to guarantee national security. The Republic naturally regards with pleasure the reduction of the war effectives of countries in which these are very great, confined to that required to guarantee national security. The Republic limits its armaments to the minimum essential for the maintenance of internal order; but it has also given proof of its constant anxiety for the ideal of international peace by concluding in recent years a Treaty of Peace with the United States and various Arbitration Treaties with South American countries. It is laid down in the Constitution of the Republic that every Treaty signed by the National Government must contain a clause providing for arbitration in all disputes arising out of the execution of the Treaty.

There can be no doubt that one of the causes of the economic collapse of certain countries is the excessive burden of war budgets. This consideration cannot, however, be urged in regard to Venezuela, since her armaments are limited and do not in any way affect her financial position; the Government does not fail to provide with due regularity for all the public services, and there is always a certain balance in the national exchequer.

It will be seen from the foregoing statement that, as the war effectives of Venezuela are not excessive, but are merely proportionate to the requirements of national defence, the country has no need to reduce armaments. The above-mentioned Law on the Manufacture, Carrying of, and Traffic in Arms produced a genuine limitation of the country’s war material. No factories for such material, whether under State or private ownership, exist in the Republic.

Thus the examination of the question from the supremely important point of view of the general good, from which no civilised nation can dissociate itself, leads to the conclusion that it would be desirable and useful for every country to support in principle the adoption of the proposed Treaty of Mutual Guarantee, in view of the fact that this Treaty would protect the country even more effectively from any possible attack upon its independent national existence, and would assist it, with timely and powerful resources, in successfully repelling such an attack. This is a consideration apart from the undeniable proof of moral rectitude which adherence to such an admirable instrument would provide.

But as Venezuela is, in fact, without a large army or fleet, she would be giving an undertaking of no practical utility, since she could not, if occasion arose, fulfil the obligations imposed upon her by the Treaty.

The Government has therefore the honour to observe that it views the idea of the Treaty with the highest satisfaction, though it is obliged in due frankness to point out that, for the foregoing reasons, it would be almost impossible for the Republic to fulfil the essential clauses of the Treaty. It is therefore bound to decline what it can only regard as an honour: that of becoming a party to this Treaty and thereby contributing to the maintenance of international peace. — (Signed) P. ITRIAGO-CHACIONE.
V. DRAFT TREATY OF MUTUAL GARANTEE
PREPARED BY LORD ROBERT CECIL.

(A) TEXT SUBMITTED TO THE PERMANENT ADVISORY COMMISSION

I. General.

(1) The High Contracting Parties hereby agree that if any one of them is attacked, all
the others will forthwith take such action as they may respectively have agreed to take
in accordance with this Treaty and any treaty supplementary hereto, provided that this
obligation shall be conditional upon the reduction of the military forces of the party attacked
as provided (in article ...) hereafter.

(2) In consideration of the undertaking contained in the immediately preceding article,
each of the High Contracting Parties shall forthwith reduce its military forces maintained
in time of peace in the manner and to the extent set out for each of them in the Annex
hereto, and shall not thereafter increase them in time of peace without the consent of the
Council of the League of Nations.

(3) Each of the High Contracting Parties agrees to receive such military representatives
of the League of Nations as the Council may desire to appoint, and undertakes to furnish
these representatives with such information regarding its armaments as the Council may
from time to time require.

II. Menace in Time of Peace (General).

(4) In the event of any of the High Contracting Parties regarding itself as menaced
by the preparations or action of whatever kind of any other State, whether a party to this
Treaty or not, or as being, on account of its geographical position or for other reasons, in
a position of peculiar danger, it may so inform the Secretary-General of the League of Nations,
who shall forthwith summon a meeting of the Council of the League.

(5) If the Council, by not less than a three-fourths majority, shall be of opinion that
there is reasonable ground for thinking that the said preparations or action constitute a
menace as alleged, or that the applying State is in a position of peculiar danger, it shall,
at the request of such State, negotiate a special treaty supplementary hereto for affording
adequate protection for the menaced State against the danger to which it is exposed. This
special treaty shall be in the form of a military convention making detailed provision for
military support for the menaced State in case it is attacked.

(6) Any special treaty made in pursuance of Article 5 shall be construed as one with
this treaty, but shall in no way limit the general obligations of the High Contracting Parties.

(7) In the event of any High Contracting Party making the application to the Council
referred to in Article 4, all the obligations assumed by such High Contracting Party, including
that of Article 2, and all the obligations assumed by the other High Contracting Parties
in respect of such High Contracting Party shall be suspended, if it so desires, until the
special supplementary treaty which it requests shall have entered into force.

III. Menace in Time of Peace (due to maintenance of armaments
in excess of those allowed in the Annex hereto).

(8) In the event of the High Contracting Parties being of opinion that the military prepa-
rations of any State party to this Treaty are in excess of the armaments permitted to the
said State in accordance with the Annex hereto, it may so inform the Secretary-General
of the League of Nations, who shall forthwith summon a meeting of the Council of the League.

(9) If the Council, by not less than a three-fourths majority, shall be of opinion that
there is reasonable ground for thinking that the said preparations are so in excess, it
shall make such representations to the Government concerned as it may think right.

(10) If the majority of the Council is not satisfied within six months that the military,
naval and air forces of the said Party have been brought into accordance with this Treaty:

(a) It shall suspend the said Party from all its rights under this Treaty under
such conditions as it shall think right.

(b) It may take any other measures which it may consider right, including
a recommendation to the High Contracting Parties that penalties similar to those
provided in Article 16 of the Covenant shall be put into force against the State whose
armaments are in excess, that is to say that they will immediately subject it to severance
of all trade or financial relations, the prohibition of all intercourse between their nationals
and the nationals of the Covenant-breaking State, and the prevention of all financial,
commercial or personal intercourse between the nationals of the Covenant-breaking
State and the nationals of any other State, whether a Member of the League or not,
and that they will mutually support one another in the financial and economic measures
which are taken under this article, in order to minimise the loss and inconvenience result-
ning from the above measures.
(11) If the Council, by not less than a three-fourths majority, is of opinion that the excess armaments maintained by any State constitute a danger to the High Contracting Party which has made an application in accordance with Article 8 hereof, the Council shall, at the request of such State, negotiate a supplementary Treaty for the defence of the menaced High Contracting Party in accordance with the provisions of Articles 3 and 6.

IV. Provisions for deciding which State is the Aggressor in case of Attack.

(12) In the event of any of the High Contracting Parties becoming engaged in hostilities with any other State, whether a party to this Treaty or not:

(a) It shall so inform the Secretary-General of the League of Nations, who shall summon a meeting of the Council of the League without delay;

(b) It shall be the duty of the Council of the League, within four days at most from the date on which the Secretary-General receives such information, by not less than a three-fourths majority, to decide which of the States so engaged in hostilities has been the aggressor.

(c) Subject to any other consideration which the Council may think right to take into account, that State shall be considered to be the aggressor which has violated the territory of the other State.

(13) The High Contracting Parties agree to accept the decision of the Council given in accordance with Article 12 and to take the measures necessary to fulfil their obligations under this Treaty immediately this decision has been given.

V. Provisions for Military Assistance to be given to a State which has actually been attacked.

(14) The High Contracting Parties undertake to co-operate in the manner set out hereafter against any State which the Council has decided, in accordance with Article 12 above, to have committed an act of aggression. The High Contracting Parties undertake to participate, not only in measures undertaken for the defence of the Party attacked, but also in the offensive measures required to reduce the aggressor State to submission.

(15) The High Contracting Parties agree immediately to apply a complete economic and financial blockade, in accordance with Article 16 of the Covenant, against any State which the Council has decided to have committed an act of aggression.

(16) The High Contracting Parties apart from and subject to any supplementary Treaty concluded in accordance with Article 5 or 11 above, agree to bring military assistance to any State which is attacked, in the following manner:

(a) The High Contracting Parties agree to accept the general military command of the General Staff of any State to whom the Council may entrust a mandate to organise the military measures taken by the High Contracting Parties against an aggressor State, subject to any special conditions as regards the employment and safety of its troops which the High Contracting Parties concerned may desire to make.

(b) Each of the High Contracting Parties agrees to maintain at the disposal of such military command an agreed proportion, not being less than one-quarter of its naval and air forces.

(c) The High Contracting Parties agree to utilise those naval and air forces in accordance either: (1) with the instructions given by such military command as is appointed under Article 16 (a), or (2) pending such appointment, with plans prepared by the General Staff of the State attacked.

(d) The High Contracting Parties agree to furnish further military help in addition to the naval and air forces referred to in (b) above, if they are requested by the Council to do so. Provided, however, that when any such request is made by the Council, any High Contracting Party which is asked to furnish help shall sit as a Member of the Council.

(17) Nothing in this Treaty shall apply to any of the High Contracting Parties not being a European State to furnish any military forces in Europe, or not being an American State, in America, or not being an Asiatic State, in Asia, or not being an African State, in Africa, provided that this article shall not apply to the naval forces mentioned in Article 16 (b) above.

VI. Reparations and other Provisions.

(18) The High Contracting Parties agree that the cost of any military operations undertaken in pursuance of this Treaty, including reparation for any material damage committed in the course thereof, shall be borne:

(a) By the aggressor State, and

(b) So far as may be necessary, by the High Contracting Parties, in such proportions and in such manner as may be determined (by an impartial commission appointed for the purpose by the Council of the League of Nations acting by a majority), or (by the Permanent Court of International Justice).

(19) Any Member of the League, the United States, Germany or Russia not being one of the signatories to this Treaty may adhere to it by giving notice of adherence to the Secretary-General of the League or to each of the High Contracting Parties.

Any State may, with the assent of the Council of the League or the High Contracting Parties, adhere conditionally or to part only of the provisions of this Treaty.
Provided always that no such adherence shall be accepted unless the Power so adhering has reduced or is ready to reduce its forces in accordance with the provisions of this Treaty.

(20) Nothing in this Treaty shall be deemed to diminish or affect the provisions in the Covenant for maintaining the peace of the world.

(21) Nothing in this Treaty shall be deemed to alter or affect any provision of the Treaties of Peace signed at Versailles, Saint-Germain, Neuilly and Trianon in 1919 and 1920.

(22) Any question as to the meaning or effect of this Treaty, not being a question whether the naval, military or air forces, or preparations of any of the High Contracting Parties are in excess of those agreed to under the Annex to this Treaty, shall be referred to the Permanent Court of International Justice, whose decision shall be final.

(23) In this Treaty the expression "military" shall include naval and air and, except where the context otherwise requires, the singular shall include the plural.

VII. Entry into force of the present Treaty.

(24) The High Contracting Parties agree that the scales of armaments laid down for each of them in the Annex hereto shall be subject to revision at the expiration of ten years from the date of the entry into force of this Treaty.

(25) This Treaty shall be ratified by the deposit of ratifications with the Secretary-General of the League of Nations at Geneva. As soon as it is ratified by certain Powers, that is to say:

In Europe, by Great Britain, France, Germany, Italy, Russia or such four of them as shall first have ratified it.

In Asia, by Japan and one other Power.

In America, by the United States of America and one other Power.

it shall come into force in respect of that continent, provided always:

(a) That, if any of the ratifying Powers mentioned in this article by name shall not have reduced their armaments in accordance with the Annex hereto within two years of the entry into force of the Treaty, the Treaty shall with regard to such Powers be null and void, and the other High Contracting Parties which have ratified it may at any time denounce it.

(b) That, with respect to the High Contracting Parties, the rights and obligations provided in Articles 1, 11 and 13 to 19 inclusive of this Treaty shall only come into force when the Council shall by a three-fourths majority certify that such High Contracting Party has reduced its armaments in accordance with the Annex hereto, or has taken the necessary steps to secure that such reduction shall have been carried out within two years of the ratification of this Treaty by such High Contracting Parties.

(c) That, in the case of any High Contracting Party which considered itself menaced and so informed the Secretary-General, in accordance with Article 4 or 8 of this Treaty, the rights and obligations of the said High Contracting Party be suspended, if it so desires, until the special supplementary treaty for its defence, which it requests, shall have entered into force.

(B) OPINION OF THE PERMANENT ADVISORY COMMISSION.

(The articles mentioned in the texts are those of Lord Robert Cecil's draft).

OPINION OF THE COMMISSION.

The Commission has examined Lord Robert Cecil's draft from the military, naval and air points of view.

It submits herewith the opinions of the three Sub-Commissions concerning the articles in the draft which are of a technical character.

As a result of its investigation it has reached the following conclusion:

Conclusion.

The Commission is unanimously of opinion that, from a military, naval and air point of view, Lord Robert Cecil's draft does not constitute a solid basis for the scheme for the limitation of armaments.

The military, naval and air points of view which have led the Commission to reach this conclusion are set out below.

I. MILITARY POINT OF VIEW.

Articles 1 and 2. General dispositions: The Treaty does not profess to provide absolute guarantees against aggression, but only guarantees to come to the assistance of a threatened State and, in the end, to preserve it. There exist no provisions affording a guarantee against sudden invasion, with all its attendant evils and damage, but merely against eventual defeat.

With regard to the actual reduction contemplated, it is difficult to see how any scale of armament, in the case of any and every country, is to be agreed to without arriving at a common measure of the military requirements of nations.

Article 1 does not lay down that the reduction of armaments should impose on each State a strict obligation to maintain the minimum scale of armaments necessary to enable it to give the assistance which it may be called upon to render.
In the same way, Article 2 should cover the case of a State which, of its own volition or as a result of *force majeure*, is unable to provide the assistance on which other States are entitled to rely. Logically, the latter would then have to make good this default by a suitable increase in its own armaments.

**Article 3.** The Military Sub-Commission is of opinion that a control of the armaments of the States signatory to a treaty of guarantee is, if only from the technical point of view, difficult if not impossible of realisation.

The military representatives of the following countries: Belgium, Brazil, France, Spain and Sweden, consider, however, that, from the technical point of view, this control is necessary in order that a treaty of guarantee may have its full effects and that it would be at least possible to exercise such control in respect of the minimum armaments which each State would be bound to keep up to meet the obligations of the said Treaty.

In regard to the question of necessity, the military representatives of the following countries: Great Britain, Italy and Japan, make the following statement:

From the military point of view, it is necessary to be certain that the undertakings of a military nature are completely carried out by the States which have signed the treaty of guarantee, but it is impossible to acquire this certainty by means of a military control.

It would seem equally impossible to organise in any technical effective manner any military control without infringing the sovereignty of the States.

**Articles 4 and 5.** The following remark, though of a political rather than of a military character, is placed on record by several members of the Sub-Commission: The geographical situation of a country is determined beforehand and does not involve anything unforeseen. The danger resulting from this situation should therefore be considered *a priori* by the Council, and not only in time of danger.

**Articles 6 to 11.** Though of a political rather than a military nature, these articles touch on several technical points. In particular, they suggest the observation that, if a period of six months is granted to a State whose excessive armaments menace its neighbour *before a decision is taken that a menace exists*, it will then perhaps be too late to deal with the situation. The blockade will prove less effective, seeing that the State in question has been allowed six months in which to lay in stocks and take all measures necessary to provide against the blockade.

Though, generally speaking, this period may be too long, it may also happen that it will be too short, because a State may very well experience difficulties in its reduction of armaments for purely internal reasons. It seems therefore desirable not to fix this period, but for the Council in each case to fix a time limit, after having taken the advice of its military experts, who, after careful examination of the whole situation, should be able to advise as to the delay to be given to a State for the reduction of armaments.

The scheme provides for immediate blockade measures to be taken by the Council. This again is a question of a political nature, on which we have no advice to give. But in spite of all precautions that may be taken, and even under the most favourable circumstances, it is impossible to say that a blockade will be effective.

**Articles 12 to 16.** According to Articles 12 and 16:

1. A meeting of the Council is to be summoned “without delay”.

2. The Council is then to decide, within four days, which State is the aggressor.

3. The Council is to decide whether a State is to be called upon to furnish military help.

At the beginning of hostilities, time is of vital importance — in fact, it may be said to be the essential factor. Napoleon has said: “Ask me for anything in war but time”. A nation ready with its plans and which strikes at its own moment has the strategical initiative — a fact which is of the highest importance. For example, it took the Allies four years to regain the initiative in the late war, and it is the initiative which the draft leaves to the aggressor.

In cases where special supplementary treaties have been concluded, this vital loss of time will not probably occur to such an acute degree.

Most important questions arise as to the plans the forces under Article 16 (d) are to be employed upon, when the plans are to be prepared, and by whom.

The assistance to be rendered must be *effective*; to be effective, it must be *prepared in advance*, and it must be *immediate*. But the availability and time of intervention of land forces will depend on the extent to which the preliminary arrangements have been made possible — i.e., on the previous preparation of plans.

The difficulties of preparing plans in advance include the following:

(a) To know what eventualities to prepare for. This would imply the preparation of plans for an enormous number of combinations, and seems impossible. Secret mobilisation plans will render it possible only very roughly to estimate what forces in any particular case have to be countered.
Plans would have to be included for the invasion and reduction of one's own country — i.e., it would have to expose its own weaknesses and to indicate the best methods of vanquishing itself.

(b) Supposing, however, that the difficulties foreshadowed in (a) are solved, how are the preliminary plans to be drawn up?

There are various alternatives:

1. By the country whose assistance the plan is prepared.
2. By the country which is to be the dominating military power in the operations.
3. By separate plans, to be co-ordinated, evolved by all the countries furnishing military aid.

It will be very difficult to obtain agreement even on this.

(c) Supposing that the difficulties foreshadowed in (b) are solved, there is little assurance that all the countries interested will agree to the plan or plans produced. When different organisations and formations in accordance with schools of military thought and training, which may differ in various countries, have to be dealt with, the difficulties of obtaining agreement among the general staffs of different nations seem to be prodigious.

The technical problem will remain insoluble as long as the general military command appointed by the Council of the League of Nations is unable to rely with certitude on the minimum forces which it will be able to operate in each of the hypotheses to be contemplated.

The difficulties set forth above will not be so great in cases where supplementary treaties have been concluded, for in these cases, the area or possibility of aggression may be said to be more circumscribed.

It is easier to combine the forces of two, three or four States than those of ten, twenty or thirty, and it may therefore be possible for two or more States to agree upon a definite line of policy, to take a more decided outlook and therefore to progress further in their preparatory plans.

It would probably be possible to arrive at an approximate estimate of the eventualities to be provided for, and to arrive at conclusions as to the nature of the assistance required in any particular case. There would be greater certainty as to the value of the assistance actually to be provided, as to which countries would furnish it, and as to how and when it could be brought into action.

In a word, there is in this case a greater possibility of advance preparation and of immediate and effective assistance. It must be remembered, however, that the effective execution of any policy will depend on factors such as:

- The geographical situation of each State, in particular whether it is an island or part of a continent;
- The relations of each State towards its neighbours;
- The potential enemy;

while account has to be taken, not only of possible aggression from within the group, but also from without.

Article 14. The considerations which show how difficult it is to give a precise definition of aggression have been dealt with in the Report of the Permanent Advisory Commission on Resolution XIV of the Assembly.

The obligation to furnish military aid would imply that States entering upon the obligations of this Treaty will require to maintain certain elements of armed forces for use at the call of the Council of the League of Nations.

The result, as a matter of fact, is likely to be increase of armaments rather than decrease, for if the assistance is to be immediate, it implies the existence of forces surplus to the requirements of a State for its own protection.

Article 16. This article provides that the employment of international forces shall be controlled by a general military command appointed at the outbreak of war, and in his commentaries put before the Temporary Mixed Commission Lord Robert Cecil proposed that, in the interval before this general military command could be put into operation, the Command should be exercised by the general staff of the country attacked.

The weakness of this conception is obvious. Neither the general staff of the country attacked nor the military command appointed could assume the direction of international forces on the spur of the moment. Such a task would require plans of operations which had been worked out in detail in time of peace. There is no reference in the draft treaty to collaboration between the general staffs of the various countries.
Furthermore, such collaboration would be, if not manifestly impossible, at least far too slow. In fact, Articles 5 and 8 of the draft only provide for the conclusion of a special additional Treaty in the form of a military convention for providing military assistance to a menaced or attacked State when the danger is actually at its doors.

The Commission is not of opinion that the order in which armed intervention should take place—blockade, naval, air and lastly military forces, suggested by Lord Robert Cecil in his commentaries on the draft—would meet all situations that may arise in war. It would point out, moreover, that the very principle of intervention by land forces becomes a debatable point in the light of the text of the draft (paragraph (d) of Article 16).

Such would obviously not be the case if it were found possible, in the case of a country permanently menaced by reason of its geographical position, to adopt preventive measures by concluding a military convention, as provided for in Article 5.

Article 17. Although the question of a continental limitation is one that is essentially political, yet it is possible that, for technical reasons, certain States will not be able to accept this limitation.

Conclusions.

In the opinion of the Sub-Commission, the examination of the essentially military details of the proposed treaty has shown:

(1) As regards the general obligations: No State would have any certainty as to the number and nature of possible conflicts, nor as to the nature and value of the assistance to be provided.

No State would know the extent of its possible military commitments and would not even be able adequately to prepare plans for the despatch of its forces and their employment in the numberless operations in which it might be under an obligation to engage.

If it were itself attacked, it would have no certainty as to the assistance it would receive, nor as to who would furnish this assistance, nor how and when it would be brought into action.

It is considered therefore that the Draft Treaty of Mutual Guarantee does not afford satisfactory and definite guarantees for immediate and effective assistance and consequently does not provide a sound basis for a scheme for the reduction of armaments.

(2) As regards the combination of a General Treaty and special supplementary treaties: The combination of a general treaty with supplementary treaties, in the form advocated by the author of the plan, disregards or gives too little weight to two essential principles laid down by the Assembly:

That which makes reductions in armaments proportionate to the guarantees afforded by a treaty, and

That which requires that mutual assistance, in order to be immediate and effective, should form the subject of pre-arranged plans.

For the first principle there is substituted a scale to be established a priori, thus departing from the conception set forth in the Assembly Resolutions.

The second principle is only partially applied by virtue of the special supplementary treaties which are legislated for.

Subject to these reservations, the idea of combining partial agreements with general obligations is a happy one. An attempt might be made to discover a practical method of applying it, which should be based upon the necessities of modern warfare. Thus, assistance might be organised beforehand with a degree of completeness which would vary, both according to the nature of the assistance, and chronologically, according to the degree of urgency without in any way losing sight of the primary necessity of preventing the development of a conflict.

Note.—The Spanish Delegation makes the following reservations to the military point of view adopted by the Commission:

In accordance with instructions from its Government, this Delegation, having noted that the military point of view contains certain considerations which may be held contrary to any general treaty of guarantee, and which may possibly be regarded as outside the scope of Lord Robert Cecil's Draft Treaty, states that it cannot accept these conclusions except in so far as they are not at variance with the principles laid down in the Spanish Note in favour of the general treaty. The note in question accompanies the opinion of the Permanent Advisory Commission concerning Resolutions XIV and XV of the Assembly.
II. Naval Point of View.

Articles 1 and 2. No objection from a technical point of view. These two articles constitute the basis of the Treaty and consequently do not admit of technical criticism, except the general one that for certain States the obligations imposed might well result in an increase rather than a reduction of naval forces.

Article 3. The Commission is of opinion that the objections already raised to a system of control apply with even greater force to the proposals contained in this article and it therefore repeats the Opinion already given:

"According to Article 8 of the Covenant:

"The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes."

"In view of this undertaking, it appears superfluous and futile to set up a new system of supervision for the nations which have already signed that Declaration. If the good faith of such an interchange of information is open to suspicion, will not a similar doubt arise in regard to the information which would be supplied by this organ of control?"

"Every nation is sovereign in its own territory, and it would itself direct any investigation which might be carried out there. The good faith of these investigations will therefore be just as liable to suspicion as its own statements had been."

Article 4. The Commission considers that in certain cases this article might cause serious difficulties, in that any concentration or movement of naval forces might be used as a pretext for an appeal to the Council. In this way the mobility of fleets in time of peace might be much hampered.

Article 5. The Commission is of opinion that, although this article is mainly of a political nature, yet it presents a certain naval interest, and, generally speaking, it is considered that the proposed procedure would entail such delay as to be open to grave objections from a naval point of view.

Article 6. No remarks.

Article 7. This article permits naval forces to be increased temporarily to cope with any emergency, but entails their being reduced again as soon as the supplementary treaty is concluded. It is evident that naval forces cannot be increased and disbanded under such conditions.

Article 8. The Commission considers that, although this article is mainly political, the objections to any system of control already stated in its observations on Article 3 apply equally in this case.

Article 9. No remarks.

Articles 10 and 11. Same remarks as for Article 5.

Article 12 (a) and (b). Same remarks as for Article 5.

Article 12 (c). The Commission concurs in the view already expressed in plenary commission by the French and Swedish Delegations as to the inadvisability of too much stress being laid on this point as a criterion of aggression. The difficulty of deciding what constitutes an act of aggression is enhanced in the case of naval matters.

Article 13. No remarks.

Article 14. The Commission considers that there is perhaps a certain contradiction between the sense of this article and that of Article 16.

The latter article does not appear to commit the High Contracting Parties to furnish help other than the agreed proportion of their naval and air forces, except with their previous consent in each case. Article 14, on the other hand, if literally interpreted, is an engagement to supply help for offensive purposes without any limit whatever.

Article 15. No remarks.

Article 16 (a). The Commission is of opinion that the advantages of the principle of supreme command from a technical standpoint are sound, but the conditions liable to be imposed by each Power on the Supreme Commander, however justifiable in themselves, might give rise to great difficulties.

Article 16 (b). It is to be assumed that the naval forces maintained by each country are the minimum necessary for its defence. Consequently, if a quarter were held at the
disposal of the League, the result might be an increase of forces in order to maintain the security of each State.

Moreover, it would also appear to be necessary to determine quite clearly the exact meaning of the expression "a fourth of its naval forces", i.e. whether it means a fourth of the whole fleet or merely of that part of the fleet which is maintained in full commission. If this is not done, it is impossible to determine the exact value of the assistance provided, and to fix the minimum active naval forces which a Power is obliged to maintain. Again, it would appear to be necessary to lay down the various classes of units which should constitute this naval force: battleships, cruisers, torpedo craft, submarines, etc. Otherwise the force which is to furnish the assistance may be so constituted that it is unable to meet the needs of the situation.

Again, it would be necessary to settle the question whether the co-operating State should be responsible for replacing those of its ships which have been destroyed or are under repairs, and, consequently, to decide which party must undertake the duty of organising the work of supply, the maintenance of bases of operations, the defence of these bases, etc. These are matters which constitute difficulties of very considerable importance when assistance is given to a country which has no naval bases and has very limited resources.

Article 16 (c). No remarks.

Article 16 (d). The further help visualised here can apparently only be called for with the consent of the State which is to supply it. Comparing this article with Article 16 (b), it will be seen that a certain section of the naval and air forces of each country can be set in motion by a majority decision of the Council, even against a vote of the State supplying the forces. No similar compulsion can be exercised in the case of land forces, and it is difficult to see the reason for the drawing of such a distinction.

Article 17. Commits navies to action in all parts of the world, which, in certain cases, is a very serious commitment. Further, it would be clearly impossible to draw upon certain types of ships (which constitute the bulk of the naval forces of minor Powers) for service in distant waters in view of their limited radius of action and special design for operations in restricted areas.

Articles 18 to 25. As these articles are entirely of a political character, the Commission has not considered them.

General Observations.

With regard to Articles 5, 7, 10, 11 and 12, the Commission would draw attention to the fact that naval forces in particular cannot be readily improvised.

It would also draw attention to the fact that no provision is made in the Draft Treaty of Lord Robert Cecil to ensure that a minimum force is maintained, either as regards numbers or availability (ships out of commission, in dockyard hands, or on distant stations, etc.), by each State. The non-maintenance of such forces might compromise the security that the Treaty is designed to afford.

III. AIR POINT OF VIEW.

The Commission, before stating its own opinions on the definite questions raised by Lord Robert Cecil's scheme referred to above, which seem to involve certain technical considerations from an air point of view, would wish to ask a preliminary question of a general character which it considers to be of the highest importance:

The obligation to render assistance by means of air forces to a country which is attacked, as provided for in the various articles of Lord Robert Cecil's scheme, seems to owe its inspiration to a report of the Temporary Mixed Commission to the Third Committee of the Assembly, page 15, paragraphs 2 and 3, namely: In the case of armed assistance, certain forces, such as aircraft and warships, are the most readily available, and, therefore, the most likely to be asked for and to be effective in the initial stages of the war.

The preliminary question which the Commission asks is the following:

(a) as regards the factor of distance, i.e., taking into account the geographical situation of the different States affected by the conflict;

(b) as regards the factor of time, i.e., taking into account the ease or difficulty of employing either of these arms without previous preparation.

The Commission replies as follows to the question put before it:

The statement that aerial forces are ready immediately to give military assistance when required is incorrect.
The Commission would point out:

(a) Even though it may be less difficult for an air force than for an army or a navy to commence operations without a preconcerted plan when the scope of its operations is very limited, it is still true that for the employment of air forces a definite plan is required as in the case of a military or naval force.

(b) The opinion is widely held that air forces are the most readily available. This statement is only correct in the case of air forces working from a base if their radius of action is not greater than 250 kilometres. In addition, such air forces would have to be placed upon a war footing.

(c) Aircraft units can only take part in operations if they are up to full strength and have a considerable quantity of spare parts, shelters, etc., at their disposal.

(d) If Air force assistance is to be given to any State which lies outside the radius of action mentioned in paragraph (b), such air forces, including personnel, spares, etc., will need to be transported in the same way as military forces, viz., by land, sea, or road. In such cases the time required to bring air forces into action would be the same as, if not longer than, that required for military forces.

(e) The need for a preconcerted plan for the employment of air forces being admitted, it should be pointed out (with reference to Articles 5 and 6 of Lord Robert Cecil's scheme) that the technical difficulties which arise in connection with furnishing assistance under a general treaty are not the same as those which would occur under a supplementary treaty. In the first case, an interval must always elapse before air forces could be brought into action; in the second case, however, admitting that a plan of action has been prepared and that the objectives are not more than 250 kilometres distant, no such delay would occur.

The Commission, moreover, emphasises the difficulties which are inherent in drawing up plans for combined operations.

**Special Questions raised by the Cecil Treaty.**

**Article 10.** — The Sub-Commission is of opinion that the period of six months referred to is, from an air point of view, too long. Within this period, a State would be able to increase its air forces to an enormous extent.

**Article 12, paragraph 2.** — The Sub-Commission is of the opinion that the question of the period within which the Council must reach a decision is very important from all points of view (military, naval and air). Nevertheless, it feels bound to point out that from an air point of view, the question assumes special importance by reason of the fact that any long delay might give the aggressor a tactical advantage the consequences of which would be very serious.

**Article 16, paragraph 2.** — The question arises whether this one-quarter of the air forces to be provided by the assisting countries must be maintained up to strength or not.

If not, such assistance would appear to be illusory from an air point of view. The Sub-Commission also points out (although the matter does not come within its scope) that it would be desirable to obtain a definition as to whether “air forces” referred to in paragraph (b) of Article 16 should be understood to mean all the forces of the guarantor States, wherever they are stationed, or only the forces stationed at home.

The French representative, moreover, observes that the need for a country to maintain a given proportion of its air forces ready to move at a moment’s notice for a more or less remote theatre of operations would oblige certain States to increase the forces which they maintain on a war footing in peace, time, and consequently this might sometimes lead to an increase rather than a decrease of armaments.

The British representative reserved his opinion on this point.

**Article 17.** — The Sub-Commission has no comment to offer on this article if the Treaty is interpreted to mean that the High Contracting Parties will not be required to send either military or air forces to another part of the globe. The last sentence of the said article would, moreover, appear to confirm this interpretation.

The Japanese representative points out that, in the present circumstances, it would be difficult for certain Asiatic States to furnish air assistance to certain other States on the same continent.

As regards “lighter-than-air” craft, the Sub-Commission is of opinion that, from the practical point of view of military assistance, there is no need to consider the application of paragraph (b) of Article 16, as the number of dirigibles at the disposal even of the Great Powers is very limited.
(C) AMENDED TEXT.

Article 1. — The High Contracting Parties agree that none of them will commit an act of aggression against any other, and that if any one of them is attacked all the others will forthwith take such action as they may have agreed to take in conformity with this Treaty.

This obligation will remain subordinate to the condition that the attacked Party shall have effectively carried out the stipulations of this Treaty, so far as it is concerned, and, in particular, that it has reduced its military forces in accordance with the terms of Article 2.

In order better to ensure the maintenance of peace, agreements of an exclusively defensive character may be negotiated between two or more of the High Contracting Parties.

When the terms of such agreements have been recognised by the Council of the League of Nations to be in conformity with the stipulations of the present Treaty and of the Covenant, these agreements will be considered as complementary to the present Treaty.

Article 2. — In consideration of the undertakings contained in the immediately preceding Article, each of the High Contracting Parties shall forthwith reduce its military forces maintained in time of peace in the manner and to the extent that shall be decided in accordance with Article 8 of the Covenant, and incorporated in this Treaty, and shall not thereafter increase them in time of peace without the consent of the Council of the League of Nations.

Article 3. — Each of the High Contracting Parties agrees to furnish to the military or other representatives of the League of Nations named by the Council, such information regarding its armaments as the Council may from time to time require.

Article 4. — Any of the High Contracting Parties which regards itself, owing to its special circumstances, as not being sufficiently safeguarded by the provisions of this Treaty, may so inform the Council of the League of Nations and may request the Council to assist it in concluding an agreement for purely defensive purposes.

Article 5. — The procedure laid down in Article 11 of the present Treaty shall apply for the bringing into force of the obligations of such a treaty.

Such defensive treaties shall in no way limit the general obligations of the High Contracting Parties.

Article 6. — In the event of the High Contracting Parties being of opinion that the armaments of any State party to this Treaty are in excess of those fixed under its provisions, or that the policy, attitude or preparation of any such State cause apprehension of an outbreak of war, it may inform the Secretary-General of the League of Nations that a menace of war has arisen; the Secretary-General shall forthwith summon a meeting of the Council of the League.

Article 7. — If the Council shall be of opinion that there is reasonable ground for thinking that a menace of war has arisen, it shall make such representations to the Government concerned as it may think fit.

Article 8. — If the Council is not satisfied, within a period of which it shall itself in each case fix, that the menace of war no longer exists:

(a) It shall suspend the Party causing the menace from all its rights under this Treaty, under such conditions as it shall think fit.

(b) It may take any other measures which it may consider right, including a recommendation to the High Contracting Parties that penalties similar to those provided in Article 16 of the Covenant against a Covenant-breaking State should be applied to the State causing the menace.

(c) It may address a request to each of the High Contracting Parties to prepare such military forces as it thinks necessary for the purpose of averting the menace of war.

(d) It may further choose, in agreement with the State attacked, the State which shall nominate the Commander-in-Chief of these forces, and define the character and purpose of his command.

(e) It may make such provision for the necessary priority of communications.

Article 9. — In the event of any of the High Contracting Parties becoming engaged in hostilities with any other State, whether party to this Treaty or not:

(a) It shall so inform the Secretary-General of the League of Nations, who shall summon a meeting of the Council of the League of Nations without delay. The latter shall meet with all possible speed.
(b) It shall be the duty of the Council of the League to decide, within four days from the date on which the Secretary-General receives such information, which of the States so engaged in hostilities has been the aggressor.

If the Council is unanimously of the opinion that its decision cannot be taken within this period of four days, it may decide to postpone it for a further period.

For the purpose of this article, the Powers engaged in hostilities shall not take part in the vote.

Article 10. — The High Contracting Parties agree to accept the decision of the Council given in accordance with Article 8 and to take the measures necessary to fulfil their obligations under this Treaty immediately this decision has been given.

Article 11. — Subject to and in accordance with the provisions of this Treaty, the High Contracting Parties undertake to co-operate in all measures recommended by the Council to secure the submission of any State which the Council has decided, in accordance with Article 8 above, to have committed an act of aggression.

Article 12. — The High Contracting Parties agree immediately to apply all the measures indicated in Article 10 of the Covenant against any State which the Council has decided to have committed an act of aggression.

Article 13. — Apart from any special treaty concluded in accordance with paragraph 3 of Article 1 and Article 4 above, and subject to the provisions of any such treaty, the High Contracting Parties undertake to bring, at the request of the Council, military assistance to any State which is attacked. The Council of the League of Nations shall address to the High Contracting Parties a request for the military, naval and air forces which it desires to have placed at its disposal.

It shall choose, in agreement with the State attacked, the State which shall nominate the Commander-in-Chief of these forces, and it shall define the character and purpose of his command.

Priority of communications shall be accorded by the High Contracting Parties for the purpose of bringing these forces into action.

Article 14. — Nothing in this Treaty shall apply to any High Contracting Party not being a European State to furnish any military forces in Europe, or not being an American State, in America; or not being an Asiatic State, in Asia, or not being an African State, in Africa.

Article 15. — The High Contracting Parties agree that the whole cost of any military operations undertaken in pursuance of this Treaty, including reparation for any material damage caused in the course thereof, shall be borne in the first instance by the aggressor State, and if and in so far as the financial capacity of the aggressor State may be found inadequate for the discharge of this obligation, then by the other High Contracting Parties.

The amounts payable under this article by the aggressor shall, to such extent as may be determined by the other High Contracting Parties, be a first charge on the whole of the assets and revenues of the State. Any repayment by that State in respect of the principal money and interest of any loan, internal or external, issued by it directly or indirectly during the war, shall be suspended until the amounts due for costs and reparations are discharged in full.

Article 16. — Any Member of the League, the United States, Germany or Russia, not being one of the signatories to this Treaty, may adhere to it by giving notice of adherence to the Secretary-General of the League or to each of the High Contracting Parties.

Any State may, with the assent of the Council of the League or the High Contracting Parties, adhere conditionally or to part only of the provisions of this Treaty.

Provided always that no such adherence shall be accepted unless the Power so adhering has reduced or is ready to reduce its forces in accordance with the provisions of this Treaty.

Article 17. — Nothing in this Treaty shall be deemed to diminish or affect the provisions in the Covenant for maintaining the peace of the world.

Article 18. — Nothing in this Treaty shall be deemed to alter or affect any provision of the Treaties of Peace signed at Versailles, Saint-Germain, Neuilly and Trianon in 1919 and 1920.

Article 19. — Any question as to the meaning or effect of this Treaty, not being a question whether the naval, military or air forces or preparations of any of the High Contracting Parties are in excess of those agreed to under this Treaty, shall be referred to the Permanent Court of International Justice, whose decision shall be final.

Article 20. — The High Contracting Parties agree that the armaments determined for each of them, in accordance with the present Treaty, shall be subject to revision at the expiration of ten years from the date of the entry into force of this Treaty.

Article 21. — This Treaty shall be ratified.

The instruments of ratification shall be deposited with the Secretary-General of the League of Nations. As soon as the instruments of ratification have been deposited by certain Powers, that is to say:

In Europe, by Great Britain, France, Germany, Italy, Russia, or such four of them as shall first have ratified it;
In Asia, by Japan and one other Power;
In America, by the United States of America and one other Power;
it shall come into force in respect of that continent, provided always:
(a) That, if any of the ratifying Powers mentioned in this article by name shall not have reduced their armaments in accordance with the provisions of this Treaty within two years of the entry into force of the Treaty, the Treaty shall, with regard to such Powers, be null and void, and the other High Contracting Parties which may have ratified it may at any time denounce it.
(b) That, with respect to the other High Contracting Parties, the rights and obligations provided in Articles 1, 2 and 12 to 18 inclusive of this Treaty shall only come into force when the Council shall by a three-quarters majority certify that such High Contracting Party has reduced its armaments in accordance with the provision of this Treaty or has taken the necessary steps to secure that such reduction shall have been carried out within two years of the ratification of this Treaty by such High Contracting Party.

Article 22. — The present Treaty shall remain in force for a period of fifteen years.

VI. DRAFT CONVENTION OF MUTUAL ASSISTANCE
PREPARED BY LIEUTENANT-COLONEL REQUIN

(A) TEXT OF THE DRAFT.

Note.
I. The Third Assembly of the League of Nations requested the Temporary Mixed Commission to draw up a Draft Treaty on the basis of the principles contained in No. XIV of its Resolutions.

Under the terms of that resolution, the Treaty in question, which is called a "Treaty of Mutual Guarantee", should constitute the means of achieving the object pursued by the Temporary Mixed Commission, namely, a general reduction of armaments.

Further, a contractual obligation may take the form either of a general treaty or of partial treaties; in the latter case, the reduction of armaments must be proportionate to the guarantees afforded by the Treaty.

This Treaty of Guarantee or defensive agreement must impose upon all the Contracting Parties the obligation to provide immediate and effective assistance in accordance with the pre-arranged plan in the event of one of them being attacked.

II. The Draft of a Treaty of Mutual Guarantee was accordingly submitted by Lord Robert Cecil to the Temporary Commission on Armaments at its meeting on February 4th, 1923. This draft, which is to be examined by that Commission, has already been submitted to examination from a technical point of view by the Permanent Military, Naval and Air Commission at the request of the Temporary Commission.

The Permanent Commission came to the following conclusion as a result of its technical investigation:

"The Commission is unanimously of opinion that, from a military, naval and air point of view, Lord Robert Cecil's draft does not constitute a solid basis for the scheme for the limitation of armaments."

Further, the Military Sub-Commission explained its position as follows:

"No State would have any certainty as to the number and nature of possible conflicts, nor as to the nature and value of the assistance to be provided. No State would know the extent of its possible military commitments, nor even be able adequately to prepare plans for the despatch of its forces and their employment in the numberless operations in which it might be under an obligation to engage.

"If it were itself attacked, it would have no certainty as to the assistance it would receive, nor as to who would furnish this assistance, nor how and when it would be brought into action. It is considered, therefore, that the Draft Treaty of Mutual Guarantee does not afford definite guarantees for immediate and effective assistance, and consequently does not provide a sound basis for a scheme for the reduction of armaments."

The combination of a general treaty with supplementary treaties, in the form advocated by the author of the plan, disregards or gives too little weight to two essential principles laid down by the Assembly:

that which makes reductions in armaments proportionate to the guarantee afforded by a treaty.
and that which requires that mutual assistance, in order to be immediate and effective, should form the subject of pre-arranged plans.

"Subject to these reservations, the idea of combining partial agreements with general obligations is a happy one. An attempt might be made to discover a practical method of applying it, based on the necessities of modern warfare. Thus, assistance might be organised beforehand with a degree of completeness which would vary, both according to the nature of the assistance and chronologically, according to the degree of urgency, without in any way losing sight of the primary necessity of preventing the development of a conflict."

III. Bearing in mind these observations of the Military Sub-Commission, Lt.-Colonel Réquin has prepared a "Draft of a General Convention of Mutual Assistance", which he has the honour to submit to the Temporary Mixed Commission for consideration.

The features of this draft are as follows:

1) The object of the General Convention is to give effect to the obligations of mutual guarantee inserted in Article 10 of the Covenant, in order to enable the reduction of armaments to the lowest point consistent with national safety to be carried out in accordance with Article 8 of the Covenant. It is in conformity with the general principles contained in Resolution XIV adopted by the Third Assembly.

2) The Convention provides for the combination which was regarded by the Military Sub-Commission as a happy idea, of a general agreement and partial agreements, namely, of the two forms suggested in Resolution XIV.

3) The General Convention does not impose upon the Contracting States any obligations other than those already contained in the Covenant, and, in particular, in Article 10; it organises general measures of assistance to be rendered by all the signatory States, measures either to supplement the assistance resulting from partial agreements, or to take the place of such assistance in cases in which partial agreements do not exist between certain States.

4) Partial agreements are the essence of the system of assistance and are intended to establish defensive groups in accordance with one of the essential principles laid down under paragraph 3 of Resolution XIV, and referred to by the Military Sub-Commission, i.e., the necessity for providing immediate and effective assistance in accordance with a pre-arranged plan. Such agreements would, moreover, be subjected to periodical revision by the signatory States, the necessity of which was emphasised in the technical Report of the Permanent Commission on Resolution XIV.

5) This system of combined measures of assistance, with the guarantees of immediate and effective help which it offers to all States, constitutes a solid basis for a scheme for the reduction of armaments. States which are bound by partial agreements will be under the obligation, if the military conventions supplementary to these agreements allow them to do so, to carry out, in accordance with paragraph 4 of Resolution XIV, the reduction which they consider to be "proportionate to the guarantees afforded by the Treaty". The other States, which consider that the general measures of assistance are sufficient for them, will also proceed to reductions of armaments to the extent to which they are enabled to do so by the confidence which they feel in that assistance. The scheme for the reduction of armaments will therefore be general, in accordance with paragraph 1 of Resolution XIV.

6) The Draft Convention which is attached does not refer to certain questions dealt with in Lord Robert Cecil's draft, e.g., the supreme command of the forces of assistance, the supervision of armaments and the settlement of expenditure caused by the operations. Some of these questions may be settled by means of partial agreements; for others, it is difficult to find any general solution applicable in all cases which may arise, and, consequently, capable of being incorporated in a text as general as that of the proposed Draft Convention.

7) It is to be clearly understood that the Draft Convention does not in any way abrogate the provisions of the Peace Treaties or the obligations resulting from existing treaties which are known to have been concluded between certain States.

Preamble. — The High Contracting Parties, being desirous of establishing the general lines of a scheme of mutual assistance for the purpose of enabling national armaments to be reduced, in accordance with Article 8 of the Covenant of the League of Nations, "to the lowest point compatible with national safety and the enforcement by common action of international obligations", and also for the purpose of giving effect to the obligations set forth in Article 10 of the Covenant "to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League";

Agree to the following provisions:

Article 1. — The High Contracting Parties mutually undertake to furnish assistance to any one of their number in case it should be the object of aggression after having reduced its armaments in conformity with Articles 3, 4 and 7 of the present Treaty.

Article 2. — In order to enable the High Contracting Parties to render the general assistance provided for in Article 1 above immediately effective, the High Contracting Parties may conclude, either as between two of them or as between a larger number, agreements
establishing groups for purely defensive purposes, and settle in advance the measures of assistance which they would give to each other, in accordance with Article 10 of the Covenant, in the event of any case of aggression which they may consider possible against any of them.

Article 3. — Those of the High Contracting Parties which have concluded agreements of the character mentioned in Article 2 undertake, if the military conventions designed to ensure the execution of those agreements enable them to contemplate reductions of armaments, to inform the Council of the League of Nations of the reductions which they consider to be proportionate to the guarantees afforded to them by these agreements, and which they consequently propose to carry out.

The agreements concluded, together with information on the proposed reduction of armaments, shall be communicated to the League of Nations in order that the possible cases of aggression provided for in the said agreements may be recognised by the Council as being included in the cases of aggression in which they will be bound to make recommendations for the additional assistance referred to in the second paragraph of Article 5.

They shall be registered in accordance with Article 18 of the Covenant.

Article 4. — The High Contracting Parties signatory to the agreements mentioned above undertake to carry out the reductions of armaments which are referred to in the preceding article, and notice of which has been given to the Council, as soon as they are satisfied that the measures adopted by the co-signatory States make it possible, in case of aggression, and in the circumstances expressly defined in the said agreements, to carry out the scheme of mutual assistance provided for therein.

They shall inform the Council in regard to the reductions of armaments effected.

Article 5. — In all cases of aggression, for which provision is made in the agreement constituting a defensive group, the High Contracting Parties which are members of this group undertake to put into operation simultaneously the plan of assistance agreed upon between them; in all other cases of aggression, or menace or danger of aggression, directly aimed at them, they will consult each other before taking action, and will inform the Council of the measures which they have taken or are contemplating, in order that the Council may take the action laid down in Article 10 of the Covenant.

The other High Contracting Parties undertake to render in all circumstances to the members of any defensive group the assistance which the Council of the League may recommend, as in the case mentioned in Article 6 below, and under the conditions laid down in that article.

Article 6. — The High Contracting Parties undertake to render to those of their number which are victims of an aggression or are threatened by aggression, and which do not belong to any defensive group, general assistance in such form as the Council of the League of Nations may recommend as being the most effective, after recognising the legitimate character of the defensive action undertaken by the said Powers. Arrangements shall be made for giving this assistance without delay and it shall be supplied progressively according to the order of urgency which the circumstances prescribe, to repel aggression and to punish the aggressor.

Article 7. — The High Contracting Parties which are not members of a defensive group, and which consider that the general measures of assistance provided for in the preceding article are sufficient to ensure their national safety, must inform the Council of the League of the reductions of armaments which they propose to carry out, or of the limitations of armaments beyond which they do not intend to go. They shall proceed to carry out such reductions at the same time as the Powers which are members of neighbouring defensive groups.

Article 8. — Each of the High Contracting Parties undertakes to accord to the military or other delegates of the League of Nations, appointed by the Council, the same privileges as are accorded to military, naval and air attaches accredited to it, and to furnish them with information in regard to their armaments of the same nature as is at present supplied to such attaches.

Article 9. — No State shall be under an obligation to co-operate in another continent than the one in which it is situated in military, naval or air operations undertaken in connection with the general or supplementary assistance provided for in Articles 5 (paragraph 2) and 6 respectively of the Treaty.

Article 10. — The High Contracting Parties agree that the whole costs of any military, naval or air operations which are undertaken under the terms of the present Treaty and of the supplementary partial agreements, including the reparation of all material damage caused by operations of war, shall be borne by the aggressor State up to the extreme limits of its financial capacity.¹

Article 13. — The present Convention does not in any way abrogate the rights and obligations resulting from the provisions of the Covenant or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Saint-Germain, Neuilly and Trianon, or from the provisions of existing agreements which are known to have been concluded between certain States, in relation to the Powers signatory to, or beneficiary by, the said treaties or agreements.

¹ Articles 11, 12, and 14, which were without importance from a technical point of view, were not submitted to the Permanent Advisory Commission. They were, however, submitted on July 16th, 192 to the Special Committee which sat in London to examine Lieutenant-Colonel Requin's proposal.
B. OPINION OF THE PERMANENT ADVISORY COMMISSION.

The Commission, by a majority composed of the BELGIAN, BRAZILIAN, BRITISH, FRENCH and SWEDISH DELEGATIONS, expresses the following Opinion:

**OPINION.**

The broad question of the desirability or not of the formation of defensive groups within a General Treaty of Mutual Assistance and of how they should be formed is a matter of high politics and outside the competence of the Permanent Advisory Commission.

The Commission has, however, submitted the project to a general technical examination and expresses its opinion as follows:

In the case of the Hight Contracting Parties members of a defensive group, it appears to render possible the preparation in advance of plans for immediate and effective assistance in cases of aggression.

The procedure outlined in Article 6 for dealing with cases of aggression against Powers which remain outside a defensive group is based on sound principles. It appears likely to afford to those Powers such assistance as they may, in their position, reasonably expect to receive.

It enables the High Contracting Parties who have formed defensive groups to take action without delay in those cases which have been previously provided for in their agreement and approved by the Council.

In regard to the definite objects with which a group has been formed, the commitments of the High Contracting Parties forming this group can be considered as limited, but their commitments in other respects, and particularly in regard to the general obligations, are unlimited.

**Conclusion.**

The Commission is of opinion that, from the above technical points of view, the draft submitted by Colonel Réquin conforms within its limits to Assembly Resolution XIV; at the same time, it embodies in a general sense the principles considered essential by the Permanent Advisory Commission.

It appears also from the above technical point of view to provide a hopeful basis for the elaboration of a scheme of mutual assistance leading to a reduction of armaments.

More detailed observations cannot be advanced in view of the very general character of the proposal in its present form.

The ITALIAN, JAPANESE and SPANISH DELEGATIONS unanimously express the following Opinion:

**OPINION.**

The Draft, although it furnishes in several directions ideas which are new and deserve careful consideration, appears to be particularly concerned with partial treaties regarding which, from a military point of view, the three Delegations adhere to the definitely unfavourable opinion which they expressed at the April Session of the Permanent Advisory Commission (Document C. 341. 1923. IX), as they feel certain that such partial treaties would lead to the formation of military coalitions and would thus, instead of facilitating the reduction of armaments, render it more difficult.

The provisions of the draft are almost entirely of a political character and of too general a nature. They furnish no military details on which it would seem possible to base any conclusions.

**OPINION OF THE COMMISSION ON ARTICLE 8.**

The following opinion on Article 8 was unanimously adopted by the Commission, with the exception of the Japanese Delegation, who abstained from voting on account of not having received instructions from their Government:

"The members of the Commission have not yet received instructions from their Government on the proposals contained in Article 8, which was drawn up during the present session of the Permanent Advisory Commission, but, speaking in a purely personal capacity, they desire to record their opinion that the plan proposed in the article appears to be a salutary arrangement and is deserving of favourable consideration."
(C) AMENDED TEXT.

This text is the same as (A) with the exception of Article 7, which has been modified as follows:

Article 7. — The High Contracting Parties which are not Members of a defensive group, and which consider that the general measures of assistance provided for in the preceding article are sufficient to ensure their national safety, must inform the Council of the League of the reductions of armaments which they propose to carry out, or of the limitations of armaments beyond which they do not intend to go. They shall proceed to carry out such reductions at the same time as the Powers which are Members of neighbouring groups.

The following Articles (11, 12 and 14), which are without importance from a technical point of view, have been added to the Draft since its examination by the Permanent Advisory Commission:

Article 11. — Every State mentioned in the Annex to the Covenant and who has not signed the present Treaty, as well as any other State which may eventually become a Member of the League, may adhere to the present Treaty by notifying its adhesion to the Secretary-General of the League of Nations, who shall inform the other contracting States.

Article 12. — Every State Member of the League of Nations may, on the other hand, with the consent of the other High Contracting Parties send a conditional or partial adhesion to the stipulations of the present Treaty except as regards the stipulations concerning the reduction or armaments.

Article 14. — The present Treaty shall be ratified and the ratifications shall be deposited as soon as possible with the Secretariat of the League of Nations.

A first statement of the deposit of the ratifications shall be drawn up as soon as the Secretary-General receives the instruments of ratification of five European States three of which are permanent Members of the Council, of two Asiatic States of whom one is a permanent Member of the Council, of three American States.

The present Treaty shall come into force as regards all the States which have already ratified it, at the date of the first statement above mentioned, a certified authorised copy of which shall be immediately communicated to all signatory States.

With regard to the High Contracting Parties which may eventually ratify the present Treaty it will come into force at the date of the deposit of the instrument; the Secretary-General shall immediately communicate a certified authorised copy of the statement to all Powers which have signed or adhered to the Treaty.