

Geneva, July 18th, 1931.

LEAGUE OF NATIONS

**AMENDMENT OF THE COVENANT OF THE
LEAGUE OF NATIONS IN ORDER TO BRING IT INTO HARMONY
WITH THE PACT OF PARIS.**

OBSERVATIONS SUBMITTED BY GOVERNMENTS.

Series No. 2.

	Page		Page
Estonia.	1	Latvia	2
Japan	2	Norway	2

Estonia.

LETTER OF JUNE 29TH, 1931.

[*Translation.*]

The Estonian Government has carefully considered the proposals made by the Committee of Eleven and the Sub-Committee set up by the First Committee of the Eleventh Assembly, and has reached the conclusion that in certain respects the Sub-Committee's proposals are more satisfactory than those made by the Committee of Eleven. This applies particularly to Article 12, paragraphs 1 and 2 ; Article 13, paragraph 4 ; Article 15, paragraph 7, and Article 16, paragraph 1, first sentence. As regards these articles the Estonian Government is inclined to prefer the wording adopted by the *Sub-Committee*, on the understanding that Article 16 as amended includes all the cases provided for in Articles 13 and 15 and does not in any way lessen the effect of the sanctions.

While, as stated above, it is in favour of the amendment of Article 12 in the form proposed by the Sub-Committee, the Estonian Government nevertheless considers it desirable that attention should be given to the question whether the term "any dispute likely to lead to a rupture", is not more restricted in scope than Article 2 of the Pact of Paris. In the Estonian Government's opinion, it should be stated that the disputes in question are those which it has not been possible to settle through the ordinary diplomatic channel. Such an interpretation would be in accordance both with the resolution adopted by the Eleventh Assembly and with the antecedents of Article 12, since in the preliminary draft (of February 14th, 1919) the phrase, "disputes which cannot be adjusted by the ordinary process of diplomacy", was used instead of the present text. The Estonian Government accordingly considers that, with a view to bringing the League Covenant into harmony with the Pact of Paris, the possibility of embodying in Article 12 the text of Article 2 of the Pact of Paris should be considered. The following text (which does not claim to be complete) is therefore suggested for Article 12 :

"All the Members of the League agree that they will in no case have recourse to war for the settlement of disputes or conflicts of whatever nature or of whatever origin which may arise among them, and will only employ peaceful means for this purpose."

As regards Article 15, paragraph 6, the Estonian Government prefers the wording adopted by the *Committee of Eleven*, which gives an obligatory character to the Council's unanimous report. According to the Covenant, the Council will only draw up the report if the dispute is not settled despite its preliminary intervention. In these circumstances, would not the fact that the Council's report has an obligatory character induce the parties to accept its proposals? Certain members were even in favour of the recognition of the obligatory character of the Council's unanimous report when the League Covenant was first drafted (proposal by M. Hymans), and the matter was discussed by the Committee of Eleven, and in particular by the First Committee of the Eleventh Assembly, no objection being raised to the principle of the obligatory character of the report, which shows that the supporters of this principle are becoming more and more numerous. The Estonian Government is in favour of the amendment of Article 15, paragraph 6, in the manner proposed by the Committee of Eleven and of the addition to this article of paragraph 7*bis*, as proposed by the Sub-Committee.

Japan.

LETTER OF JUNE 6TH, 1931.

[*Translation.*]

The Japanese Government is in principle in favour of the draft amendments contained in the report of the First Committee of the Eleventh Assembly, it being understood that these amendments in no way affect the exercise of the right of self-defence.

Latvia.

LETTER OF JUNE 30TH, 1931.

[*Translation.*]

The proposal to bring the Covenant into harmony with the Pact of Paris has the full approval of the Latvian Government, which is prepared to do its utmost to bring about the adoption of the amendments for the purpose of embodying in the League Covenant the prohibition to resort to war and the principle that the settlement of international disputes should be sought only by peaceful means.

It is understood, however, that the Latvian Government reserves the right to explain its views in regard to the details of either question when they are discussed at the next Assembly.

Norway.

LETTER OF JUNE 18TH, 1931.

[*Translation.*]

As is clear, both from the declaration of the Norwegian Government in the letter which it had the honour to send you on February 22nd, 1930,¹ and from the declaration of the Norwegian delegate in the course of the discussion of this question at the First Commission of the Eleventh Assembly of the League of Nations, the Norwegian Government considered that it could accept in principle the idea of bringing the Covenant of the League of Nations into harmony with the Pact of Paris. Nevertheless, the Norwegian Government has always been of opinion that the happiest solution, and the one most in harmony with the end in view, would be to incorporate the provisions of the Pact of Paris in the Covenant of the League of Nations without increasing the number of cases in which sanctions are applicable.

Since, however, various practical difficulties have been encountered in the efforts to achieve this result, and since certain countries attach particular importance to the incorporation, once begun, being terminated as soon as possible, the Norwegian Government felt obliged to waive its request to leave the present provisions relating to sanctions as they stand.

Furthermore, as regards the most difficult eventuality — namely, the application of the sanctions if the Council fails to reach a report which is unanimously agreed to by all the members thereof, other than the representatives of one or more of the parties to the dispute, it will be necessary to find a formula making the application of the sanctions contingent on the unanimous decision of the Council — apart from the votes of the parties concerned — as to who is the aggressor.

The Norwegian Government is prepared to accept the new provisions relating to the authority of the Council which the Committee of Eleven has formulated in the new paragraphs 6 and 7*bis* of Article 15, although it does not see that these new provisions are an indispensable consequence of bringing the two instruments into harmony. It is also prepared to accept the proposals made on this subject by the Sub-Committee to the First Commission of the 1930 Assembly.

¹ See documents A.8.1930.V. (Legal Questions, 1930.V) page 22 or C.623 M.245.1930.V, page 28.