

[Communicated to the Council,  
the Members of the League  
and the Delegates at the  
Assembly.]



21. IX. 2. (5).  
118  
A. 35. 1923. IX.

Part I.

GENEVA,

August 30th, 1923.

## LEAGUE OF NATIONS

### REPORT

of the

## Temporary Mixed Commission for the Reduction of Armaments.

In the course of the year 1923 the Temporary Mixed Commission has held three sessions (Geneva : February and June 1923 ; Paris : August 1923).

In accordance with the recommendation of the Third Assembly, the Commission continued its work in close co-operation with the Permanent Advisory Commission.

1. Full particulars of its work are to be found in the two parts of this report which are printed separately.

The first part is concerned exclusively with Resolution XIV of the Third Assembly and with questions arising out of this resolution.

The second part of the report contains a study of the questions dealt with in other Assembly resolutions adopted as a result of the report of the Third Committee of the Assembly.

2. Further, in accordance with Resolution III of the last Assembly, the Secretariat has prepared a publication on peace-time armaments, which is based on the information supplied by the Governments, and on the expenditure of the various countries on armaments as shown in official publications.

### PART I.

#### SUMMARY.

I. Report of the Temporary Mixed Commission concerning a draft Treaty of Mutual Assistance.

II. Draft Treaty of Mutual Assistance.

(1) Text of the Draft.

(2) Annexes :

A. Statements by :

(a) Count Bonin-Longare, General de Marinis and the Marquis de Viti di Marco,

(b) M. Jancovici.

(c) M. Jouhaux.

(d) M. Lebrun, M. Fabry, and Lt-Colonel Réquin.

(e) M. Matsuda.

(f) M. Alcalà Zamora and the Marquis of Magaz.

B. Extract from the Minutes of the 8th Meeting of the 8th Session of the Temporary Mixed Commission regarding the discussion on Article 18 of the Draft Treaty of Mutual Assistance.

C. Amendment to Article 19 of the Draft Treaty, proposed by M. Matsuda.

III. Opinion of the Permanent Advisory Commission regarding Assembly Resolutions XIV and XV.

IV. Replies of the Governments regarding Assembly Resolution XIV.

V. Draft Treaty of Mutual Guarantee prepared by Lord Robert Cecil.

(A) Text submitted for the consideration of the Permanent Advisory Commission.

(B) Opinion of the Permanent Advisory Commission.

(C) Amended Text.

VI. Draft Convention of Mutual Assistance prepared by Lt-Colonel Réquin,

(A) Text submitted for the consideration of the Permanent Advisory Commission.

(B) Opinion of the Permanent Advisory Commission.

(C) Amended Text.



## I. REPORT OF THE TEMPORARY MIXED COMMISSION REGARDING A DRAFT TREATY OF MUTUAL ASSISTANCE.

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Resolution XIV of the Third Assembly, regarding the reduction of armaments, laid down the general principles of the relation between a system of mutual assistance and the reduction of armaments.

In the same resolution, the Assembly invited the Temporary Mixed Commission to continue its work on the subject, and to draw up concrete proposals with a view to the establishment of a political and military organisation for the practical application of such a system. The Assembly also asked the Commission, with a view to defining more precisely the scope of the proposals which the latter was to submit, to draw them up in the form of a treaty.

The Commission has endeavoured to carry out both the letter and the spirit of its instructions. Taking as a basis the principles contained in Resolution XIV, it has endeavoured to consider the meaning and implication of these principles and also the most effective means of applying them. It has heard the various opinions which have been expressed on the comparative efficacy of different methods of applying these principles, and it is glad to think that it has to a considerable extent arrived at an agreement. It has been unable to secure unanimity on the question of incorporating partial agreements in the scheme of general assistance, since the Italian members of the Commission were definitely opposed to this principle, as is seen by the attached statement (see Section II (2) A.)

In the course of its work, the Commission has obtained valuable assistance from the Governments Members of the League, many of which, in reply to an invitation from the Council, sent in useful observations on the principles of Resolution XIV and the possible methods of applying them.

It is to be observed that the work of the Commission has been influenced by these replies, which have been taken into account in the drafting of the treaty, which was adopted by a majority of the Commission with a view to its submission to the Assembly. It has also had the advantage of the assistance of the Permanent Advisory Commission, which, on several occasions, deliberated upon the technical aspect of the proposals laid before the Commission, and which has presented very valuable reports on the various questions.

It might be well at this point to mention briefly the different stages through which the Commission's work has passed. In the first place, the Permanent Advisory Commission considered the general principles of Resolution XIV and drew up a report thereon. After examining this report, Lord Robert Cecil submitted a draft treaty, which was considered by the Commission at its February session. This draft was afterwards discussed by the Permanent Advisory Commission and by a special Committee of the Temporary Mixed Commission; another draft, prepared by Lt.-Colonel Réquin, was also laid before the Permanent Advisory Commission and the same special Committee. Finally, the Commission prepared a draft which was accepted by the majority of the special Committee. This majority included the authors of the two original drafts.

The different reports of the Permanent Advisory Commission and of the special Committee and the texts of the draft treaties drawn up by Lord Robert Cecil (amended text) Lt.-Colonel Réquin and the Temporary Mixed Commission are to be found in Sections V, and VI of this document.

In conclusion, the majority of the Commission feel it their duty to point out that the draft treaty which they are submitting is the result of very profound study of the problem as a whole, a study which has been carried on throughout in a genuine spirit of co-operation. The Commission is absolutely convinced that if the various Governments of the world could adopt this treaty, concurrently with a plan for the reduction of armaments, a decisive step would be taken towards the final suppression of war, and an end made of the terrible danger arising from the competition in armaments.

The Commission is of opinion that the draft treaty submitted by it to the Assembly raises, as regards form, certain delicate questions of a legal character, and it requests the Council to consider the advisability of submitting the text of this draft to a committee of jurists for examination.

In this connection, it particularly draws the attention of the Council to Articles 13, 16, 18 and 19; as regards the last-named article, a new wording is proposed by M. Matsuda (Section II (2) C) of this document.

The Commission suggests that the Council might usefully invite the members of the drafting committee which was engaged on its report to put themselves at the disposal of the Assembly and to give the latter any explanations it may desire concerning the Treaty of Mutual Assistance.

The Commission requests the Council to consider the advisability of communicating the Draft Treaty of Mutual Guarantee to the Governments of States non-Members of the League in order that they may express their opinion on the question.



In addition to the Treaty of Mutual Assistance, the Temporary Mixed Commission examined several measures calculated to promote that mutual confidence between nations which it is the aim of the Treaty of Guarantee to secure.

(1) In particular, a proposal regarding special cases in which for, any reason, this mutual confidence is lacking between certain States; this proposal would lead to the conclusion between these States of a special treaty of non-aggression.

(2) A proposal regarding certain special cases in which for any reason a danger of aggression is presumed to exist: if the contact of two hostile forces along the frontier is of a nature to create incidents, would it be possible to establish a neutralised and demilitarised zone along this frontier in order to eliminate any such contact between armed forces? It was pointed out that the creation of such a demilitarised zone would render it easier to decide which State had committed an act of aggression.

After examination of these two proposals, the Temporary Mixed Commission came to the conclusion that these special measures would only be possible in a limited number of cases. For this reason it did not consider it advisable to make any reference, in the general Treaty of Mutual Assistance which it drafted, either to special treaties of non-aggression except the general undertaking contained in Article 1) or to demilitarised zones.

The Commission noted that, in certain cases, and provided that they could be established with the previous consent of the States concerned, such zones might offer real advantages.

It therefore considers that when a dispute is brought before the Council of the League in virtue of Articles 11 and 15 of the Covenant, it would be an advantage if the Council examined, on the above basis, the expediency of proposing the elaboration of a special treaty of non-aggression or the establishment of a demilitarised zone along the common frontier of the parties to the dispute, in order to dispose of the danger of war and to restore mutual confidence between the States.

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## II. DRAFT TREATY OF MUTUAL ASSISTANCE.

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### 1. Text of the draft.

*Preamble.* — The High Contracting Parties, being desirous of establishing the bases of an organisation of mutual assistance for the purpose of facilitating 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", agree to the following provisions:

*Article 1.* — The High Contracting Parties, solemnly declaring that aggressive war is an international crime, severally undertake that none of them will be guilty of its commission against another.

*Article 2.* — The High Contracting Parties jointly and severally undertake to furnish assistance, in accordance with the provisions of the present Treaty, to any one of their number should the latter, after having reduced its armaments in accordance with the present Treaty, be the object of aggression.

*Article 3.* — In the event of one 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 an aggressive policy or military preparation of any State party or not to the present Treaty are of such a nature as to cause apprehension to the High Contracting Parties of an eventual outbreak of hostilities, it may inform the Secretary-General of the League of Nations that it is under a threat of aggression, and the Secretary-General shall forthwith summon the Council of the League of Nations.

The Council, if it is of opinion that there is reasonable ground for thinking that a menace of aggression has arisen, shall take all necessary measures to remove such a menace, which may, if the Council thinks right, include any of the measures indicated in sub-paragraphs (a), (b), (c), and (d) of the 2nd paragraph of Article 5 of the present Treaty to meet a case of actual aggression.

*Article 4.* — In case of aggression against one or more of the High Contracting Parties, the Council of the League of Nations shall decide, within not more than four days from the date on which the matter was brought to the attention of the Secretary-General, which of the States engaged in hostilities has been the aggressor.

The High Contracting Parties undertake that, whatever may be the terms of the partial treaty to which they are parties, they will accept such a decision by the Council of the League of Nations.

For the purpose of this article, the Powers engaged in hostilities shall not take part in the vote. The same rule will apply to States signatories to any partial treaty involved unless the remaining Members of the Council decide otherwise.



*Article 5.* — The High Contracting Parties undertake to furnish assistance, in the form which the Council recommends as the most effective, to any State adhering to the present Treaty which has been the object of aggression, and for that purpose to take all necessary measures without delay, in order that it may be brought into operation in the order of urgency demanded by circumstances.

In particular, the Council may :

(a) Decide to apply to the aggressor State the economic sanctions contemplated by Article 16 of the Covenant ;

(b) Inform the States providing assistance, after having consulted them in accordance with Article 4 of the Covenant, of the forces which it desires to have placed at its disposal ;

(c) Take all the necessary measures for securing priority for the communications connected with the operations ;

(d) Prepare a plan for financial co-operation among the High Contracting Parties with a view to providing for the State attacked the funds which it requires for its defence ;

(e) Appoint, with the consent of the State which has been attacked, the Commander-in-Chief, and establish, in collaboration with the said State, the object and nature of his duty.

*Article 6.* — In order to allow the High Contracting Parties to render the general assistance mentioned in Articles 2, 3 and 5 immediately effective, they may conclude, either as between two of them, or as between a larger number, agreements complementary to the present Treaty exclusively for the purpose of mutual defence and intended solely to facilitate the carrying-out of the measures prescribed in this Treaty, determining in advance the assistance which they would give to each other in the event of any act of aggression which they may consider possible against any one of them.

Such agreements may, if the High Contracting Parties interested so desire, be negotiated and concluded under the auspices of the League of Nations.

*Article 7.* — Defensive agreements within the meaning of Article 6 shall be communicated to the League of Nations, in order that they may be examined by the Council and recognised as being in accordance with this Treaty and the Covenant.

In particular, the Council shall consider if the said agreements are of a nature to justify its decision, should the case arise, subject to the conditions of Articles 4 and 5 of this Treaty, to demand the assistance of the other High Contracting Parties.

When recognised, these agreements shall be registered in conformity with Article 18 of the Covenant and regarded as supplementary to the present Treaty. They shall in no way limit the general obligations of the signatory States nor the sanctions contemplated against the aggressor State under the terms of this Treaty. They shall, in all cases, be open to any other High Contracting Parties which may wish to become party to them, subject to the consent of the signatory States.

*Article 8.* — In all cases of aggression contemplated by defensive agreements within the meaning of Articles 6 and 7, the States parties to such agreements may undertake to put into immediate execution the plan of assistance which they have agreed upon.

Subject to the preceding paragraph, the provision of Articles 4 and 5 above shall come into force both in such cases and in other cases of aggression not contemplated by the special defensive agreements, and the High Contracting Parties to such agreements shall inform the Council, without delay, concerning the defensive measures which they think it necessary to take.

The High Contracting Parties undertake to furnish to the States parties to any such defensive agreements such assistance as the Council of the League may recommend in accordance with and subject to the conditions of Article 5 of this Treaty.

*Article 9.* — The High Contracting Parties, in view of the security furnished them by this Treaty, undertake to inform the Council of the League of the reduction or limitation of armaments which they consider proportionate to the security furnished by the general treaty alone, in case the general treaty should be sufficient for them, and to the security furnished by the defensive agreements complementary to the general treaty.

The High Contracting Parties undertake to co-operate in any general plan of reduction of armaments which the Council of the League of Nations, taking into account the information provided by the High Contracting Parties, may propose, under the terms of Article 8 of the Covenant.

This plan should be submitted for consideration and approved by the Governments, and, when approved by them, will be the basis of the reduction contemplated in Article 2 of this Treaty.

The High Contracting Parties undertake to carry out this reduction within a period of two years from the date of the adoption of this plan.



The High Contracting Parties, after having informed the Council of the reduction of armaments which they have carried out, undertake to conform to the provisions of Article 8 of the Covenant.

*Article 10.* — Each of the High Contracting Parties undertakes to furnish to the military or other delegates of the League appointed by the Council such information with regard to its armaments as the Council of the League may request.

*Article 11.* — No High Contracting Party shall be under an obligation in principle to co-operate in a continent other 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 by this Treaty.

*Article 12.* — The High Contracting Parties agree that the whole cost 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.

The amount payable under this article by the aggressor shall, to such an extent as may be determined by the Council of the League, 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 amount due for cost and reparations is discharged in full.

*Article 13.* — Any Member of the League of Nations, 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 of Nations, who shall inform the other High Contracting Parties.

States which are not Members of the League of Nations may adhere hereto subject to the consent of two-thirds of the signatory States.

*Article 14.* — Any State referred to in Article 13 may, with the consent of the Council of the League of Nations, notify its partial adherence, the benefits and obligations of which shall be limited so as to correspond to one or more forms of mutual assistance of a clearly defined military, naval, air, economic or financial nature, provided always that such State adheres unconditionally to the provisions of this Treaty which concern the reduction of armaments.

*Article 15.* — Nothing in the present Treaty shall affect the rights and obligations resulting from the provisions of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Saint-Germain, Neuilly and Trianon, or from the provisions of treaties or agreements registered with the League of Nations at the date of the first coming into force of the present Treaty as regards the signatory or beneficiary Powers of the said treaties or agreements.

*Article 16.* — Any question as to the meaning or effect of the present 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 present Treaty, shall be referred to the Permanent Court of International Justice, whose decision shall be final.

*Article 17.* — The High Contracting Parties agree that the armaments determined for each of them, in accordance with the present Treaty, shall be subject to revision every five years, beginning from the date of the entry into force of this Treaty.

*Article 18.* — *(Two drafts submitted to the Council for examination by a Committee of Jurists.)*

The present Treaty shall be ratified and the ratifications shall be deposited as soon as possible at 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 which one is a permanent Member of the Council ;

Of three American States.

The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible at the Secretariat of the League of Nations. As soon as the instruments of ratification shall have been deposited by certain Powers, that is to say :

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

In Asia by Japan 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 the present Treaty within the period fixed in Article 9, from the date of entry into force of the said Treaty, this Treaty shall be regarded by

such Powers as 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 other High Contracting Parties, the rights and obligations provided for in Articles 2, 3, 5, 6, and 8 of this Treaty shall only come into force when the Council shall certify that such High Contracting Party has reduced its armaments in accordance with the provisions 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 the present Treaty by the High Contracting Parties.

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

The present Treaty shall come into force as regards all States which have ratified it on the date on which it comes into force in respect of the continent in which they are respectively situated.

A certified copy of each instrument of ratification shall immediately be 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 instruments. The Secretary-General will immediately communicate a certified copy of the statement to all Powers which have signed or adhered to the Treaty.

With regard to the High Contracting Parties which may subsequently 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 copy of the instrument to all Powers which have signed or adhered to the Treaty.

*Note.* — A ratification clause for States situated in North and South America, Africa and Oceania must be added.

*Article 19.* — The present Treaty shall remain in force for a period of fifteen years from the date of its first entry into force.

After this period, it will be prolonged automatically from year to year for the States that have not denounced it.

## 2. Annexes.

### A. STATEMENTS.

(a) BY COUNT BONIN-LONGARE, GENERAL DE MARINIS AND THE MARQUIS DE VITI DE MARCO.

The Italian Delegates, from the very beginning of the Commission's work, and on every occasion, have declared themselves :

(a) favourable to a General Treaty of Guarantee and Mutual Assistance with a view to securing the maintenance of peace and to facilitating the reduction of armaments by suppressing the threat of aggression ;

(b) averse to any kind of special agreements in which they see a dangerous possibility of perpetuating in future that system of alliances which has created in the past an atmosphere of mutual distrust and harmful suspicion as well as the competitive armaments which resulted therefrom, highly detrimental to the cause of peace.

They had, nevertheless, in a spirit of conciliation, accepted the possibility of special agreements as instruments for the carrying out of the General Treaty, but they have on every occasion maintained the view that, in order to preserve such a character, such agreements ought to be placed and to remain at all times under the effective and continuous control of all the signatory States represented by the Council of the League of Nations.

Though they deeply regretted to find themselves at variance with several of their colleagues, they felt compelled to recognise that the principle of such special agreements coming automatically into effect — that is, the principle of war breaking out, so to speak, automatically — though it had been accepted by the majority of the Temporary Commission, was irremediably opposed to their own conception of such agreements. Even the amendment to Article 3, which stipulated that the parties to a special agreement must accept the decisions of the Council after the said special agreements have come into play, has appeared to the Italian Delegates somewhat illusory : it is difficult to admit that, upon a mere order issued by the Council, States already engaged in a war shall stop hostilities, and it is to be feared that, under such circumstances, the Council would lose part of its prestige, with the result that the authority of the League of Nations would be greatly prejudiced thereby.



However, they had to recognise that in many cases such special agreements, if they came automatically into effect, would contribute to a localisation of war, which is often the best means of stopping it or of reducing its worst effects.

They further recognised that, when the principle of special agreements had been accepted and endorsed by the League of Nations, it could not fail to lead to the creation of groups opposed to one another and thus create a new menace to peace.

In these circumstances, the Italian Delegates felt bound to state that they fully maintained their opposition towards the special treaties; they wished to express their unshaken faith in the principle of the universality of the League of Nations, which must be found in any agreement concluded under its auspices and which constitutes the best guarantee of peace and the best means of arriving at the establishment of a lasting peace throughout the world; they requested that an appropriate reference should be made in the Report to the two divergent opinions which have been expressed throughout the whole session of the Temporary Commission and which it has been, unfortunately, impossible to reconcile, and that they be submitted to the Council and the Assembly and afterwards to the interested Governments.

(b). BY M. JANCOVICI.

M. Jancovici states that he adheres to the principle of partial agreements as a method for giving effect to a general agreement, because partial agreements alone can guarantee the peaceful and free development of States which are placed in a precarious political situation.

In the form in which the present draft treaty of mutual assistance is cast, the promise of assistance is dependent upon subtle distinctions and a variety of accidental circumstances.

(c) BY M. JOUHAUX.

I do not think that the statements contained in the Italian Note are strictly accurate; regard must be had to the modifications introduced into the various articles of the Treaty, especially those which provide that the Council shall receive detailed information with regard to partial agreements, complementary to the present Treaty. These provisions are of a nature to eliminate, at least to some extent, any dangers which might arise from certain partial agreements.

Moreover, in view of the fact that intervention by the Council is essential, it would appear difficult for partial agreements of a dangerous character to be concluded within the framework of the general Treaty; should such a case occur, however, it would be the duty of the Council to refuse to authorise the ratification and to take the measures necessary in this connection, in accordance with the provisions of the general Treaty.

Under the terms of Article 18 of the Covenant of the League of Nations, States have the right to conclude partial treaties provided that they are published, but such treaties remain independent of the Covenant and do not constitute an integral part of it.

Further, the High Contracting Parties are under no obligation to effect a reduction of armaments as a counterpart to the security which these treaties might afford. On the contrary, the military conventions designed to secure their execution might require an increase of national armaments.

Henceforward, the position will be different, by reason of the application of the Treaty of Mutual Assistance of the Temporary Mixed Commission of the League of Nations.

The existence of the partial treaties of the aforesaid Convention, or the Treaties of Mutual Assistance, is only justified by the fact that they are complementary to the general agreement, to which they are very closely related.

They must be strictly defensive in character, and the possible cases of aggression must be clearly specified.

Hitherto, States which have signed special agreements have merely been required to register them with the Secretariat of the League of Nations.

In the future, however, it will be necessary for all partial agreements complementary to the Treaty of Mutual Assistance to be explicitly recognised by the Council of the League of Nations as being in conformity with the Covenant and with the general Treaty of Mutual Guarantee. Hence, they must be strictly defensive in character and apply to clearly defined cases of aggression; *they must, moreover, as a counterpart to the guarantee, provide for a reduction of armaments proportionate to such guarantee.*

Nor is this all. The special agreements contemplated in the Covenant of the League of Nations were to be legally valid in all cases, whatever might be the opinion of the League of Nations in regard to possible disputes or cases of aggression which might occur, for if the Covenant in principle condemned all wars of aggression, it did not in fact prohibit wars other than those which constitute a violation of its articles.

Henceforth, however, there is a complete change in the situation. Should a conflict arise, whatsoever its character, it is the duty of the Council of the League of Nations to announce, within four days, which party is the aggressor. It is legally incumbent upon all the High Contracting Parties to the Treaty of Mutual Assistance to regard as the aggressor whatever State may be designated by the decisions of the League of Nations.



Thus, as a consequence, a case may arise in which a State signatory to a partial agreement complementary to the general Treaty may find itself obliged, in contravention to the partial agreement which it has signed, to employ the forces at its command, no longer on behalf of the other signatory State, but against it, if the Council of the League of Nations has decided that, in the conflict which has arisen, the State in question was the aggressor.

The resolution of the Third Assembly of the League of Nations stated that, in order to effect the reduction of armaments, a Treaty of Mutual Assistance was necessary which would be open to all and which would provide a guarantee of immediate and effective assistance in accordance with a pre-arranged plan.

The Treaty of Mutual Assistance of the Temporary Mixed Commission, which is a combination of partial agreements and a general agreement, corresponds to the requirements of the above-mentioned resolution.

No State can escape the consequences of the reduction of armaments which is provided for therein and which is required for the maintenance of peace, as stated in Article 8 of the Covenant. The general Treaty strengthens the Covenant in regard to all cases of aggression and all cases of threats of war. Either the guarantees which it contains are sufficient for any State signatory to the Treaty and such State must, as counterpart of the guarantees provided, carry out a reduction of armaments; or else the State considers that it requires, in addition, a partial agreement complementary to the Treaty, and, in that case, it may conclude such an agreement if it is defensive in character and if it is approved by the Council of the League of Nations, but it may not evade the corollary obligation to reduce its armaments or the implicit obligation contained in the general agreement of recognising its own partial treaty to be null and void in the event of its co-signatory being designated by the Council of the League of Nations as the aggressor in any conflict which may arise.

This is an essential characteristic of the partial agreements complementary to the general Treaty; it acts as an incentive to States to abstain from any aggression, inasmuch as the special instrument which they have designed may recoil upon themselves.

It no longer rests with them to decide which State is the aggressor, but with the Council of the League of Nations, whose decision is binding upon all the High Contracting Parties to the general Treaty.

If it is further noted that the Treaty of Assistance is open to all States without distinction, that it applies to all cases of aggression and that it therefore possesses a character of universality such as the Covenant of the League of Nations does not possess, the conclusion is irresistible that the Treaty in question is calculated to establish an era of mutual confidence, and thus to supplement material disarmament by moral disarmament.

*History would be short if it recorded only wars provoked by ideas which were just; it is time that it should record no more wars and that peoples and States should come to an understanding for their mutual good in regard to an international economic organisation.*

For that reason, while continuing to maintain our general reservations, my friends and myself have consented to the introduction of partial agreements into the Treaty. We have borne in mind that we were appointed to the Temporary Mixed Commission for the definite purpose of bringing about a reduction of armaments, the only matter of real importance for the peoples of the various countries.

This reduction has not been possible under the Covenant of 1919; the result is that since that date we have been spectators of a veritable armaments race and of a return to pre-war conditions. It was, of course, impossible to sacrifice to a special condition the principle of, and the possibility of bringing about, a reduction of armaments.

The Council, in conformity with Article 4 of the Covenant, and assisted by the advice of all the nations signatory to this Treaty which are Members of the League of Nations, should prevent the development of partial agreements, whatever harmful provisions they may contain, and aim at making the general Treaty the universal law and at securing a general reduction of armaments.

(d) BY M. LEBRUN, M. J. FABRY AND LIEUTENANT-COLONEL RÉQUIN.

M. Lebrun, M. Jean Fabry and Lt-Colonel Réquin are of opinion that the Draft Treaty of Mutual Assistance should make provision for the *possible* adherence to the Treaty of all States; but they consider that such adherence should be subject to their previous admission to the membership of the League of Nations, unless they are included in the list of States invited to become Members of the League, which appears as an Annex to the Covenant.

The Treaty of Mutual Assistance is intended to facilitate the application of Article 8 of the Covenant, and has an undoubted connection with Article 10. Although distinct from the Covenant of the League, it is closely bound up with the provisions of that Covenant, and the powers which it confers on the Council of the League are such that it is difficult to conceive how a State which is not a Member of the League could become a party to this Treaty of Mutual Assistance, placed within the influence of the League and under the supervision of the League Council, unless that State had previously "given, in conformity with Article 1 of the Covenant, effective guarantees of its sincere intention to observe its international obligations". This condition appears to be rendered all the more necessary by



the fact that, in Article 15 of the Treaty of Mutual Assistance, it is clearly laid down that nothing in the present Treaty shall affect the rights and obligations resulting from the Treaties of Peace.

Among States which are not Members of the League there may be some which have not yet given "effective guarantees of their sincere intention to observe their international obligations", as required by Article 1 of the Covenant. It would not appear possible to place in such States the confidence which signatories to a Treaty of Mutual Assistance should mutually inspire.

Procedure proposed by the above-mentioned Members, which involves the admission of a State to membership of the League before it can adhere to the Treaty of Mutual Assistance, is therefore based on principles of law and justice.

The above-mentioned members therefore register a *formal reserve* concerning the text of Article 13, as adopted by the majority of the Commission.

(e) BY M. MATSUDA.

I am fully convinced that a general treaty alone can afford general guarantees for effecting the reduction of armaments throughout the entire world. Nevertheless, with a view to meeting certain special circumstances, I have no hesitation in admitting the system of partial agreements. To guard against the danger of returning in this way to the former system of rival groups, it is essential that these agreements should be of an exclusively defensive character, that they should represent only an additional guarantee within the limits of the main general guarantee and that the Council of the League of Nations should exercise over these agreements effective and consistent control and authority. It is unnecessary to make any exception in the case of an aggression mentioned in the partial agreements. The Council ought always to be the first to move in the matter. An immediate and effective guarantee is required : effective guarantees are not only required in the case of partial agreements, but also in the case of the general treaty. We should make every endeavour, not only to make good the damage caused by wars, but more especially to prevent them as far as possible, by leaving in the hands of the Council the fundamental right to carry out a preliminary examination. The great problem of universal disarmament can only be solved if the principles of law and justice are strictly observed. I would point out further that we are dealing not only with a question of legal principles but also with a question of morality. A general desire for peace must be created before the nations can lay down their arms. Otherwise a spirit of suspicion will continue between the nations and will make any reduction of military expenditure impossible, as the nations will fear sudden attack in a period of what appears to be profound peace. These considerations are worthy of serious attention.

(f) BY M. ALCALA ZAMORA AND THE MARQUIS DE MAGAZ.

The Spanish members of the Commission are in favour of the principle of a general agreement. They are apprehensive that partial agreements may threaten the peace of the world and they cannot recognise any system in which there would be a danger that certain Powers would be involved in war against their will at the desire of States signatories of partial treaties. Anxious, however, to display a conciliatory spirit, they have agreed to co-operate in the development of the principle of partial agreements which would pave the way for a general treaty of mutual assistance, and they are of opinion that, in this Treaty, as finally drafted, the danger incidental to partial agreements is certainly reduced. While explicitly asserting their right to put forward reservations in regard to the draft treaty, they do not desire to make use of this right at the present time.

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B. EXTRACT FROM THE MINUTES OF THE EIGHTH MEETING OF THE  
EIGHTH SESSION OF THE TEMPORARY MIXED COMMISSION  
HELD IN PARIS, TUESDAY, AUGUST 7th, 1923.

DISCUSSION ON ARTICLE 18, THE TWO SUGGESTED TEXTS OF WHICH  
ARE SUBMITTED TO THE COUNCIL FOR CONSIDERATION.

Count BONIN-LONGARE pointed out a difficulty which might arise in the Assembly, particularly in connection with States not represented either on the Council or on the Temporary Mixed Commission.

The present draft gave the Council new and very wide powers. It was possible that certain States Members of the League might wish to express an opinion on this augmentation of the powers of the Council and that they might consider that the matter would necessitate an amendment of the Covenant.

M. ALCALA ZAMORA said he did not approve entirely of either of the drafts proposed for Article 18, but he was more particularly opposed to the second, which presented the following defects :



Regarding Europe first of all, although they desired the adherence of Germany and Russia, if they wished to make the Treaty applicable to Europe it was indispensable for them to obtain the full adherence of France, Great Britain and Italy, if they did not desire to render it more difficult to secure the peace which they all hoped to attain and to strengthen.

Secondly, it appeared to him to be difficult to place in the same condition politically, the United States and the Continent of America, on the one hand, and Japan and Asia on the other hand. Regarding Asia, there was no objection, by reason of the quite special position of Japan, to the suggestion that her adherence, together with that of another Asiatic State, should be held to be sufficient.

Regarding America, the case was not the same, for, while recognising the great importance of the United States, they should not forget the importance of Latin-America.

It would therefore be difficult to admit that the action of the United States and one other American State alone should be sufficient to put the Treaty into force as far as America was concerned.

Lord ROBERT CECIL said that he was quite prepared to recognise the technical problems raised by M. Alcala Zamora. That was why the authors of the second draft had added the reservation inserted *at the end* : two ratifications might be required, one for North America and the other for South America.

Regarding Europe, it was impossible to conceive of a ratification of the Treaty which would exclude France, Great Britain and Italy. In any case, the Treaty could not produce its full effects unless it was ratified by Russia or Germany, — that was why the text had been proposed in its present form,

He thought, however, that the texts of paragraphs (a) and (b) should be maintained, if they did not wish to place the Powers which had reduced their armaments in a dangerous position.

While he insisted that paragraphs (a) and (b) should be maintained — he had drafted them himself — he proposed that Article 18 should be reserved for the consideration of the Council and that the Council should appoint a Committee of Jurists, which would, moreover, be required to give its opinions on the rest of the Treaty, and to which they should submit the two drafts, drawing its attention to the general opinions of the Temporary Mixed Commission concerning the drafting of a final text.

M. ALCALA ZAMORA said that it would be possible to reach an agreement regarding America.

With regard to Europe, the question was essentially political, so that the opinion of a Committee of Jurists would be useless.

He insisted on the necessity of the adherence of France, Great Britain and Italy.

Lord ROBERT CECIL said that that held good for Russia also.

Count BONIN-LONGARE supported M. Alcala Zamora's proposal regarding America. There were in South America States which were destined to play a great part in the future and which merited the particular consideration of Europe. They should not be trusted as countries of minor importance. They must therefore discover a formula which would give greater importance to the adherence of South American States. They might consider North America and South America separately, and increase the number of States whose ratification would be necessary to enable the Treaty to come into force.

With regard to Europe, he proposed that the order should be changed as follows :

" By Great Britain, France, Italy, (Germany or Russia) ". Thus he was sure that the Treaty could not come into force without the concurrence of three Great Powers.

M. VILLEGAS, on his own behalf and on behalf of his Brazilian colleague, thanked M. Alcala Zamora and Count Bonin Longare for their remarks. They would certainly be received with pleasure by the South American States and would save the Commission from being obliged to listen to an *exposé*, which it would have been necessary to make to justify their reasons for absolutely refusing to accept the procedure of ratification indicated in the second text of Article 18 which referred in general to America.

In agreement with Lord Robert Cecil, he proposed to submit an amendment, which he would send in to the Secretariat, defining a procedure of ratification for the South American States and another for the North American States, the latter group comprising those countries situated on the north of the Panama Canal.

M. Jean FABRY said that he entirely agreed with M. Alcala Zamora's and Count Bonin-Longare's remarks.

The text submitted by Colonel Réquin was more liberal with regard to South America.

In Europe it is absolutely necessary that Great Britain, Italy and France should all three adhere to the Treaty. The adherence of Germany and Russia, as Count Bonin-Longare had proposed, might possibly retard the Treaty's coming into force. States were in question whose intentions were unknown. Lord Robert Cecil's proposal was not acceptable because it might lead to the entry into force of the Treaty without the adherence of Great Britain, France or Italy.

In view of the legal and political difficulties raised by this Article, it would be wise to leave the Council to appoint a Commission to draw up a text on the lines of M. Alcala Zamora's suggestion.



M. JOUHAUX said he accepted the modification proposed by M. Alcala Zamora. He thought, moreover, that they should not limit ratification to the three Powers, Great Britain, Italy and France.

An argument was advanced against the League of Nations which was false but nevertheless produced a certain effect. It was said that the League of Nations only included the victorious nations in Europe.

If they admitted only the three Powers referred to, they would lend new force to this Argument.

Therefore, he asked the Commission to add Germany and Russia. M. Jancovici's remarks had shown that the Treaty could have no value for Roumania and certain other States unless Russia adhered.

It had been recognised that the Washington Agreement could not be extended unless Russia took place in a new Conference. Since this need was admitted, they should recognise the fact in Article 18.

M. VILLEGAS proposed that the Treaty should come into force after the adherence of three States for South America, and for North America after the adherence of the United States and two other States.

M. ALCALA ZAMORA thought that, at any rate for Europe, the consent of Great Britain, Italy and France must be obtained, and also of Germany and Russia if these Powers became signatories.

Admiral PENIDO supported M. Villegas' proposal.

Lord Robert CECIL said he would prefer that the United States should not be mentioned by name in order to avoid offending their susceptibilities.

The PRESIDENT proposed that with these reservations the Article should be sent to a Committee of legal experts to draw up a text.

Count BONIN-LONGARE asked that this Committee should be consulted as to whether, if the Treaty came into force, the Covenant would not have to be amended.

Lord ROBERT CECIL proposed that in that case they should communicate the Minutes of the Commission's meetings.

It would not in any way be necessary to amend the Covenant in order to give the Council the new powers it received under the Treaty. Indeed, if that argument were admitted, a large number of treaties concluded recently, particularly regarding Minorities, would be illegal.

M. BRANTING said he thought the Commission should reach a decision and not refer so important a question to a Committee of legal experts.

M. ALCALA ZAMORA said that they would draft Article 8 without having to refer it to the Council of the League, for there was sufficient agreement amongst the members of the Commission as to the principle and the detail. He proposed the following draft :

" In Europe, when the Treaty shall have been signed by Great Britain, France, Italy and Russia or Germany, if the two latter become signatories in conformity with Article 13, and by two other Powers ;

" In South America when the Treaty shall have been signed by three Powers ;

" In North America when the Treaty shall have been signed by the United States and another Power. "

They would maintain the paragraph concerning Asia without modification.

M. Jean FABRY asked under what heading Central America would be placed; would it be classed with North or South America ?

M. ALCALA ZAMORA replied that Central America should be classed with North America.

Count BONIN-LONGARE said he would prefer that they should carry on the work they had begun and therefore he would be glad if they would submit a draft to the Council. He therefore proposed that a small sub-Commission should be appointed, consisting of members of the Commission, to draft an Article 18 which would be incorporated in the Treaty; this sub-Commission to take into account the arguments which had been put forward.

M. Jean FABRY said that, before reaching a decision concerning the United States, he thought it would be better that the United States should be consulted and that this should be done on the responsibility of the Council, rather than on that of the Commission. The Commission, moreover, was not entitled to request this opinion.

The PRESIDENT put to the vote the motion, proposed by Lord ROBERT CECIL and seconded by M. FABRY, that the two texts of Article 18 should be referred to the Council together with the Minutes of the discussion on this Article.

*(This proposal was adopted by 14 votes to 10.)*

M. ALCALA ZAMORA asked that paragraph 4 of the second draft of the Article should be omitted, in accordance with Lord Robert Cecil's request.

The PRESIDENT agreed.



### C. AMENDMENT TO ARTICLE 19 OF THE DRAFT TREATY OF MUTUAL ASSISTANCE PROPOSED BY M. MATSUDA.

The present Treaty shall remain in force for a period of fifteen years from the date of its first entry into force.

After this period, it will be prolonged automatically from year to year for the States which have not denounced it.

If, however, one of the States referred to in Article 18 denounces the present Treaty, the Treaty shall cease to exist as from the date on which this denunciation takes effect.

This denunciation shall be made to the Secretariat of the League of Nations, which shall, without delay, notify all the Powers bound by the present Treaty.

The denunciation shall take effect twelve months after the date on which notification has been communicated to the Secretariat of the League of Nations.

When the period of fifteen years, referred to in the first paragraph of the present Article has elapsed, if operations undertaken in application of Article 5 of the present Treaty are in progress, the Treaty shall remain in force until peace has been completely re-established.

The above-mentioned denunciation shall not take effect, as regards the State making such a denunciation, until peace has been completely assured.

### III. OPINION OF THE PERMANENT ADVISORY COMMISSION REGARDING ASSEMBLY RESOLUTIONS XIV AND XV<sup>1</sup>.

The Permanent Advisory Commission, which met at Geneva from April 16th to 23rd, 1923, to consider Assembly Resolutions XIV and XV with regard to Treaties of Mutual Guarantee was unable, in consequence of divergencies in the instructions given to members by their respective Governments to express a unanimous opinion on this matter.

The British Delegation, not having received instructions from its Government, was, unable to take part in the discussion.

The Italian Delegation stated that it was unable to discuss the question of partial treaties.

#### SUMMARY.

A. Opinion of the Belgian, Brazilian, French and Swedish Delegations in regard to :

- I. General conditions to be fulfilled by any Treaty of Guarantee
- II. Difficulties inherent in any Treaty of Guarantee
- III. The value of a General Treaty

(<sup>1</sup>) *Resolution XIV. (a)* The Assembly, having considered the report of the Temporary Mixed Commission on the question of a general Treaty of Mutual Guarantee, being of opinion that this report can in no way affect the complete validity of all the Treaties of Peace or other agreements which are known to exist between States; and considering that this report contains valuable suggestions as to the methods by which a Treaty of Mutual Guarantee could be made effective, is of the opinion that :

(1) No scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it is general.

(2) In the present state of the world, many Governments would be unable to accept the responsibility for a serious reduction of armaments unless they received in exchange a satisfactory guarantee of the safety of their country.

(3) Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked, provided that the obligation to render assistance to a country attacked shall be limited in principle to those countries situated in the same part of the globe. In cases, however, where, for historical, geographical, or other reasons, a country is in special danger of attack, detailed arrangements should be made for its defence in accordance with the above-mentioned plan.

(4) As a general reduction of armaments is the object of the three preceding statements, and the Treaty of Mutual Guarantee the means of achieving that object, previous consent to this reduction is therefore the first condition for the Treaty.

This reduction could be carried out either by means of a general Treaty, which is the most desirable plan, or by means of partial treaties designed to be extended and open to all countries.

In the former case, the Treaty will carry with it a general reduction of armaments. In the latter case, the reduction should be proportionate to the guarantees afforded by the Treaty.

The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, should further formulate and submit to the Governments for their consideration and sovereign decision the plan of the machinery, both political and military, necessary to bring them clearly into effect.

(b) The Assembly requests the Council to submit to the various Governments the above proposals for their observations, and requests the Temporary Mixed Commission to continue its investigations, and, in order to give precision to the above statements, to prepare a draft Treaty embodying the principles contained therein.

*Resolution XV.* The Assembly,

Whilst declaring that the reduction of armaments contemplated by Article 8 of the Covenant cannot achieve its full effect for world-peace unless it be general :

Desires to emphasise the importance of regional agreements for the purpose of reducing armaments — agreements which, if necessary, might even go beyond the measures decided upon in respect of general reduction ;

And requests the Council to ask the Temporary Mixed Commission to take into consideration, during its subsequent work, the possibility of recommending the conclusion of similar agreements to States which might be concerned.



- B. Opinion of the Belgian, Brazilian and French Delegations in regard to :
  - IV. Partial treaties and regional agreements.
- C. Opinion of the Swedish Delegation in regard to :
  - IV. Partial Treaties.
- D. V. Conclusions and Résumé of the Belgian, Brazilian and French Delegations.
- E. Observations by the Spanish and Italian Delegations (otherwise in agreement with almost all the considerations of a military nature set forth in the preceding Opinions), to which the Japanese Delegation adheres in principle :
  - I. General conditions to be fulfilled by any Treaty of Guarantee.
  - II. General Treaty.
  - III. Conclusion.

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A.

The BELGIAN, BRAZILIAN, FRENCH and SWEDISH DELEGATIONS express the following opinions in regard to :

- I. The general conditions to be fulfilled by any Treaty of Guarantee.
- II. The difficulties inherent in any Treaty of Guarantee.
- III. The value of a General Treaty.

I. GENERAL CONDITIONS TO BE FULFILLED BY ANY TREATY  
OF GUARANTEE, WHETHER GENERAL OR PARTIAL.

*Our object is to prevent war and not to bring progressively into action the forces which will carry a war to a successful conclusion. Any system which did not immediately confront the aggressor with forces considerably superior to his own would be fundamentally unsound : instead of stopping the conflict at the beginning, it would allow it time to develop, and would thus lead to a long war, with all the irreparable damage and loss of life which such a war involves.*

This postulate implies the following conditions :

- (a) The system to be established should be such that the aggressor :
  - Could not even imagine the possibility of coming into conflict with it (ideal solution) ;
  - Would be very quickly crushed in a *short* war (acceptable solution) ;
  - Would have no hope of success in a long war (dangerous solution).
- (b) *In no case must a State which is attacked suffer invasion.*

This condition assumes the existence of a mutual guarantee which can be *brought into action immediately*. The necessity of such a guarantee is proportionate to the directness of the threat which overshadows a country owing to " historical, geographical or other " circumstances, which entail, for some countries, the " special dangers " recognised by the Assembly.

(c) *As war is carried on in every sphere, mutual assistance must also be given in every sphere.* It is not, however, equally effective in all the forms and in all the combinations of circumstances considered.

*The only form of assistance which is really effective at the beginning of a war is military, naval or air assistance.*

Other forms of assistance — economic, financial, etc. — can only play a subsidiary part, which, however great its importance, is only felt, as a rule, in course of time, during a long war. Moreover, the very nature of these forms of assistance renders it impossible to estimate the guarantees that they afford, and consequently to apply one of the principles laid down in Resolution XIV — namely, that the reduction of armaments should be " proportionate to the guarantees " offered by the Treaty.

(d) *If the assistance is to be " immediate and effective " it must be given " in accordance with a pre-arranged plan " , as stated in Resolution XIV ; and if this pre-arranged plan, which will necessarily involve detailed provision, is to be carried out without delay — that is, without discussion — it is important that it should be made an integral part of the treaty of guarantee.*

(e) As the methods of attack and defence are constantly changing, it is essential :

That any treaty of guarantee involving reductions in armaments should be *periodically revised* with a view to maintaining its efficacy ;

*That some form of control should be exercised with the double object of revealing secret armaments or preparations before it is too late, and of ensuring that the guarantee nations maintain a minimum quantity of sufficiently modern armaments to enable them to fulfil, if necessary, their obligation to provide assistance.* Even if it is practicable to ensure by some form of control that each State maintains the minimum quantity of armaments which it has undertaken to maintain, it will be very difficult, if not impossible, to exercise control in respect of excess of armaments in an effective manner and without infringing the sovereignty of the States required to submit to such control.



To sum up, it will be seen that a treaty of mutual guarantee should *in theory* :

Take instant effect with a force which would discourage any idea of aggression, would protect the State attacked from invasion and would shorten the war ;

Include in its text a detailed and pre-arranged plan of common action in every sphere, but particularly in the sphere of military, naval and air operations ;

Organise some form of preventive control ;

Provide for periodical revisions.

## II. DIFFICULTIES INHERENT IN ANY TREATY OF GUARANTEE.

The conditions considered above have already brought to light the difficulties involved in the conclusion of treaties of guarantee. It will now be observed that, *by their very nature, though in varying degrees according to the system of which they are a part*, treaties of this kind contain inevitable weaknesses.

(a) In the first place, the guarantees to be given from outside will in all cases be of less intrinsic value than similar guarantees secured to a State by its own resources. A few obvious reasons may readily be given in connection with armed forces providing assistance.

*The preparations* for their action cannot be carried so far ;

Their arrival at the seat of operations will be subject to many risks (delay or interruption to land transport in foreign territory, or of sea transport if the command of the sea is not assured) ;

The plan of concentration (and to some extent the plan of operations) will be known to so many persons that it will be impossible to preserve that *secrecy* which is an essential factor of success in war ;

The value of the auxiliary forces will vary and will depend upon their organisation, arms, officers, training and individual qualities.

(b) The relative value of foreign intervention will depend upon the peace-time military organisation of the co-operating State. If a long war is to be avoided, the *initial operations* must be regarded as *decisive*. To ensure their success, it is better that units of comparatively small value should be *immediately available* at the outset than that better-trained troops should arrive *too late*. Now, those countries which only maintain small professional armies, and for which mobilisation involves the training of their national man-power, will not be able to put any considerable effectives into the field until after several months, if not longer.

(c) Foreign troops, the despatch of which depends on the goodwill of their Governments and on a vote of their Parliaments, will never be available with *certainty and in every event*. This point brings us to the following question, which is of capital importance and governs the whole problem :

(d) *How can the mutual assistance provided for by a treaty of guarantee be automatically brought into play ?*

It is not enough merely to repeat the familiar formula, "unprovoked aggression": for under the conditions of modern warfare it *would seem impossible to decide, even in theory, what constitutes a case of aggression*. Thus :

Aggression should be defined in the treaty ;

The signs should be visible, so that the treaty may be applicable ;

Lastly, the signs should be *universally recognised*, in order to make the operation of the treaty *certain*.

### 1. DEFINITION OF AGGRESSION.

Hitherto, aggression could be defined as mobilisation or the violation of a frontier. This double test has lost its value.

Mobilisation, which consisted, until quite recently, of a few comparatively simple operations (calling up of reserves, purchases or requisitions and establishment of war industries, *after the calling up of the men*), has become infinitely more complicated and more-difficult both to discover at its origin and to follow in its development. In future, mobilisation will apply not merely to the army but *to the whole country before the outbreak of hostilities* (collection of stocks of raw materials and munitions of war, industrial mobilisation, establishment or increased output of industries). All these measures which give evidence of an *intention* to go to war may lead to discussions and conflicting interpretations, thus securing *decisive* advantages to the aggressor unless action be taken.

The violation of a frontier by "armed forces" will not necessarily be, in future, such an obvious act of violence as it has hitherto been. The expression "armed forces" has now become somewhat indefinite, as certain States possess police forces and irregular troops which may or may not be legally constituted, but which have a definite military value. Frontiers themselves are not easy to define, since the treaties of 1919-1920 have created neutral zones, since political and military frontiers no longer necessarily coincide, and since air forces take no account of either.



Moreover, the passage of the frontier by the troops of another country does not always mean that the latter country is the aggressor. Particularly in the case of small States, the object of such action may be to establish an initial position which shall be as advantageous as possible for the defending country, and to do so before the adversary has had time to mass his superior forces. A military offensive of as rapid a character as possible may therefore be a means, and perhaps the only means, whereby the weaker party can defend himself against the stronger. It is also conceivable that a small nation might be compelled to make use of its air forces in order to forestall the superior forces of the enemy and take what advantage was possible from such action.

Finally, the hostilities between two naval Powers generally begin on sea by the capture of merchant vessels, or other acts of violence — very possibly on the high seas outside territorial waters. The same applies to air operations, which may take place without any violation of the air frontiers of States.

These few considerations illustrate some of the difficulties inherent in any attempt to define the expression "cases of aggression" and raise doubt as to the possibility of accurately defining this expression *a priori* in a treaty, *from the military point of view*, especially as the question is often invested with a political character.

## 2. SIGNS WHICH BETOKEN AN IMPENDING AGGRESSION.

But, even supposing that we have defined the circumstances which constitute aggression, the existence of a case of aggression must be *definitely established*. It may be taken that the signs would appear in the following order :

1. Organisation on paper of industrial mobilisation.
2. Actual organisation of industrial mobilisation.
3. Collection of stocks of raw materials.
4. Setting-on-foot of war industries.
5. Preparation for military mobilisation.
6. Actual military mobilisation.
7. Hostilities.

Numbers 1 and 5 (and to some extent Number 2), which are in all cases difficult to recognise, may, in those countries which are not subject under the Peace Treaties to any obligation to disarm, represent precautions which every Government is entitled to take.

Number 3 may be justified by economic reasons, such as profiting by an advantageous market or collecting stocks in order to guard against the possible closing of certain channels of supply owing to strikes, etc.

Number 4 (setting-on-foot of war industries) is the first which may be definitely taken as showing an intention to commit aggression; it will, however, be easy to conceal this measure for a long period in countries which are under no military supervision.

When Numbers 6 and 7 are known to have taken place, it is too late.

## 3. UNIVERSAL RECOGNITION OF IMPENDING AGGRESSION.

In the absence of any indisputable test, Governments can only judge by an *impression* based upon the most various factors, such as :

- The political attitude of the possible aggressor ;
- His propaganda ;
- The attitude of his Press and population ;
- His policy on the international market, etc.

Now, the impression thus produced *will not be the same* on the nations which are directly threatened as upon the guarantor nations ; thus, as every Government has its own individual standpoint, no simultaneous and universal agreement as to the imminence of an attack is possible.

It will be seen, in short, that the first act of war will precede the outbreak of military hostilities by several months or even more, and that there is no reason to expect any unanimous agreement as to the signs which betoken the imminence of danger. There is therefore a risk that the mutual assistance would only come into action in reply to military mobilisation or hostilities on the part of the aggressor. Such assistance, not being *preventive*, will always come *too late*, and will therefore only allow of a slight reduction in the individual provision which must be made by each nation for the organisation of its own defence.

Despite these points, in which "collective guarantees" are inferior to "national guarantees", we must not abandon the former class, nor must we give up our attempts to strengthen them. They involve, however, important results as regards the latter class, and those results we must now enumerate.

(a) Whatever external guarantees may be in contemplation, no country can be expected, if attacked, to refrain from mobilising as quickly as possible all its forces of every kind. Such a country must therefore maintain, in peace-time, armaments proportionate to possible attacks and so organised that complete mobilisation will be easy at any time.



(b) The final decision as to the value of external support and the efficiency of the machinery by which this support is to be brought into action must necessarily be left to each of the Governments concerned. The same stipulation should therefore apply to the reductions in armaments which may be rendered possible by these new guarantees. *Any idea of a scale of armaments calculated a priori on a more or less arbitrary basis is thus excluded.* As each Government remains the sole judge of the minimum quantity of armaments which is necessary for its security, it is *only* to the extent to which external support takes the place of a portion of the national armaments that the latter can and should be reduced.

Further, it will be advisable, in calculating the "substitution value" of external support, to find a suitable and variable co-efficient of reduction which will express the relation of each of the elements making up this support to the corresponding elements in the national forces.

(c) As the word "guarantee" implies the idea of real security, it would be preferable, in order to avoid misleading public opinion, to refer to the treaty as one of "mutual assistance" rather than of "mutual guarantee".

### III. GENERAL TREATY.

It would doubtless be highly desirable that as many countries as possible should automatically come, in one form or another, to the assistance of any one or more of their number which may be attacked.

The principle of a guarantee of this kind is laid down, in theory, in Article 10 of the Covenant of the League. It would be well, however, to strengthen this principle by means of a *General Treaty for the practical application of those articles of the Covenant which relate to it, although the amendment adopted by the Second Assembly must seriously reduce the efficacy of the economic weapon placed in the hands of the League by Article 16.*

The ideal and the practical do not, however, always coincide; and it must be asked in this case whether the vagueness which so often characterises general contracts can be reconciled with the *degree of confidence* which would be implied by any considerable reduction in the armaments of each State. This question can only be answered by taking the following points in order:

(a) *Is a general treaty of mutual assistance, defining the obligations under Articles 10 and 16 of the Covenant, calculated, in case of war, to provide effective support for the State attacked; and, if so, in what form?*

A distinction must be drawn between wars in which an attacked State is *directly* involved and those in which such a State would be obliged to intervene *as a co-operating State*. In the former case the important points for the country concerned are the nature and value of the support *immediately* available from abroad; in the latter case, the chief importance attaches to the obligations which the country must undertake and the burdens it will thus incur. A further distinction must be drawn regarding the *actual nature of the war*, according as its form is predominantly military (land warfare) or predominantly naval (sea warfare). In other words, *the necessity of adapting armaments to the nature and magnitude of the dangers* against which they are intended to guard involves the basing of all calculations upon *potential offensive power of the possible aggressor*. Even this first condition appears to be incompatible with the very nature of a general treaty, which should be *valid in all cases of aggression*; for every aggressor gives rise to a "particular case" which does not come within the scope of a general treaty.

Similarly, a country which has decided to attack at a convenient moment will take measures to destroy, at least for a considerable time, the efficacy of the only weapon which could come immediately into action under a general treaty — *the blockade*. It would, of course, be difficult for small or average countries, whose resources and industrial capacity are limited, to carry out in all its various forms such a preparation for attack. But a treaty of guarantee which only gave security against the weak would be immoral and valueless. Now a guarantee against the strong could only be provided by a *continental* study of the potential offensive power of all possible aggressors. To attain this object, therefore, a general treaty would have to be *split up into a series of separate treaties*, each of which would provide in the greatest detail against a certain hypothetical case of aggression. The treaty would thus retain no characteristics which could be called general, except the name.

It may readily be imagined that the different risks involved may incline some Governments towards the idea of a general treaty and others towards that of partial treaties. For the former class, the risks consist in naval dangers, which may interfere with or close their channels of supply without striking directly at their national existence. For the latter class, the danger represents the direct threat of an invasion of their territory. Though the former class of Government may consider general guarantees of a more or less vague and uncertain character to be sufficient, the other Governments cannot be so easily satisfied. In any case, *this distinction may in course of time lose its validity* as a result of the increasingly far-reaching changes which will probably be introduced by air warfare. The value of natural barriers will decrease in proportion as they can be more easily crossed by large air forces, and as, without regard to distance, a nation becomes immediately vulnerable in its population and resources of every kind, wherever they may be situated.



If we start from the assumption that, at least in a land war, the first few months of operations will be decisive, the question which arises is what military, naval or air assistance can be given *immediately*, or with very little delay, by any country to any other country which is attacked.

From the military standpoint, this assistance will depend upon the time taken by the co-operating State to mobilise, on transport facilities and on the organisation of channels of supply and special bases for each nationality. It is well known that the action of land forces cannot be efficient unless detailed preparations have been made for it. Thus the scheme of transport should comprise the selection of the lines of transport and, in some cases, of alternative lines, their equipment for military transport, and the formation of a technical staff to ensure the immediate working of the lines in case of need, should the ordinary staff not be available (owing to strikes or any other reason). The plan of supply would require the compulsory collection of stocks of material for the various expeditionary forces. It is clear that, while such preparations could be carried out for a limited number of countries under certain definite conditions, they become *technically impossible* if an attempt is made to apply them to a very large number of States simultaneously, *owing to the great variety of the hypothetical cases for which provision must be made.*

From the naval standpoint, the technical problem is, comparatively, simpler. Naval forces are not subject to the same conditions of mobilisation as land forces. The number of possible cases to be considered appears to be smaller, and the potential naval power of possible enemies can be more easily determined. Nevertheless, the naval forces of the co-operating States will not necessarily be concentrated at the moment of the outbreak of war. Their use also involves the necessity of drawing up a plan of action, of ensuring its execution, of establishing bases of supply, etc.; and, while recognising that naval forces are more quickly available than land forces, we must be under no illusion regarding the very relative rapidity with which they can be brought into action.

The naval forces of a number of Powers are often composed of units whose qualities (seagoing capability, radius of action, etc.) seriously diminish the possibility of their employ. This circumstance adds still further to the difficulties of a practical application of a general treaty from the fact that the employment of such naval forces must necessarily be limited to special theatres of operations.

Furthermore, *their action may be technically ineffective*, particularly at the outset, in many land wars. They cannot guard against the invasion of a country, and their effect as instruments of a blockade is only felt during the course of a *long* war.

From the air standpoint, it is generally admitted that the immediately available air forces are those which can start from aerodromes situated not more than 250 kilometres from their objectives. Beyond that radius they cannot act, unless previous preparations have been made for their transport and supply. Now, immediate action will be of great importance as regards defence, to prevent the passage of enemy bombing machines, and, as regards the offensive, to impede the enemy's concentration. Under these conditions, the available air forces will generally be confined to those which can be provided by the adjacent countries. As these countries will undoubtedly retain their fighting machines for their own defence, we can only reckon upon a contingent of bombing machines.

*The impossibility of satisfying, by means of a general treaty, the principles laid down by the Assembly of "immediate and effective assistance in accordance with a pre-arranged plan"* is rendered still more obvious by another consideration. The number and variety of the possible cases to be considered in a single continent is further complicated by the fact that *any country may be, at different times, assisted or assisting, and that its position may change in the course of a single war.* Reserving for later consideration the problem of deciding whether aggression has been committed (which, as will be seen below, is insoluble in the case of a general treaty), we may therefore lay it down that the military, naval or air assistance afforded by such a treaty would be uncertain, and would in any case come too late to *protect a State from invasion* if attacked and to ensure, in every event, the decisive success of the initial operations.

(b) *Can the military, naval or air support given by a general treaty be calculated with sufficient exactitude to allow Governments to reduce their armaments below the minimum now considered necessary by them, such reduction being proportionate to the guarantees afforded by the treaty?*

It has been seen to be impossible, owing to the number and variety of the possible cases, to determine the nature and value of the assistance to be given in each of these cases by each of the States signatory to a general treaty. It follows that no relation can be established between two factors, one of which (guarantees) remains *indefinite*, while the other (reduction of armaments) should be *definite*. Some States may display sufficient confidence in the co-operating countries to consider that their risks are not so great as to debar them from consenting to a certain reduction of armaments. But it is also possible that other States may be requested, in the name of international co-operation, to increase the military burden which they formerly regarded as sufficient for their own defence. For, though certain countries run special risks, "owing to their historical and geographical situation", others may consider that, from both these points of view, their own situation renders them comparatively immune from the threat of immediate danger,



It is therefore possible that a general treaty may lead to certain reductions of armaments, *but it is impossible to state this definitely, and still more so to indicate without further evidence how far these reductions would go.* They would, in any case, be based, not upon organised and actual assistance, as was recommended by the Assembly, but on a feeling of confidence which has no connection with the principles embodied in Resolution XIV.

(c) *As the military, naval or air support afforded by a general treaty could not be immediately or sufficiently effective, what would be the nature and the value of the other forms of assistance (economic, financial, etc.), and could they lead to reductions of armaments?*

One of the advantages of a general treaty would, of course, consist in the fact that it would assure the State attacked of a measure of economic, industrial and financial assistance which would enable it to fill any gaps of this nature in its national organisation. It must be clearly realised, however, that, in the case of a general treaty, every State which entered the war *without knowing the limits of its liabilities would, to a large extent, retain its own resources for its own use.* The assistance given in the forms which we have mentioned would, moreover, only be felt after a certain lapse of time, and its full value would only be seen in a *long war.* Having no influence on the initial operations, it would not allow of any reduction in peace-time armaments. And even if such a reduction were contemplated, it could not be made proportionate to the assistance expected, as no definite relation can be established between, for example, an amount of *financial support* and a *reduction of effectives.*

(d) *In what contingencies would mutual assistance be required, and by what procedure could it be brought into action so that the participating States could place full reliance upon it and thus gain the necessary confidence to reduce their national armaments?*

This question touches the most delicate point in the problem. We need only refer to what has been said above regarding the weaknesses inherent in any treaty of guarantee (page 14 to 16) in order to realise the impossibility, in the case of a general treaty, of bringing mutual assistance into action *in time.*

According to the suggestions put forward in the report of the Temporary Mixed Commission, the machinery would work somewhat on the following lines :

The threatened country would approach the Council of the League, giving information regarding the plans of its general staff, the forces which it could put in the field, the total forces which it considered necessary to achieve success, the countries which, in its opinion, should supply these forces, and its plans for their employment. The Council, with the assistance of the Permanent Advisory Commission, would consider how far these applications were reasonable and practical, and would invite the Governments concerned to take all necessary steps to furnish the forces required.

It is needless to attempt to prove that, even if this machinery could work, it would work with a *slowness* which would be inadmissible. It is impossible to solve in a few days, or even in a few weeks, a problem of preparation which, *merely in its technical aspect, supposing all the political difficulties to have been overcome, would require months.*

Such an argument would, moreover, assume that the vital question as to whether there was aggression had been decided. Independently of the fact that the "territorial" definition of aggression as a violation of the frontier is altogether too general and, as has been explained on page 14 to 16, in no way corresponds to the realities of modern warfare, it would appear that the actual procedure suggested by the Temporary Mixed Commission could not be carried into effect either within the limits indicated by the Commission or even within substantially wider limits. In other words, *a State threatened by direct attack would find no guarantee in a Treaty the text of which did not contain a precise statement of the actual hostilities which that State might have to fear.*

The foregoing considerations afford evidence of the danger involved in a Treaty of Guarantee which merely lays down principles and, as appears to be suggested in the last paragraph of Resolution XIV, admits that "the plan of the machinery, both political and military, necessary to bring them clearly into effect" might only be established "subsequently". The difficulties which would be experienced in drawing up such a plan would doubtless lead to its postponement, and possibly even to its abandonment. Nothing would remain but a treaty which, from the point of view of *guarantees*, would be a mere sham, while, from the point of view of the *reduction of armaments*, it would appear to hold out a prospect of relief on a large scale to a public which had been deluded and lulled into a sense of false security.

## B.

### IV. PARTIAL TREATIES AND REGIONAL AGREEMENTS

#### 1. OPINION OF THE BELGIAN, BRAZILIAN AND FRENCH DELEGATIONS.

(a) *If the General Treaty only provides assistance which is given by stages, is contingent upon circumstances and, at the outset, is limited in its effectiveness to certain spheres, it may be asked whether partial treaties between States which are resolved to give each other immediate, pre-arranged and unlimited assistance under certain circumstances are capable of providing guarantees which can be accurately measured.*



The difficulties which have just been described, and which would appear to be insurmountable in the case of a general treaty, are greatly reduced in the case of a partial treaty concluded between States equally determined to take joint action against a common danger.

The possible conflicts are defined and localised. The preparation of mutual military, naval or air assistance may, therefore, be carried out in peace-time in *precise terms*. Plans for transport and for the concentration of troops, and even schemes of operations, may be drawn up, and the conditions of secrecy infinitely better observed. The value of the assistance which a State will receive from other signatory States is definitely known : *it may be accurately measured*.

(b) *Is it possible in this case to reduce peace-time armaments in proportion to the guarantees thus afforded and, if so, to what extent ?*

As the assistance can be measured and is the basis of plans prepared in time of peace, there is now nothing to prevent an estimate being made of the reduction of armaments which may correspond to this assistance. In this estimate, regard will be had not only to the strength of the supporting forces, but also to the point to which they may be applied. The value of the assistance which takes the form of *direct* support, provided by forces co-operating immediately in the defence of the threatened territory with the object of protecting it from invasion, obviously differs from the value of indirect assistance given in the form of diversions on the frontiers between the aggressor and the co-operating States. In other words, a reduction of armaments "proportionate to the guarantees afforded" can only take place when those guarantees are defined and known, and when the carrying out of the reduction is conditional upon measures actually taken to meet the requirements of the plan of mutual assistance.

(c) *As in the case of the general treaty, what conditions must be satisfied in order that the assistance should be given automatically and immediately, and what organisation should be responsible for preparing this assistance and setting it in motion ?*

As the preparation would have been guaranteed by definite conventions drawn up in peace-time, the effectiveness of mutual assistance will depend essentially upon a prompt decision as to the *casus fœderis*. But it would be much easier than in a general treaty to provide against various *cases of aggression or threat of aggression*. In cases of aggression expressly described in the treaty, mutual assistance would be *automatically given by the signatory States*. Should there merely be a threat of aggression (due to a great increase in the manufacture of war material, disquieting concentrations of troops, etc.), the signatory States "would consult together" before taking action. It will, moreover, readily be recognised that it would be easier to consider the situation calmly and to have recourse to war only as a last resort, since in the case of a special treaty the preparations would have been fully completed.

(d) *What are the burdens which such treaties would impose upon each of the signatory States in time of peace ?*

The obligations imposed upon the signatory States would be designed to meet the requirements of mutual assistance on the basis of estimates of the potential offensive power of a possible adversary. These obligations would consist in the maintenance of a minimum of armaments in time of peace and preparations for national mobilisation, including economic mobilisation. As has already been stated, these minimum armaments would only be fixed after the signature of the treaty, and it would be the duty of Governments to appraise the value of the guarantees in accordance with which they would have to reduce their armaments in a proportion corresponding to the minimum indicated above. With a view to reducing the economic and financial elements in these burdens, *it would be desirable to combine partial conventions with the general obligations* already embodied in the Covenant of the League. This point will be considered later.

(e) *Under what conditions would partial treaties remain open for signature by other States ?*

The condition regarding the "opening" of a partial treaty raises a difficult question, but one which is, in the main, of a *political character*. It would certainly be desirable that the country against which guarantees have been taken should by its conduct justify its admission at a future date to a treaty which was originally designed to act as a check upon it. When such a time came, the treaty (at least in its original form and with its original object) would be of no further use ; but its scope might be enlarged so as to provide against other contingencies. Development on these lines would be highly desirable. The admission of the State referred to above could, however, apparently only take place *with the unanimous consent of the original signatories*. This condition would be all the more necessary in view of the fact that the treaties would be designed to eliminate the special risks due to certain geographical or historical situations.

Subject to these provisos, a partial treaty concluded between States exposed to the same threats of aggression, and imposing the obligations defined above, might remain "open" and answer its twofold purpose : to ensure peace and to allow of a reduction of armaments.

#### *Regional Agreements.*

As regards the technical conditions of their application, there is no difference between the method of regional agreements and the method of partial treaties.



C.

2. OPINION OF THE SWEDISH DELEGATION AS TO THE VALUE OF PARTIAL TREATIES.

The Swedish Delegation states that the military imperfections or disadvantages inherent in any treaty of guarantee would in many cases appear to be less serious or less acute in the case of partial treaties than in that of a general treaty. Nevertheless, it would like to state that these disadvantages not only exist but also are of a serious nature, and in the case of partial treaties, very grave.

The Delegation considers, however, that a general discussion on partial treaties from a military point of view cannot be undertaken, for different technical problems will arise in the case of each partial treaty.

The question would also be influenced by political considerations which the Delegation is not permitted by its instructions to discuss.

Nevertheless, the Delegation thinks that it should draw attention to the fact that the conclusion of all partial treaties, by their very nature, and from a strictly military standpoint, implies the formation of different groups of Powers. Such a state of things cannot be regarded as favourable to the nations at peace. It would rather appear liable to produce complications leading to war.

D.

V. CONCLUSIONS.

The BELGIAN, BRAZILIAN and FRENCH DELEGATIONS adopted the following general conclusions, on which the SWEDISH DELEGATION did not express an opinion.

To summarise what has already been said :

(a) AS REGARDS THE GENERAL TREATY.

(1) A General Treaty of Mutual Guarantee, defining the obligations already embodied in Articles 10 and 16 of the Covenant of the League of Nations, would possess the advantage of giving the attacked State assistance in the greatest variety of ways (financial, economic, industrial, military, etc.), but it would also possess the very serious drawback of only providing this assistance in *successive stages* during a long war.

(2) By reason of the great number of signatory States, the marked difference in their national interests, the burdens which they would have to assume and the sacrifices which they would have to make for the sake of international solidarity, the actual assistance which might be obtained from these States would certainly be very doubtful. Moreover, as the nature and value of such assistance would, in most cases, remain uncertain, it would be impossible to reduce armaments in precise proportion to guarantees which had not been defined.

(3) Even should this assistance, in certain forms other than that of military force, theoretically hold out greater prospects of support than are contained in any partial treaty *whatsoever*, it would nevertheless be impossible to effect a reduction in military armaments in proportion to some of these forms of assistance (*e.g.*, financial assistance). A general treaty may therefore enable a reduction of armaments to be effected, but it is not possible to state exactly what that reduction will be.

(4) Practically, in a general treaty, no suitable procedure can be found which is capable of bringing mutual assistance into play immediately, seeing that it is impossible to foresee or lay down in such a treaty the precise stipulations which are indispensable in order to define the various cases of aggression — stipulations which would be included in partial treaties.

(5) For the foregoing reasons, it is also impossible to draw up plans of mutual assistance, the result being that this assistance, not being prepared beforehand, would be neither immediate nor effective, and would thus run counter to the principle laid down by the Assembly.

(6) Provision could not be made for the supervision required to ensure, on the one hand, that the signatory States should not exceed their armaments, and on the other hand, that they should maintain the minimum indispensable for the security of all the States which are acting together, seeing that this minimum could not itself be fixed.

(b) AS REGARDS PARTIAL TREATIES.

(1) Partial treaties which are concluded between States the interests of which are closely inter-related may contain provisions for according to each of them, under specified circumstances, assistance *capable of being measured*.

(2) It is therefore possible to proportion a reduction of armaments to the guarantees afforded by the treaty subject to the following conditions :

(a) That the relative value of the replace units supplied by the co-operating States and the point at which they would be employed in the event of war be taken into account.

(b) That each Government be permitted to retain the minimum armaments necessary to enable it to mobilise in case of need the whole of its forces, as it is not only entitled but bound to do if attacked.



(3) It would be well to lay down beforehand, in each specified combination of circumstances, a definition of "cases of aggression" and to distinguish them from "threats of aggression". Cases of aggression automatically call into play mutual assistance, whereas, in the presence of a mere "threat of aggression" the signatory Governments "would consult together before taking action".

(4) Provision should also be made with regard to :

- (a) the general staff entrusted with the task of directing operations ;
- (b) the effectives and composition of the expeditionary forces to be maintained by each State ;
- (c) their plans for transport, supply and concentration ;
- (d) the economic mobilisation of the signatory States ;
- (e) financial arrangements.

(5) It is possible that such a treaty might, in consequence of the resources and the more or less limited number of the signatories, impose upon certain of them, *in the same manner as a general treaty*, certain supplementary obligations, especially from a financial point of view, notwithstanding the reductions in armaments to which they might agree.

(6) Partial Treaties, although "open", should nevertheless lay down conditions for the admission of any new State. It is probable that the unanimous vote of the States which had already signed the treaty would be necessary, especially by reason of the fact that the original treaty would have been drawn up in view of certain historical or geographical conditions and would contain guarantees which were suitable at the time against the possible acts of the new State applying for admission.

(c) AS REGARDS REGIONAL DEFENSIVE AGREEMENTS (RESOLUTION XV).

In so far as the technical conditions of application are concerned, these agreements may be regarded as equivalent to partial treaties.

(d) RÉSUMÉ.

To return to the two technical extremes of the problem, a general treaty or partial treaties, we may conclude that, whether from the point of view of directly preventing war, or from that of checking the competition in armaments, a general treaty does not *by itself* fulfil the desired object. It is not possible to make the reduction of armaments proportionate to the assistance afforded by such a treaty, since such assistance, being insufficient at the outset, and in any case progressive, makes it possible for a *long* war to develop. This serious disadvantage could only be remedied by converting a treaty of that kind into a series of partial agreements corresponding to definite hypotheses and primarily concerning a limited number of States — which would bring us back to the system of partial treaties.

Whereas a general treaty only enables us to count upon a *final* victory, and does not protect a State from invasion and its consequences, partial treaties, on the other hand, can achieve this essential object. Moreover, they in no wise exclude certain general obligations which would find their place in a general treaty. Such obligations, however, in so far as they can be enforced or fulfilled at the present time, are already contained in the Covenant of the League of Nations. The question whether, in order to obtain the advantage of the general assistance provided by the Covenant, we should be content with the terms of the Covenant, or whether we should make these terms more explicit by means of a treaty providing for the application of the articles relating to general assistance, is not, strictly speaking, a technical question.

Even in the case of a partial treaty, the *detailed conventions* regulating the question of mutual assistance should be signed and should come into force at the same time as the treaty itself — of which they would constitute the *essential part*.

As to reductions in armaments, these would not be fixed and, *a fortiori*, would not be put into effect until after the coming into force of the treaty — which they could in no case precede.

The practical conclusion is that it would certainly be desirable to combine *partial agreements with general obligations*. Proceeding by successive stages, we should take what international solidarity can at present offer us, *i.e.* the Covenant of the League, and we should fill up the gaps which it contains, especially from the military point of view, by means of partial treaties of mutual assistance, the extension of which might gradually enable us, after a long and laborious series of constructive efforts, to establish a general agreement which would be more effective than the Covenant of the League in its present form, or than any general treaty which it might to-day be proposed to establish in conjunction with the Covenant.

E.

The SPANISH and ITALIAN DELEGATIONS, although in agreement with almost all the considerations of a military nature set forth in the preceding Opinions, feel bound to make the following observations, to which the JAPANESE DELEGATION adheres in principle:

I. *General Conditions to be fulfilled by any Treaty of Guarantee.*

A treaty of guarantee should give full satisfaction to the Powers adhering thereto with regard to the two following points :



It should minimise all risks of aggression, and, in the event of aggression, it should leave the aggressor no chance of victory. It would, however, be asking too much of a treaty of this kind to expect from it the certainty that a State which is the victim of aggression would not suffer invasion. That condition seems to be almost impossible to fulfil in all cases.

If we consider only what is practicable, it would appear sufficient that a treaty of guarantee should reduce to a minimum the duration of a war, and, in particular, that of operations in the territory of the country attacked.

In order to achieve this result, provision must be made for affording immediate and effective assistance to the State which is attacked. Such assistance should extend to all domains: military, naval, aerial, economic, financial, etc. The preliminary calculation of the measure of assistance which will be gained by each State adhering to the treaty will provide a criterion for the reduction of armaments which the beneficiary State must undertake to carry out.

Any Power which adheres to a treaty of guarantee must undertake to hold itself constantly in readiness to furnish its assistance immediately in all the domains in question.

This condition makes it necessary that there should be a periodical revision of these treaties of guarantee, whereby possible changes in particular situations, or in the general situation, can be taken into account, and, further, that there should be an assurance that the guarantor States will fulfil all their engagements.

As regards the first of these consequences, there would not seem to be any difficulty in the periodical revision of treaties of guarantee.

As regards the second question, however, it is very difficult to admit the possibility of investigations which do not harm the legitimate susceptibilities of States or even their sovereignty.

It must be added that the organisation of a system of control, even if it were accepted, would in practice be of very slight efficacy from the military point of view if such a control was intended to discover secret armaments. In this matter, therefore, it would seem that the only solution is to rely upon the application of the last paragraph of Article 8 of the Covenant (Exchange of Information), that is to say, upon a system of mutual confidence between the contracting States.

No doubt is entertained as to the extreme seriousness of relying upon a system of confidence in so grave a matter; but, as it is thought impracticable, for the reasons given above, to exercise military control, it must be concluded that it is for the political authorities to estimate the efficacy of such a system of confidence.

## *II. General Treaty.*

(1) It will be well to set out clearly the advantages of a general treaty as compared with partial treaties. First of all, there are the moral advantages. These are of incontestable value, even from a military point of view. There can be no doubt that, if a large number of States adhere to a treaty, no State will be likely to act as an aggressor, for it will know beforehand that it will have every one against it. On the other hand, under the system of partial treaties, the aggressor State may hope to have at its side other States which are not signatory to the partial treaty in question.

In this connection, it may be pointed out that a general treaty is the only one from which the reduction of armaments may be hoped, because the more numerous the signatory States are, the greater will be the confidence of each participating State. In the case of partial treaties, on the other hand, a small number of States (three, four, or five) which are placed under obligations by the Treaty must, by means of their armaments, put themselves in a position to maintain control of the situation, and they will perhaps be obliged to increase their military forces in order to retain their superiority over all the States which are not signatory to the treaty. These are the same views as were expressed by the Swedish Delegation on the subject of partial treaties.

(2) As regards the difficulties and disadvantages mentioned as being inherent in a general treaty, it may be pointed out that many of those disadvantages which are common to all treaties of guarantee affect partial treaties more particularly than a general treaty.

(3) The assistance provided in a general treaty may be as effective as that provided in partial treaties, since, in the former case, it is possible to impose special obligations in the form of supplementary agreements embodied in the general treaty, in the case, for example, of conterminous States.

## *III. Conclusion.*

We are of opinion that the general treaty alone should be considered, and that the greater the number of States which adhere to it, the greater will be its prospects of success.

This idea, moreover, is expressed in Resolution XIV of the Third Assembly, which reads as follows:

“ No scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it is general. ”



#### IV. REPLIES OF THE GOVERNMENTS REGARDING ASSEMBLY RESOLUTION XIV.

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Replies to the circular letter dated October 23rd, 1922, from the President of the Council to the Members of the League of Nations (C. L. 119. 1922. IX; *Official Journal*, 4th Year, No. 2, p. 174) have been received from the following Governments :

Albania ( <i>Official Journal</i> , 4th Year, No. 2, p. 175)	Italy
Austria	Latvia
Belgium	Luxemburg
Bulgaria ( <i>Official Journal</i> , 4th Year, No. 2, p. 175)	Netherlands
Canada	Norway
China	Panama ( <i>Official Journal</i> , 4th Year, No. 2, p. 175)
Czechoslovakia	Poland
Denmark	Roumania ( <i>Official Journal</i> , 4th Year, No. 2, p. 175)
Finland	Spain
France	Sweden
Greece	Switzerland
Guatemala	Venezuela.
Hungary ( <i>Official Journal</i> , 4th Year, No. 4, p. 431)	

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*Letter addressed to the Members of the League of Nations by the President of the Council.*

Geneva, October 23rd, 1922.

At its Third Session, the Assembly adopted the following Resolution :

“ XIV. (a) The Assembly, having considered the report of the Temporary Mixed Commission on the question of a general Treaty of Mutual Guarantee ; being of opinion that this report can in no way affect the complete validity of all the Treaties of Peace or other agreements which are known to exist between States ; and considering that this report contains valuable suggestions as to the methods by which a Treaty of Mutual Guarantee could be made effective, is of the opinion that :

“ (1) No scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it be general.

“ (2) In the present state of the world, many Governments would be unable to accept the responsibility for a serious reduction of armaments unless they received in exchange a satisfactory guarantee of the safety of their country.

“ (3) Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked, provided that the obligation to render assistance to a country attacked shall be limited in principle to those countries situated in the same part of the globe. In cases, however, where, for historical, geographical, or other reasons, a country is in special danger of attack, detailed arrangements should be made for its defence in accordance with the above-mentioned plan.

“ (4) As a general reduction of armaments is the object of the three preceding statements, and the Treaty of Mutual Guarantee the means of achieving that object, previous consent to this reduction is therefore the first condition for the Treaty.

“ This reduction could be carried out either by means of a general Treaty, which is the most desirable plan, or by means of partial treaties designed to be extended and open to all countries.

“ In the former case, the Treaty will carry with it a general reduction of armaments. In the latter case, the reduction should be proportionate to the guarantees afforded by the Treaty.

“ The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, should further formulate and submit to the Governments, for their consideration and sovereign decision, the plan of the machinery, both political and military, necessary to bring them clearly into effect.

“ (b) The Assembly requests the Council to submit to the various governments the above proposals for their observations, and requests the Temporary Mixed Commission to continue its investigations and, in order to give precision to the above statements, to prepare a draft Treaty embodying the principles contained therein.”

At a meeting held on October 4th, the Council decided to invite its President to communicate to the Governments of the States Members of the League of Nations the proposals embodied in this Resolution, with a view to obtaining their opinion on these proposals.



I have therefore the honour to forward the Resolution of the Assembly and to draw your attention to the importance which the Assembly and the Council attach to the opinion of the various Governments on this vital question.

The Assembly, after discussion, accepted, with certain amendments the conclusions of the Temporary Mixed Commission. It thereby adopted the general principles which, in its opinion, should serve as a basis for the reduction of armaments. The Temporary Mixed Commission has been instructed to continue its work on this question. With the approach of the moment for the realisation of these proposals, the Assembly felt that the co-operation of the Governments was indispensable if the application of the general principles it had adopted were to be successfully carried out with due regard to the present situation of the various countries. With this object in view, and in accordance with Article 8 of the Covenant, the Council decided to submit to the various Governments proposals embodied in Resolution XIV adopted by the Assembly.

I venture therefore to request you to take the necessary steps to ensure that these proposals are carefully examined by your Government, in order that its conclusions may reach the Secretariat of the League in time to be utilised by the Temporary Mixed Commission in the work which it will undertake before the meeting of the next Assembly, in accordance with the decisions of the third Assembly and of the Council. — *(Signed)* D. DA GAMA, *President of the Council.*

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**(1) Albania.**

[*Translation.*]

December 28th, 1922.

The Albanian Government, which is always happy to support to the best of its ability the work undertaken by the League of Nations, cannot but give its entire approval to any agreement which would tend to consolidate or to ensure peace. Albania can never forget the benefit she has derived from the League's efforts for peace. Her most earnest desire is to live in perfect peace with her neighbours and with all the world. She rests secure in the conviction that the defence of the rights of small nations entrusted to the League of Nations is in good hands. The more the League of Nations gains in influence, the more secure will their interests be.

The preservation of peace is the supreme aim of the League of Nations, and one of the most effective means of attaining it would undoubtedly be the conclusion of a Mutual Guarantee Treaty providing for a gradual reduction of armaments. Whether general treaties or separate treaties capable of being extended are contemplated, the acceptance of the reduction of armaments must always remain one of the fundamental conditions of any such treaty.

Albania is determined to devote all her efforts to her economic reconstruction ; without awaiting the conclusion of a treaty rendering the reduction of armaments compulsory she is endeavouring to effect increasing reductions in her military expenditure.

For example, the budget for 1921 provided for 9,182,990 gold francs for that year ; the 1922 budget provided for 7,310,632, and for 1923 the estimates amount to 4,500,000 gold francs.

In conclusion, I have the honour to assure Your Excellency that Albania would be happy to sign as soon as possible any treaty which would constitute an effective guarantee for the security of all countries, would permit of a free development, and would render the world an inestimable service in removing the various sources of animosity arising out of the war which make the re-establishment of a true peace so difficult. — *(Signed)* PANDELI J. EVANGHELI.

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**(2) Austria.**

[*Translation.*]

May 24th, 1923.

The Austrian Government is convinced that world peace will only be assured when all States, and not, as at the present moment, only some of them, have disarmed. The Austrian Government will therefore welcome most warmly the conclusion of a general Treaty of Mutual Guarantee and for the Reduction of Armaments. It is at any time prepared to adhere to such a Treaty. It would, however, reserve the right to make, if necessary, observations concerning the clauses of the agreement to be concluded, as soon as it is certain that other States, and particularly the Great Powers, are also ready to participate.

In respect of Austria's position in regard to disarmament, I may be allowed to refer to the reply sent by the Austrian Government to the circular note, No. C. L. 54. 1922. IX of June 12th last. — *(Signed)* GRÜNBERGER.

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**(3) Belgium.**

[*Translation.*]

The Belgian Government is sincerely desirous of ensuring peace and fully realises the necessity of reducing armaments as far as is consistent with the essential requirements of national security. It has carefully studied the resolution of the third Assembly of the League of Nations, which establishes a close connection between the problem of the reduction



of armaments and the conclusion either of a general treaty of mutual guarantee open to all countries or of partial agreements designed to be gradually extended.

The Belgian Government recognises the justness of the principle that the limitation of armaments should be dependent upon the existence of treaties of guarantee, and the armaments should be reduced in proportion to the extent of the guarantees afforded to each State.

According to the plan outlined in Assembly Resolution XIV, the guarantees of security essential to enable States to enter upon a considered policy of reduction of armaments will presumably take the form of a defensive agreement open to all countries, under which States would bind themselves to afford each other effective and immediate assistance, this obligation being of course limited in principle to countries situated in the same part of the world. The object is to protect countries against sudden attack, or at any rate to frustrate the aggressor's chances of obtaining victory by providing for rapid intervention on the part of neighbouring States. Military expeditions in distant regions might prove useless on account of the long delays involved.

But it is open to question whether the conditions essential to render a treaty of mutual guarantee effective can be combined in a general treaty. In the opinion of experts, such a treaty would have to be one which could be executed immediately, it would have to provide complete assistance, both military, economic and financial, would have to include a pre-arranged plan, incorporated in the treaty itself, and would have to be periodically supervised and revised.

It would not appear possible in practice for a general treaty of guarantee to comply with these conditions and "to provide immediate and effective assistance in accordance with a pre-arranged plan" so as to afford really effective aid in case of attack. Moreover, the impossibility of foreseeing the nature and extent of the hostilities which may break out, and the value and nature of the assistance to be afforded in each by the guarantor States, the inevitable slowness with which the machinery of mutual assistance would be set in motion — all these factors make it impossible to estimate with any degree of accuracy the securities afforded to each individual signatory State of a general defensive treaty, or to determine the consequent extent to which armaments could be reduced.

The Belgian Government recognises that, in order to be fully effective, any plan for the reduction of armaments must be general; it believes, however, that this result can only be attained step by step, by means of partial defensive treaties concluded between States which are exposed to common danger; these treaties would be designed so as to be capable of gradual extension and would be open to other countries without reservation as to specific conditions, and would, after conclusion, lead to a reduction of armaments by stages. Those small States which are weakest and most exposed can in this respect merely follow the example of the great Powers, which should precede them on the path of disarmament.

Partial treaties and regional agreements, however, do not by any means present to the same degree the difficulties inherent in a general treaty. The possibilities of conflicts are less numerous, the preparation of schemes of defence is easier, the actual assistance can be furnished much more rapidly, the value of such assistance can readily be determined, and, consequently, the extent to which armaments are to be reduced can be fixed in proportion to the securities afforded by the treaties, and the reduction can follow immediately upon their entry into force. Moreover, such partial treaties would not appear to be in any way incompatible with a general treaty defining and fixing the general obligations laid down in Articles 10 and 16 of the Covenant of the League of Nations.

The Belgian Government is glad to note that special measures are provided for the defence of countries which, "for historical, geographical or other reasons" are in special danger of attack.

This means that special measures of security will have to be taken in the case of these countries, and that the reduction of their armaments will be strictly proportionate to the degree of security afforded them by the treaties of guarantee. Belgium has particularly strong reasons for claiming the benefit of a special guarantee, as the length of her threatened frontier and the narrowness of her territory render her exceptionally liable to invasion.

The Government would refer to the considerations which it put forward with regard to the requirements of its international obligations, its geographical situation and its special conditions (see the joint statement attached to its letter of July 17th, 1922, reproduced in the report of the Temporary Mixed Commission for the Reduction of Armaments, A. 31. 1922, (C. T. A. 173).

In view of the methods by which the regulations contained in Assembly Resolution XIV are to be carried into effect, it should be added that the Report of the Permanent Advisory Commission for the Reduction of Armaments clearly points out the serious technical difficulties attending the application of these principles, particularly as regards the supervision of the armaments of the signatory States of the treaties of guarantee, the furnishing of assistance (which must be immediate in order to be effective), the preparation of pre-arranged military plans to cope with the manifold possibilities of attack which may arise, and the co-ordination and unity of command of the international forces intended to bring help to the State attacked.



Certain adjustments will therefore have to be made before a decision can be taken on what is rightly described in the Assembly Resolutions as “ the machinery, both political and military ” necessary to bring the principle of disarmament into effect.

Belgium has suffered more than most countries from the horrors of war and invasion ; owing to her geographical situation — standing at the crossing of the highways of the great nations of Western Europe — she has for centuries been the battlefield of Europe and has been exposed to all the perils which may result from an international situation which remains uncertain and disturbed ; it is therefore more important for Belgium than perhaps for any other country that the question of the limitation of armaments should be solved. She therefore attaches particular value to any efforts to solve this problem, and she is following with close interest the investigations undertaken to this end by the League of Nations. — (*Signed*) HENRI JASPAR.

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#### (4) Bulgaria.

[*Translation.*]

December 30th, 1922.

After the harsh lessons of the world war, it is absolutely necessary to take measures to ensure the peace and prosperity of the nations. The nations expect this result from those who are privileged to govern them, and from the League of Nations, that admirable organisation which was founded as a free association, whose first task is to establish peace and concord between the nations. The Governments would be failing in their principal duty, and would be betraying the confidence placed in them at a period so critical for humanity, if they did not exert every effort to obtain a progressive improvement in international relations.

A general reduction of armaments and a general Treaty of Mutual Guarantee are the best possible means for securing that peace which is so much desired by a suffering and exhausted world.

But, in order to obtain this desired and indeed essential result, it is necessary to secure the free and sincere consent of all nations. A valid consent of this kind cannot, however, be given by all nations until they have been convinced of the advantages of such a Treaty of Guarantee, and of the possibility of improving their present situation and receiving a certain degree of satisfaction for, at any rate, their most legitimate claims and desires.

By improving the situation of certain countries, in order to ensure that their consent shall be both sincere and free, it will be possible at the same time to restore that mutual confidence which is the necessary foundation for such an agreement. Unless this condition — *i. e.*, the improvement in the present situation — is fulfilled, mankind will never witness the realisation in any permanent manner of a general reduction of armaments, and a real general Treaty of Mutual Guarantee.

The Treaty that is to be signed must be acceptable to all the States. But the present condition of the world makes this impossible, because there are peoples which are truly afflicted, and others which have been treated with injustice, as for instance Bulgaria, in whose case the Treaty of Peace was excessively harsh. Certain injustices must be redressed. A certain degree of satisfaction must be granted to her absolutely legitimate claims, which were admitted even by the Treaty of Neuilly, such as access to the *Ægean* Sea and the application of the rights of minorities.

The Bulgarian Government approves the principle contained in paragraph 1 of Resolution XIV ; in particular it agrees that no plan for the reduction of armaments can be really successful unless it is general.

In the present circumstances, certain States have, in consequence of the Treaties of Peace, been disarmed to such an extent that — as is the case with Bulgaria, for example — they cannot even maintain order at home, whereas others are formidably armed, and are thus, in view of the weakness of their neighbours, inevitably led to unjust use of force.

(2) A considerable reduction of armaments is possible even in the present state of the world, as has been proved by the example of the countries defeated in the Great War. No guarantee of such a reduction, however, can be given by military alliances, but only through the abolition of the causes which lead to aggression, and maintain a spirit of hatred, that is to say, by a satisfactory redress of the injustices which at present prevail.

(3) A defensive agreement, open to all countries, would furnish a real guarantee. If the agreement is signed by the nations in good faith, sincerely and freely, in accordance with the ideas stated above, all the special measures provided for will become needless.

(4) The Bulgarian Government also fully agrees with the principle set forth in paragraph 4 to the effect that previous consent is the first condition for a General Treaty of Guarantee. This consent must be given by the free-will of the States parties to the Treaty under conditions which will render it effective.

Bulgaria's view is that no real reduction of armaments can be obtained unless it is general ; nevertheless, individual treaties may also be of use.

In order to avoid any possibility of conflicts in the future, the machinery for ensuring the carrying out of a Treaty of Guarantee must be prepared in every detail.



The problem of disarmament is of especial importance for Bulgaria at the present time, as the Bulgarian Government had the honour to point out to the President of the Council of the League of Nations in its letter dated June 16th, 1922, No. 712.

Our country does in fact need to increase its armed forces, which at present only number 10,157 volunteers and 1,511 officers (a force which is absolutely inadequate to guard frontiers in the Balkans and to ensure order within Bulgaria), and also to bring this force up to the figure — which is adequate — provided in the Treaty of Peace, *i.e.* 33,000 soldiers and 1,650 officers. This can only be done, as pointed out in this letter, by changing the system of recruiting, as the voluntary system is absolutely impracticable for an agricultural country like Bulgaria, which, moreover, is worn out by two successive exhausting wars. Without this force of 33,000, including armed officials, order cannot be maintained within the country, and regrettable disturbances such as those at Kustendil will inevitably break out anew, destroying order and creating a permanent state of insecurity. — (*Signed*) P. JANOFF.

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(5) Canada.

June 19th, 1923.

The Canadian Government strongly favours a general policy of reduction of armaments as suggested in Resolution XIV, and is willing to consider any proposal tending to the achievement of such an aim; but with regard to the adoption of a Treaty of Mutual Guarantee binding the parties to it to render assistance to a country which is attacked, the peculiar national conditions and geographical situation of the Dominion make it difficult for Canada to agree to such a Treaty without much consideration and reservation. It is intended that the obligation to render assistance shall be limited in principle to those countries situated in the same part of the globe. While Canada is situated in the North American continent, she is a nation forming part of the British Empire, and it seems difficult to devise a scheme which would give due effect to these conflicting considerations. In any case, it seems very unlikely that the Canadian people, in the present circumstances, would be prepared to consent to any agreement binding Canada to give assistance as proposed to other nations, and the Government therefore *does not see its way to a participation in the Treaty of Mutual Guarantee*. — (*Signed*) JOSEPH POPE.

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(6) China.

July 30th, 1923.

Ever concerned for the maintenance of universal peace, the Chinese Government has been constantly considering a scheme for the reduction of its military armaments. It declares its full adhesion to the principles of a Treaty of Mutual Guarantee and will be glad to give most careful consideration to any concrete proposals with a view to the conclusion of such a treaty.

As regards the reduction of naval armaments, the Chinese Government feels it must confirm the reservation which it made at the Third Assembly, *viz.*, that the particular conditions of the country would have to be taken into consideration; its present naval forces are still very far from being sufficient for the defensive needs of its long coast-line.

As regards the question of the reduction of air armaments, the Government observes with regret that the present policy of most of the Powers tends rather towards increasing than towards reducing these, while in China an air force has scarcely begun to exist, and is, in any case, more of a commercial nature. Having regard to this situation, and with a view to ensuring the security of the country in conformity with the unanimous wishes of the nation, China proposes to adopt in this connection a policy which will be in accordance with the needs of its national defence, without prejudice, however, to co-operation in a policy of general disarmament as desired by all nations. — (*Signed*) T. F. TANG.

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(7) Czechoslovakia.

[*Translation.*]

June 7th, 1923.

The Government of the Czechoslovak Republic fully agrees with the principles laid down in Resolution No. XIV adopted by the third Assembly of the League of Nations.

It concurs in the opinion that the essential condition of any reduction of armaments must be mutual confidence, but it holds the view that the Treaty of Guarantee in itself would not create such confidence or, at least, would only do so to a limited extent. A large measure of confidence must already exist before a State can feel sure that another State will conclude a Treaty of Mutual Guarantee without mental reservations.

Since, under present political conditions, the desired confidence between two States does not exist in a sufficient measure — a fact which was recognised even by the Third Committee of the 1922 Assembly — the Czechoslovak Government is of opinion that only the conclusion of a Treaty of Mutual Guarantee in the form of partial treaties designed to be extended and open to other countries could, under present circumstances, be attempted with any hope of success.



The Government of the Republic holds the view that any advance in this sphere can only be achieved by measures which take into account actual conditions, and it therefore believes that partial treaties, if they are to be effective, must be concluded only with a view to definitely specified aims.

The Czechoslovak Government further holds the view that one of the conditions indispensable to a satisfactory solution of the problem is, first of all, that the difficulties should be fully faced, and that a solution of the more detailed aspects of the problem should not be evaded.

From the reports of the Committees it would appear that the object of these treaties will be merely to settle any dispute which might arise between two Powers. This would be the simplest case, but it is also the least probable. It is much more likely that disputes will arise between two groups of Powers.

A clear definition of the term "aggression", taking into account all possible eventualities, is of the utmost importance. The criterion chosen, *i.e.*, violation of territory, would appear too simple, as the experiences gained during the last war have shown.

The "political and military machinery" necessary to ensure the execution of the stipulations of a Treaty of Guarantee should be such that the measures provided for are capable of actual realisation. That would not seem to be the case, since it is provided that the Council should decide by a three-fourths majority within a period of four days from the day on which an appeal has been submitted to the League of Nations which State should be considered the aggressor.

The Government of the Czechoslovak Republic, faithful to its peaceful intentions, declares that it is prepared to assist to the utmost of its powers in any work undertaken to realise the principles contained in Resolution XIV of the third Assembly of the League of Nations. — (*Signed*) DR. EDVARD BENES.

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(8) Denmark.

[*Translation.*]

June 9th, 1923.

... The Danish Government instructed the Danish Delegation at the Assembly to study Resolution XIV of the third Assembly. On May 29th, the Delegation forwarded its reply to the Ministry of Foreign Affairs.

In accordance with the instructions of my Government, I have the honour to forward to you a French translation of a report from the Danish Delegation to which the Danish Government begs to call your attention.

I would ask you to be good enough to communicate this report to the Temporary Mixed Commission and to the Members of the League of Nations. — (*Signed*) OLDENBURG.

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*Translation of Report dated May 29th, 1923, to the Danish  
Ministry for Foreign Affairs from the Danish Delegation to the Assembly  
of the League of Nations.*

Copenhagen, May 29th, 1923.

... According to information contained in the letter from the Ministry for Foreign Affairs, the examination of this question has not been concluded in certain countries whose interests are analogous to those of Denmark. The Secretariat has, however, received replies from certain Members.

The members of the Danish Delegation are of opinion that the Danish Government should reply to the Council's request as soon as possible, not only because the question is a highly important one, but also in order that the other States Members of the League may have time to consider the Danish point of view.

Regarding the text of the reply, the Members of the Delegation consider that particular attention should first be drawn to the great importance which Danish opinion attaches to all schemes for solving in a practical manner the problem of the reduction of armaments, and the keen interest with which Denmark follows Lord Robert Cecil's untiring efforts to bring this great task to a successful conclusion.

It will be seen from the following report that Lord Robert Cecil's various proposals include many points to which Denmark, in the opinion of the Delegation, might unreservedly adhere. The Danish Delegation is in entire agreement with the first principle that no scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it is general.

Points 2 and 3, which are the fundamental principles of the Draft, are based on the conception that States having reduced their armaments must be afforded a new guarantee, for which provision has not been made in the Covenant, and that this guarantee should consist of defensive alliances established between countries situated in the same part of the globe.



The members of the Danish Delegation do not in any way desire to ignore the great difficulties which various States will encounter in bringing about an effective reduction of their armaments, but they consider that these difficulties can in no sense absolve States from the clear and unconditional obligations imposed upon them by Article 8 of the Covenant, which prescribes a reduction of armaments, without affording States which have agreed to this reduction any guarantee or security apart from that already afforded by the provisions of the Covenant itself, and, in particular, by Articles 10, 11 and 16.

The underlying idea of Article 8 of the Covenant is clearly that an effective reduction of armaments constitutes in itself a measure calculated to remove the danger of war. This article, precisely by reason of its reciprocal and general force, in conjunction with the guarantee provisions contained in the Covenant, makes it possible for armaments to be reduced in every country.

If we adopt the principle, embodied in Lord Robert Cecil's new proposals, that any reduction of armaments necessarily pre-supposes a guarantee of another kind, not only shall we *ipso facto* recognise the principle that present-day armaments are justified so long as no guarantee of another kind exists — a point of view which the Danish Delegation considers dangerous and contrary to the meaning of Article 8 of the Covenant — but we shall also be greatly under-estimating the importance, and, consequently, diminishing the value of the provisions of guarantee in the Covenant, which its authors considered adequate to permit of an effective reduction of armaments.

Moreover, the form of the guarantee for which these new principles provide — defensive military alliances between countries situated in the same part of the globe — gives rise to serious objections, particularly from the point of view of a country like Denmark, with its peculiar geographical situation and its limited resources. The policy which Denmark has long pursued, and which she has always held to be necessary to preserve the existence and independence of the country, has been a policy of impartial neutrality, for she sought her international guarantee rather in the development of law than in armed force.

If Denmark, when she entered the League of Nations and adhered to Articles 10, 11, 16 and 17 of the Covenant, undertook certain obligations which do not entirely accord with her conception of neutrality, in the generally accepted meaning of the word, it was because she originally supposed that the League of Nations would very shortly include all the countries of the world, or at any rate all countries of any considerable political or military importance. It is therefore evident that small States are in a very difficult position to-day when confronted with the question of defensive alliances involving far greater military commitments than those provided for in Article 16 of the Covenant. These difficulties are obviously increased by the fact that the League of Nations is still so far from being universal that great military and political States like the United States of America, Germany and Russia, are not yet Members.

Under these conditions it would be very dangerous for a State like Denmark, with its limited resources, to adhere to a system of military alliances which might conceivably be utilised to counterbalance the opposing policies of great Powers. It is in fact impossible at the present time to foresee what would be the consequences for Denmark of obligations of this character.

Might not a system of groups of defensive military alliances within the League also contain the germ of fresh conflicts of interest and fresh controversy? Even if all the Members of the League entered into these alliances, the result would be at least to weaken that community of interest which it was desired to establish between all Members of the League. But we have also to reckon with the very strong possibility that certain Members of the League would be willing to accept the new obligations while others would prefer to keep to the present provisions of the Covenant. The result might be to produce a serious split, by ranging Members of the League which belonged to defensive alliances against other Members which did not belong to these alliances, and the situation might cause the whole framework of the League of Nations to collapse. We should thereby bring about the continuance of military alliances and strengthen the position of those very coalitions which it was one of the principal aims of the League to abolish.

In view of these considerations, the Danish Delegation is of opinion that the new principles may even prove dangerous to the existence and development of the League on the lines laid down in the Covenant.

Moreover, even in the present circumstances, it would not be possible to detach from the Danish Army any contingent which would be of value for military purposes outside Denmark itself. The adoption of new principles involving a very considerable reduction of armaments later on would therefore be quite incompatible with an obligation to send troops abroad.

The Danish Delegation, however, desires to draw attention to certain articles in Lord Robert Cecil's proposals to which it could adhere at once; for instance, the obligation for all Members to receive military delegates appointed by the League of Nations and to furnish them with any information they require. It also considers very important the provisions for determining which is the aggressor State. The application of numerous provisions of the Covenant under the present system — particularly as regards Articles 10, 12, 13, 15, 16 and 17 — rests to a considerable extent upon the decision reached in this matter. The



Delegation agrees that a State which violates the territory of another State should, if no other means of forming an opinion are available, be considered as the aggressor.

In the opinion of the Members of the Danish Delegation, it would also be highly desirable to obtain a more exact definition of the meaning of the second sentence of Article 19 of Lord Robert Cecil's Draft, which was communicated under the Secretary-General's covering letter of May 7th, 1923. The text of this provision is as follows :

" Any State may, with the assent of the Council of the League, or of 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."

If this provision may be interpreted as meaning that a State, if it is prepared to reduce its armaments in conformity with the provisions of the Treaty, and adhere thereto without incurring any obligations to send military forces outside the country or in general to participate in military action when not itself attacked, this would doubtless reduce the number of practical objections to adherence, although objections of principle to solving the problem of disarmament on the basis of military alliances would still remain.

The Danish Delegation has also received a supplementary proposal by Lord Robert Cecil in connection with Article 4 of the Draft, concerning the creation of demilitarised frontier zones between various States with a view to preventing sudden aggression. According to this proposal, the zone would be at least fifty kilometres wide. No fortifications or military establishments could be set up within the zone. The inhabitants of the zone could not be conscripted or receive any military training, and the manufacture of arms or munitions of any kind would be forbidden.

The carrying out of these obligations would be supervised by commissioners appointed by the Council and resident within the zone. The Draft also includes provisions the object of which is to prevent the utilisation of railways in the zone in case of sudden aggression, and provisions relative to the dismantling of railway lines constructed for purely strategical purposes. In certain special cases, a permanent international gendarmerie or police force might also be established within the zone.

The Danish Delegation thinks that these schemes, which in its opinion do not necessarily pre-suppose the establishment of defensive alliances, deserve most careful consideration. It regards with particular favour the idea of establishing demilitarised zones — a system which, though in a slightly different form, had already been adopted before the World War, for instance between Norway and Sweden and in certain countries and small States of Central Europe. It considers that the realisation of this idea would be an important step towards the preservation of peace.

The Delegation considers that it would be very desirable, while submitting Lord Robert Cecil's principles and schemes to careful examination simultaneously, to proceed with the work on the basis of schemes for a numerical and direct disarmament within the meaning of Article 8 of the Covenant. The Delegation wishes in this connection to draw attention once more to Lord Esher's scheme for a reduction of military armaments, and to the Conventions of the Washington Conference on the Reduction of Naval Armaments. The Delegation would also draw attention to the schemes submitted from various quarters for encouraging efforts to disarm, by undertaking not to attack other countries and by recognising new principles in International Law, such as refusing any longer to recognise that war may create a right to expansion of territory or indemnities, and declaring that all gains of this nature obtained by the employment of military force shall be null and void.

Finally, the provisions of the Treaty of Versailles and other Treaties of Peace, which provide for the disarmament of the conquered States without, at the same time, fixing any new form of military guarantee for these countries, clearly show the path which should be followed and the lines on which, in other countries also, we should direct our efforts for an effective reduction of armaments.

It would, in the opinion of the Delegation, be a matter for regret if the new principles mentioned above were in any way to hinder the continuation of those efforts for a direct and numerical reduction of armaments under the conditions laid down in the Covenant. The guarantees for which Denmark must hope are the development of International Law and the extension of the League of Nations to include at the earliest possible date those States which have not yet become Members, but not the creation of military alliances. The Danish Delegation wishes to emphasise this point of view and considers that Denmark will be fully entitled to advocate it when the question comes up for consideration later on.

The present report, signed by the members of the Danish Delegation who are at present in Copenhagen, has also been approved by M. Zahle, Danish Minister at Stockholm, and M. Oldenburg, Danish Minister in Berne, who are members of the Delegation.

(Signed) L. MOLTESEN.  
P. MUNCH.

F. J. BORGBJERG.  
HOLGER ANDERSEN.



(9) Finland.

[Translation.]

May 8th, 1923.

...I have the honour, on behalf of my Government, to inform you that Finland sincerely welcomes the endeavours of the League of Nations to diminish the danger of war, and regards the decisions of the Third Assembly as a further and important step towards the realisation, of this aim. The Finnish Government is specially glad to learn that the League of Nations, in conformity with the programme referred to, is drawing up a draft treaty of Mutual Guarantee containing special provisions for the protection of countries which, for historical, geographical, or other reasons, stand in need of exceptional guarantees. The Finnish Government also attaches great importance to the decision of the Third Assembly of the League of Nations with regard to endeavours aiming at the conclusion, coincidentally with the coming into force of the Treaty of Mutual Guarantee, of a corresponding General Convention regarding the reduction of armaments, as there can be no doubt that the danger of war will be lessened by a measure of this kind. — (Signed) G. N. WENNOLA.

(10) France.

[Translation.]

June 15th, 1923.

The Government of the Republic has given its most careful and sympathetic consideration to the proposals contained in Resolution XIV of the Third Assembly.

The Government of the Republic fully recognises the importance of linking together the two questions of security and reduction of national armaments — which are not separated in Article 8 of the Covenant — and of seeking to find a solution for each with the aid of the other. From this standpoint it considers that the effectual organisation of mutual assistance between States is a method calculated to give effect to the obligations undertaken in Article 10 “to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League”, and consequently to facilitate the reduction of national armaments, in conformity with Article 8 “to the lowest point consistent with national safety and the enforcement by common action of international obligations”.

The Government of the Republic ventures, however, to point out that it would be premature, and moreover impracticable, to attempt to draw up a treaty containing detailed executive provisions before deciding on the general scheme of organisation for the mutual assistance upon which such a treaty must be based.

Resolution XIV did not decide on such an organisation; it merely laid down certain principles and it suggested *two methods*, without, however, deciding in favour of either of them, and it entrusted to its Commissions of enquiry the task of examining the possibilities of giving effect to either of these methods, while at the same time it invited opinions on the subject from the Governments.

The Government of the Republic has caused careful technical enquiries to be carried out as to the extent to which the two methods suggested by the Assembly would be applicable in practice. Its conclusions are, speaking generally, in agreement with those presented by the Permanent Advisory Commission in its report of April 23rd, 1923, though the technical aspects of the question have been regarded from a more general, and therefore from a more theoretical, point of view.

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Before stating its views, the Government of the Republic desires to explain the manner in which it interprets the provisions of Resolution XIV.

In the first place, it notes that the two following principles were laid down by the Assembly :

(a) The complete validity of all the Treaties of Peace or other agreements which are known to exist between States ;

(b) The necessity of “ detailed arrangements ” in cases where, for historical, geographical, or other reasons, a country is in special danger of attack ; these “ detailed arrangements ” must, in its view, apply not only to the assistance provided for by a treaty, but also to the measures which a Government may be induced to take for its own security.

The Government of the Republic desires further to point out that the draft Treaty of Mutual Guarantee contemplated by the Assembly *must be designed to guarantee the mutual security of the States Members of the League*, since the object in view in this case is to give effect to certain provisions of the Covenant of the League.

Finally, paragraph 4 of the Resolution XIV might be taken to mean that reductions of armaments would be based on different principles, according as they were carried out under



one or other of the two methods known respectively as that of the general treaty and that of the partial treaties : whereas, in fact, it is only a question of *different executive arrangements* for giving effect to the same principle. For whatever method may be adopted — that of a general treaty or that of partial treaties — the reductions of armaments must always be in proportion to the security afforded by the Treaty, and the methods of effecting these reductions will differ only in accordance with the varying degrees of difficulty encountered in applying the treaty in either case.

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These points being clear, the general survey which the Government of the Republic has made of this question, both from a political and a technical point of view, has led it to the following conclusions :

(1) The reductions of armaments contemplated by Resolution XIV can only be accepted in exchange for external support which must be of the same effective value and available with the same rapidity. This leads to the conclusion that :

(a) Mutual assistance involves *the preparation* explicitly indicated in paragraph 3 of the Resolution.

(b) The assistance in question will nevertheless depend, even at the best, on certain factors of a partly speculative character, so that no country can consider itself relieved of the duty of being able to provide for its security, in case of necessity, by means of its own resources.

(c) Any attempt to lay down a scale of armaments *a priori* must be abandoned.

(d) Lastly, reductions of armaments must always take place as a sequel to the measures adopted for mutual assistance and can in no case precede those measures.

(2) As regards the method known as that of the general treaty, the Government of the Republic considers that such a treaty would exercise a favourable influence on the maintenance of peace but would, of itself, only furnish security of a doubtful and indeterminate character and would thus be unlikely to lead to a more rapid or more complete reduction of armaments than has already been carried out by the majority of Governments during the last four years. These reductions were communicated last year to the League of Nations by a certain number of Governments and were the subject of a letter dated June 30th, 1922, from the French Government. The recent vote adopted by the French Parliament and the law reducing the period of military service by one-half has, moreover, made possible a reduction of armaments which goes appreciably further than the estimate communicated in advance to the League of Nations.

(3) A consideration of the second method, known as that of partial treaties, has persuaded the Government of the Republic that military assistance, pre-arranged by means of definite conventions between the States which are exposed to one or more common dangers, might justify a reduction of their armaments in peace time.

(4) The Government of the Republic is of opinion that the object aimed at by the Assembly cannot be attained by the *exclusive* choice and application of either of these methods and that the best solution would be to combine, in a general convention, two forms of mutual assistance corresponding to the conditions of modern war and to the diversity of the problems confronting the different States. These forms of assistance would be :

(a) For those States which desire it, *immediate military* assistance, becoming operative up to a certain point automatically, to be furnished by partial conventions which would be concluded with special regard to certain specific contingencies and would thus constitute a special machinery for giving effect to the general principle laid down by the Assembly.

(b) For all States, *general, progressive, and conditional* assistance, embracing all forms of support (military, economic and financial) to be furnished by means of a *general treaty which would include within its framework the special conventions referred to in the last paragraph*.

(5) The Government of the Republic considers that, in order to avoid giving the public the illusion of a security not yet established, the conclusion of a general treaty ought not to precede that of the partial treaties, which alone can give practical value to the former, and that the term "Treaty of Mutual Guarantee" should be replaced by that of "Treaty of Mutual Assistance".

(6) Moreover, whatever *form of treaty* may be adopted, the principal difficulty in drawing it up will undoubtedly be to decide on the method of determining which State is the aggressor and at what moment the aggression is to be regarded as having begun. These difficulties have been clearly brought out in the report of the Permanent Advisory Commission. The Government of the Republic appreciates the justice of the observations in that report. It feels, however, bound to suggest, as an addition, that a list of the different cases of aggression should include the case where any State :

(a) Has failed to conform to the disarmament clauses of the Treaties of Peace ;



(b) Has carried out industrial and economic mobilisation, either directly on its own territory, or through persons or companies acting as its agents in foreign territory ;

(c) Has secretly undertaken military mobilisation, either by the formation or employment of volunteer corps, or by measures corresponding to the proclamation of a state of menace of war.

(7) The Government of the Republic considers that for a treaty of mutual assistance to have any likelihood of execution it must provide in advance for the financial resources which are essential for the dispatch and maintenance of the assisting forces and, in a general manner, for the distribution of the financial burdens of every kind resulting from a state of war.

(8) Lastly, the Government of the Republic desires to point out that if the partial conventions, which form the special executive machinery of the general treaty of mutual assistance, are to remain "open", it is a matter of course that the adherence of new States to these conventions cannot be allowed without the unanimous consent of the original contracting States.

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The above are the conclusions to which the Government of the Republic has been led as a result of the most careful enquiries and which may be made use of by the Temporary Commission in pursuance of the recommendations of the Assembly and the Council.

The Government of the Republic trusts that these observations will be regarded as an answer to the appeal of the Acting-President of the Council of the League of Nations, whose letter of October 23rd so wisely emphasised the fact that the tasks undertaken by the League of Nations could only be carried further with the co-operation of the Governments. The Government of the Republic is extremely desirous of affording co-operation, in as wide a measure as possible, with all efforts which aim at maintaining peace and at enabling a reduction of armaments to be effected by means of a definite and effectual scheme for mutual assistance between States Members of the League. — (Signed) POINCARÉ.

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#### (11) Greece.

[Translation.]

May 17th, 1923.

The question has been carefully considered by the Greek Government.

The Government is most anxious that the crushing burden which weighs upon all the nations should be lightened, and sincerely desires to render effective aid in solving the serious, difficult, and complex problem of disarmament. But as it is still in a state of war with Turkey, which is not a Member of the League of Nations, and as, therefore, it cannot, before the final conclusion of peace, foresee what its future territorial position or its conditions of security will be, it cannot at present offer any definite views on the proposals contained in Assembly Resolution XIV.

Nevertheless, the Greek Government sincerely desires the success of the common efforts of all the Members of the League of Nations to secure a real reduction of military burdens, and therefore wishes to give its support in principle to the general and gradual reduction of armaments combined with a Treaty of Mutual Guarantee ; at the same time it desires to lay down certain reservations, which, however, do not affect the actual principle, but only the application of the Assembly's proposals.

The reduction of the military effectives of neighbouring States, which would follow upon a general reduction of armaments and the adoption of a mutual guarantee, does not mean that those States would not preserve their military superiority over a neighbouring country.

The safety of a country depends upon a number of factors — its geographical configuration and the extent of its frontiers, the fact that it has as neighbours two or more countries which may make a combined attack upon it with their peace-time forces only, and the length of time necessary for each State to mobilise ; this length of time again is dependent upon the means of land and sea communication and the geographical situation of the country. For these reasons, if a State agreed to a general reduction of armaments in return for a mutual guarantee, it might literally be crushed in a few days, before the guarantor States could possibly intervene, — indeed, before it was possible to determine the aggressor.

Greece is a neighbour of States which either do not belong to the League of Nations or which belong to a group on which the Allies rightly and justly made war. These countries have not yet given any tangible proofs that they sincerely recognise the validity of the treaties, and indeed do not conceal their desire to disturb the new order and to change the *status quo* established by the Treaties of Peace. The Greek Government, therefore, in view of its anxiety to preserve the security of its territory, can never agree to sacrifice its means of defence, unless it first of all receives a practical and effective guarantee against any danger of attack or aggression. Greece considers that the help afforded by a treaty of guarantee to a country which has been attacked must be immediate, because the slightest delay might prove fatal. This is specially true in the case of Greece herself, on account of her particular geographical situation.



Greece has to protect her mercantile marine, which is one of the principal sources of her national wealth and is her most important means of obtaining supplies and increasing her trade; moreover, she has to secure and protect her coasts against any attack. She cannot, therefore, abandon her naval supremacy in her own waters over neighbouring States without satisfactory guarantees which will enable her to reduce her defensive preparations by insuring her against all danger of attack.

When the question of disarmament is on the way towards practical realisation — which will not be until order, mutual confidence and security are again restored in place of the present unstable and disturbed condition of Europe, and particularly of the Near East — Greece will be among the first to adhere to a general plan for the reduction of armaments. — (*Signed*) S. GONATAS.

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## (12) Guatemala.

[*Translation*].

May 4th, 1923.

My Government has given close consideration to the points contained in Resolution XIV, which deals solely with the establishment of an international Treaty of Mutual Guarantee based upon the reduction of armaments, and has pleasure in informing you that its political and technical point of view on this matter is set forth in detail in the Convention concluded at Washington with the Governments of the other Central American States on February 7th last.

In this Convention the Guatemalan Government declares that, in future, its military attitude will be based purely upon the requirements of internal order, and, having regard to the population, area and length of frontiers of the country and other factors of military importance, it has undertaken to limit the strength of the standing army and the National Guard under arms to a maximum of 5,200, except in case of civil war or threat of war from another State. This convention was to remain valid for a period of five years as from the date on which it should come into force. The figure given above does not include the police force, the total number of which in the whole country is 1,600.

In another clause of the Convention it was agreed that the number of military aircraft which might be maintained by any of the Contracting Parties should not exceed 10, and that the Parties should not acquire any warships, it being understood that armed coast-patrol boats should not be regarded as warships. This Convention is now awaiting ratification by the National Legislative Assembly. — (*Signed*) ROBERTO LOWENTHAL.

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## (13) Hungary.

February 12th, 1923.

The Hungarian Government would first desire to express its deep appreciation of the high motives and human intentions which have inspired the League of Nations in drawing up this plan. It associates itself completely with the principles which find expression therein and hopes that they may be carried into effect in the near future.

The Royal Government considers itself entitled to draw special attention to the fact that the disarmament to which it has been subjected was necessary — I quote from the Treaty — “in order to render possible the initiation of a general limitation of the armaments of all nations”.

The Royal Government strongly supports the view set forth at the beginning of Article XIV, namely, that no scheme for the reduction of armaments can be fully successful unless it is general.

Article XIV insists, in the second place, that, in the present state of the world, many Governments would be unable to accept the responsibility for a serious *reduction* of armaments unless they received in exchange a satisfactory guarantee of the safety of their country.

I may venture to observe that Hungary has *completely disarmed* in accordance with the provisions of the Treaty of Trianon, but has received no guarantee of her safety as provided in Article XIV, paragraph 2, of the resolution.

Hungary has disarmed, and she has done so although she is surrounded by neighbours who have continued to arm ever since the end of the war. She is therefore at the mercy of any aggressor.

The Hungarian Army has been reduced to 35,000 men, including officers and depot troops, and is, according to the Treaty, to be devoted exclusively to the maintenance of internal order and to the control of frontiers.

In its precarious position, the Hungarian Government would gladly welcome any guarantee which could be accorded to it.

In the resolution which has been submitted to us for our opinion, the question of guarantee occupies an important place. According to the resolution, these guarantees may be



found in a defensive agreement which should be open to all countries. The contracting parties would bind themselves to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked.

The Royal Government is in favour of this proposal. An agreement which would ensure effective assistance in case of attack would be of the utmost value to a country which has been deprived by the Peace Treaty of the right of self-defence. The Royal Government is, however, of opinion that the obligations which it would incur under such an agreement would have to be reconciled with the provisions of Article 104 of the Treaty of Trianon. Moreover, as Hungary, though threatened by the armaments of her neighbours, has completely disarmed, her Government considers that, in accordance with paragraph 3 of Resolution XIV, provision should be made for detailed arrangements for her defence.

One more point remains for consideration.

It is stated at the end of the resolution which has been submitted for consideration by the Governments that "as a general reduction of armaments is the object of the three preceding statements, and the Treaty of Mutual Guarantee the means of achieving that object, consent to this reduction is therefore the first condition for the Treaty."

The Royal Government warmly endorses this view and desires to observe that, in its opinion, a Treaty of Guarantee cannot suffice to ensure the desired security unless it is accompanied by disarmament. Disarmament and the Treaty of Guarantee form a whole; each completes the other and each implies the other. The Royal Government considers that, as it has disarmed, it has already fulfilled the obligations which arise in this connection,

With regard to the method by which disarmament should be achieved, the Royal Government thinks it desirable that the reduction of armaments should be carried out in the form of a general agreement.

Should there be serious obstacles to the conclusion of a treaty of that kind, the Royal Government would ask for a treaty embracing at least the States on the Continent of Europe.

Regional agreements, the possibility of which is also considered in the resolution, would, in the opinion of the Hungarian Government, inevitably result in competition between the groups of countries in question and in systems of alliances, which, like those that existed before the war, would help to increase the very dangers which they were intended to remove.

Finally, the Royal Government ventures to draw your attention to the importance for all countries of the establishment of a detailed plan for regulating in advance the play of the various factors, the accurately co-ordinated action of which would alone render it possible to obtain all the advantages of a defensive agreement.

The Royal Government does not claim in this statement to have investigated thoroughly the problem of disarmament or to have put forward views the importance of which might have escaped the notice of the Council. It has merely, in compliance with your request, given a frank exposition of its standpoint, and has mentioned the various matters which it regards as important for its own security and for the peace of Europe. — (*Signed*) GÉZA DE DARUVARY.

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#### (14) Italy.

[*Translation.*]

June 18th, 1923.

Italy has always made its conduct and its aspirations conform with the highest ideals of peace and consequently cannot fail to agree with the principles contained in Assembly Resolution XIV.

The Government, in conformity with these traditions, has always taken a lively interest in all attempts to secure the peaceful co-operation of nations in a lasting and equitable manner; it is, therefore, absolutely convinced that, if such an object is to be attained, it is, first of all, necessary to proceed to the conclusion of a Pact of Mutual Guarantee of a general character, and freely agreed to by the various nations, and calculated eventually to secure a proportionate reduction of armaments.

The Royal Government is, however, of opinion that, if useful work is to be accomplished, it is necessary that the questions of the reduction of armaments and of the Pact of Mutual Guarantee should be dealt with simultaneously, and that the joint solution of these problems should be of a general character and complete in all its details.

In consequence of the above, I have the honour to inform you that the Royal Government, while retaining full liberty of judgment for the future, will be glad to devote its careful attention to any studies and schemes based on these ideals which the League of Nations may send to it. — (*Signed*) MUSSOLINI.

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(15) Latvia.

May 9th, 1923.

[Translation.]

I have the honour, on behalf of the Latvian Government, to congratulate the League of Nations on the generous spirit which has prompted it to draft this scheme.

My Government fully associates itself with the principles enounced therein and hopes that they will be realised in the near future.

The Latvian Government especially welcomes paragraph 2 of Resolution XIV, which lays down that, in the present state of the world, many Governments would be unable to accept the responsibility for a serious resolution of armaments unless they received in exchange a satisfactory guarantee for the safety of their country. The Latvian Government is glad to note that due regard is here paid to the interests of the small peace-loving States.

We are not forwarding a detailed statement on the disarmament problem, because we are convinced that the Temporary Mixed Commission, which is particularly competent in this matter, has already taken into consideration all the difficulties of this problem, and will not fail to take them into account in its search for a solution which will make a general reduction of armaments possible.

We would state once again that the Latvian Government will give all possible support to any measures proposed by the League of Nations for bringing the question of disarmament into the sphere of practical politics. — (Signed) Z. A. NEIEROVICS,

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(16) Luxemburg.

[Translation.]

April 28th, 1923.

The question of the reduction of armaments has only an indirect interest for the Grand-Duchy of Luxemburg, that is to say, in so far as the independence and security of Luxemburg would be coincidently guaranteed by any treaties of mutual guarantee which might be entered into by the various States Members of the League of Nations.

It should, however, be noted, at the outset, that the Grand-Duchy is not in a position to take a direct part in such a treaty.

In the first place, the Treaty of London of May 11th, 1867, which is still in force, imposes perpetual neutrality upon the Grand-Duchy of Luxemburg; and this neutrality is proclaimed in solemn terms in the first article of our Constitution. The Grand-Duchy of Luxemburg forms an independent, indivisible, inalienable and perpetually neutral State. Under the Treaty of London, the Grand-Duchy is forbidden to create an army, properly so called, save such police forces as are necessary to ensure the maintenance of internal order. When the Grand-Duchy of Luxemburg was admitted to the League of Nations, the Government proposed to Parliament that the neutrality of the country should be modified so as to reconcile it with the obligations deriving from the Covenant of the League, leaving however, intact the principle of our constitutional neutrality.

In the second place, as the Government has already shown in its letter to the President of the Council of the League of Nations, dated February 23rd, 1920, owing to the smallness of the country of its population and of its resources, it is physically quite impossible for the Grand-Duchy to give any effective guarantee or to co-operate in any way, however slight, in military expeditions for the purpose of assisting any country which might be attacked.

The Government of the Grand-Duchy could accordingly only give a purely theoretical opinion on any questions at issue. Such opinion would have no interest for the other States Members of the League of Nations. — (Signed) REUTER.

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(17) Netherlands.

[Translation.]

June 23rd, 1923.

The Netherlands Government has given to this extremely important and complex question the full measure of attention which it deserves. It has also sought the opinion of the Advisory Committee on International Law which, after subjecting the resolution to very careful examination, has expressed its opinion in a report dated April 4th, 1923, a French translation of which is attached to the present letter. The Committee arrived at the conclusion that the treaties of guarantee contemplated by the resolution would not be in concordance with the principles of the Covenant and would conflict with the normal development of the League of Nations.



As the resolution adopted by the Assembly only contains very general indications, and as it is difficult to obtain an exact idea of its practical bearing until a detailed proposal has been laid before the Members of the League, Her Majesty's Government considers that the moment for a final decision has not yet arrived, and it feels that, until the results of the enquiry which is at present being conducted by the organs of the League are known, the observations which Members are called upon to submit can only be of a preliminary and general character.

Regarding the matter from this point of view, the Royal Government desires, first of all, to raise the question whether the proposed object is really likely to be achieved by adopting the course indicated in the resolution. As the Advisory Committee on International Law has pointed out, the relationship between the reduction of armaments and the guarantee of territorial integrity — a relationship which forms the basis of the resolution of the Third Assembly — is not a new idea. On the contrary, it is a conception which forms one of the essential elements of the Covenant itself, inasmuch as the Covenant regards the guarantee constituted by membership of the League as the basis of a general and progressive reduction of armaments.

When the Netherlands entered the League of Nations, they adopted this conception, and it is their desire to co-operate in the solution of the problem on these lines, in order that the reduction of armaments for which the Covenant provides may one day be accomplished. If, as regards protection which the League of Nations gives to its Members, the present situation does not fulfil the hopes which were entertained, and if States do not regard the guarantee afforded by the League as sufficiently effective to allow them to reduce their military forces, in accordance with Article 8 of the Covenant, we are driven to ask what is the reason for this state of affairs? Should the blame be attributed solely to the system established by the Covenant? Or should we not rather conclude that, so long as there are Great Powers which are not Members of the League of Nations, the reduction of armaments cannot be of that universal character which is essential for its effective realisation? The Royal Government questions whether we are justified in assuming that universality will be achieved more easily or more rapidly by means of Treaties of Guarantee than by the agency of the League of Nations. And until it has been achieved, is there any reason to conclude that a Treaty of Guarantee, such as is contemplated in the Assembly's Resolution, will lead to that reduction of armaments which the system established by the Covenant seems unable to realise? The Royal Government cannot refrain from entertaining serious doubt on this matter.

As regards the component elements of the defensive agreement for which the Resolution provides, the Royal Government feels justified, in the absence of a detailed scheme, in abstaining for the moment from discussing the question of the degree in which the military organisation of the respective States will be influenced by the pre-arranged plan of operation and by the special measures to be taken in favour of countries particularly exposed to risk, to which reference is made in the Assembly Resolution. The Royal Government is content for the moment to reserve its opinion on this matter.

Further, it is difficult, until more detailed information is available, to obtain an exact idea of the place which the Treaty of Guarantee will occupy in the present international scheme of things, in view of the provisions of the Covenant which regulate the system itself and the conditions under which coercive measures are applicable. It is important that the position in this respect should be clear and well defined, in order that all possibility of confusion and uncertainty may be avoided as regards the rights and duties of the various Powers.

The Royal Government desires, however, at this early stage, to point out that it would feel great hesitation in joining in a system of military co-operation which did not provide the necessary legal guarantees that the assistance to be given shall only be granted to States in a position to claim it rightfully. According to the system established by the Covenant, it is the violation of the Covenant which sets the machinery for penalties in motion. What guarantees are there in the system recommended in the Resolution to ensure that collective action will not serve other ends than those of right and justice? The Royal Government fears that the legal guarantees, which are already too vaguely set forth in the Covenant — a fact which has hitherto prevented the organisation of collective action to resist aggression — are lacking, or are present in a less effective form, in the system recommended by the Assembly's Resolution. It questions whether it will be possible, by means of a system of alliances outside the League, to realise an idea which has been found so difficult of execution within the compass of the League.

As regards the partial Treaties of Guarantee indicated in the Resolution, the Royal Government is of opinion that, by adopting this system, the League of Nations would sanction a return to the system of military alliances which, so far from ensuring peace, have in the past been a contributory cause in inducing States to increase their armaments. It would be a retrograde step, contrary to the ideal of the League of Nations, and disastrous to future international organisation. The Royal Government could not give its support to such a scheme.

The Royal Government is of opinion that it is desirable to keep within the bounds of the League of Nations. It questions whether it would not be wiser to await — and to avoid any action likely to postpone — the hour when the universality of the League will be achieved, and in the meantime to strengthen, so far as possible, the existing system of guarantees,



rather than to make international organisation dependent upon a system of military agreements which may create new dangers for many Powers and which could not appear likely in practice, to lead necessarily to the reduction of armaments which is aimed at by the Covenant. — (Signed) KARNEBEEK.

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*Annex to the Reply of the Netherlands.*

REPORT OF THE ADVISORY COMMITTEE ON INTERNATIONAL LAW.

[Translation.]

April 4th, 1923.

After a very careful examination, the Committee ventures to submit to Your Excellency the following considerations and conclusions.

The relationship between the reduction of armaments and the guarantee of territorial integrity — a relationship which forms the basis of the Resolution of the third Assembly — is far from being a new idea. Indeed, it forms one of the essential elements of the Covenant itself, inasmuch as the latter regards the guarantee constituted by membership of the League as the basis of a general and progressive reduction of armaments.

This guarantee finds expression in the provisions of Article 10 with regard to the intervention of the Council and Assembly in the event of a threat of war and in the system of economic blockade established in Articles 16 and 17. The Committee believes that the framers of the League of Nations sought to organise it in such a way that this system of provisions would, in the long run, afford such powerful, moral, and practical protection to Members of the League that, confident in the security thus provided, they would be able, and would indeed be bound, to reduce their armaments in accordance with the plans formulated by the Council and the provisions of Article 8 of the Covenant.

This expectation has scarcely been realised as yet. It appears necessary to consider why that is the case, and especially why certain States consider that the guarantee provided by the League of Nations is not sufficient to allow of a reduction of their armed forces.

This state of affairs seems to be due to various circumstances. First, there is the fact that certain great Powers have not yet joined the League of Nations. Consequently, although the Covenant provides for the case of disputes between these Powers and States Members, the guarantee which the League is able to provide is not sufficiently universal to convince Members of the advisability of systematic reduction of armaments, while, on the other hand, the movement in favour of disarmament does not possess the universal character which is necessary in order to obtain the realisation of that object.

In the second place, it must not be forgotten that the relations between certain nations, as a result of the great war, are still imbued with such animosity that the expectation of their reducing their armaments to an appreciable extent can hardly be entertained, unless very special guarantees are established.

If the shortness of the period during which the League of Nations has been in existence is also taken into account, we cannot wonder that it has not yet acquired the moral and practical authority necessary to inspire the States Members placed under its protection with confidence in the security of their territories, and in particular in the stability of the territorial *status quo* established by the recent Peace Treaties. And yet it is only such confidence which could induce them to reduce their military forces.

But that is not all. The Covenant has not succeeded in establishing sufficient legal guarantees for ensuring that the assistance to be given by the League of Nations shall only be granted to States which can rightfully claim it. No rule is laid down for determining the manner in which the territorial *status quo* can be altered, if it is no longer in harmony with the requirements of justice or with the conditions necessary for an equitable delimitation of the frontiers between States; nor in any tribunal appointed which would be supported by the confidence of all nations, and which would be called upon to adjudicate in disputes of this kind and to give decisions having binding force.

The interpretation given by the League itself to the provisions of the Covenant regarding the guarantee to be afforded by the League is such as to leave the greatest measure of independence to Members in every case in which it has to be determined whether they are, or are not, bound to furnish their support. The interpretation of Article 10, namely that this article only establishes the duty of guarantorship in principle without compelling Members to make their guarantee effective, and, in particular, without compelling them to undertake military action, was favourably received; similarly, the Assembly approved the interpretation of Article 16, according to which each Member must decide for itself whether a case of illegal aggression has or has not arisen, and which of the parties concerned is to be regarded as the Covenant-breaking State.

The consequence is that, in the event of war, there is no certainty that any properly organised assistance in repelling a lawless aggressor will be given by the League of Nations to the State which is attacked.



It is therefore clear that one of the fundamental characteristics of the League of Nations is that the reduction of armaments should be based upon a guarantee ; but as the guarantee is regarded as being too weak and uncertain, for the reasons given, the reduction of armaments has not been able to make much progress.

It was this consideration which led the Third Assembly to give its support to efforts to establish by other means a more solid and trustworthy guarantee for the purpose of attaining more rapidly the object which was ardently desired, *viz.*, the reduction of armaments.

The idea is attractive from a certain point of view. Nevertheless, the Committee cannot approve of it and regards it as calculated to retard the normal development of the League of Nations.

The object of the League was to put an end to the old system of military alliances which, although they were perhaps concluded with the best intentions, were found to constitute dangers to a lasting peace. The League of Nations sought to replace these alliances by the system of a general guarantee under the authority and ægis of the League itself. The resolutions adopted by the Third Assembly depart from this system and open the door to a system of defensive alliances ; such a step would be a renunciation of much of the progress that has been achieved and would be in conflict with the essential character of the League of Nations.

The view may be held that the guarantee which the League provides at this moment is too weak. But, if so, in what direction should we seek for a solution if we wish to respect the directing idea of that institution ? Certainly not outside the compass of the League of Nations, as is recommended in the resolution referred to, but within the League, by ceaselessly endeavouring to remove or diminish the obstacles which prevent a reliable guarantee being given by the League itself.

For this reason the League should do everything in its power to acquire that universality which is indispensable to it, to improve international relations and to perfect and strengthen the legal guarantees which its organisation provides. This will take time and effort, but, by uniting all men of goodwill, much can be done. Until goodwill has been brought into active play in this matter, it is useless to expect a reduction of armaments. The fact that, at the present time, none of the Great Powers have accepted the obligatory competence of the Permanent Court of International Justice is sufficient evidence that much remains to be done in this connection,

It is certain that, as long as the measures of progress indicated above cannot be realised by the League of Nations, and realised within the framework of the League itself, it is vain to seek these objects outside the system of the League.

The defensive alliances which are proposed will certainly not increase the chances of adherence by the States which are not yet Members ; nor will they help to improve international relations.

But above all, how can we find, outside the system of the League of Nations, the requirements which, as yet, exist in insufficient measure within it, namely, the legal guarantee necessary to ensure that the assistance to be furnished by the League will, in fact, only be accorded to States which can claim it rightfully ? If the absence of these guarantees in the League system has so far prevented the solid organisation of the collective guarantee and has made Members chary of collaborating in this guarantee, we cannot hope to establish guarantees of this kind by a system of alliances outside the League.

In the Assembly's Resolution, mention is made of general and of partial treaties of guarantee, and also, in particular, of regional agreements.

If it were possible to obtain the conclusion of a general treaty, the Committee wonders why a solution should be sought for by means of a special treaty rather than by perfecting the organisation of guarantee already provided by the Covenant.

Moreover, partial treaties (even including those which would be open to all States) will always be liable so long as only a small number of States have adhered to array States or groups of States against each other and, therefore, to aggravate international relations rather than to improve them.

As regards our own country, the Committee desires to point out that our traditional international policy is that the Netherlands should not enter into restricted political alliances. In joining the League of Nations, we agreed to become a member of a community of nations whose aim was to maintain peace — it being, however, understood that our adhesion would never oblige us to furnish armed assistance in a war.

If our country were to declare in favour of the Treaties of Guarantee recommended by the Assembly, it would be disregarding its traditional policy in a much more serious measure than it did in joining the League of Nations. In particular, we should be undertaking the obligation to come with our military forces to the assistance of States whose security we had guaranteed.

To sum up, the Committee feels that it should state its opinion as follows :

One of the basic principles of the League of Nations is that the reduction of armaments should be based upon a guarantee. It is on this basis that the work which has been taken in hand must be prosecuted — within the limits of the Covenant. Great results could still be achieved in this direction, with goodwill. On the other hand, the proposed treaties of guarantee are contrary to the guiding spirit of the League and would open the door to a system



of defensive alliances with all the dangers inherent in such a system ; they would divert general attention from the League itself and from its activity, which is directed towards the improvement of international relations by various means (including the reduction of armaments), and towards the settlement of international disputes by the agency of Courts of Law.

On the one hand, these treaties of guarantee will increase the obligations of the signatory States — including the military obligations — to an important degree ; and, on the other hand, they will render it less probable than would be the case as regards the obligations imposed by the League itself, that the fulfilment of these obligations would only be demanded subject to proper legal guarantees.

In consequence, these treaties are not in harmony with the principles set forth in the Covenant, inasmuch as they are calculated to retard the normal development of the League of Nations. — (*Signed*) A. STRUYCKEN.

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(18) Norway.

July 17th, 1923.

The Norwegian Government, being desirous of seconding the efforts to reduce armaments, has submitted the proposals which form the subject of Resolution XIV of the Assembly, dated September 27th, 1922, to a detailed examination.

The Norwegian Government, in presenting its observations on these proposals, feels bound to point out that these observations will necessarily be only of a provisional character, as the resolution was in part drafted in terms so vague that it may give rise to different interpretations in regard to the manner in which the reduction of armaments and the guarantee should be put into effect.

It is likewise obvious that, as the question stands at present, the Norwegian Government cannot express any opinion which might prejudice its attitude with regard to the draft of a final treaty, which would, moreover, have to be submitted to the Storting.

The Norwegian Government nevertheless desires to draw attention to the fact that a Treaty of Guarantee, implying an absolute obligation to afford military assistance in certain contingencies, would go further than the Covenant of the League of Nations, since, according to the latter, participation in military action is subject to the consent of each Member. When the question of the adhesion of Norway to the League of Nations was decided, great importance was attached to the fact that each Member was free to decide for itself whether it would or would not participate in military action, and a treaty, which in this respect would involve greater obligations than the Covenant, would inevitably give rise to most serious misgivings.

The Norwegian Government desires to point out that, according to Article 8 of the Covenant of the League of Nations, the Members of the League are bound to endeavour to secure a general reduction of armaments, even without any other guarantees than those laid down at the time when the League was founded. It cannot be admitted, therefore, that the reduction of armaments can be subordinated to a Treaty of Mutual Guarantee ; such a treaty can only be considered as one of several means of securing a reduction of armaments. The Norwegian Government cannot, therefore, share the view, which appears to be expressed in the letter from the President of the Council of the League dated October 23rd last, that a reduction of armaments can only be obtained by means of a treaty of guarantee. The Norwegian Government holds the view that the most effective guarantee of peace would consist in the actual reduction of armaments, and in the development of the system provided for in the Covenant for the solution of international disputes, and not in international sanctions of a military character which might be attached thereto. There would not, therefore, seem to be any grounds for requiring Members of the League which are willing, without additional guarantees, to participate in a general reduction of armaments in accordance with the provisions of the Covenant, to take part in an international treaty of guarantee.

As regards the preparation of a treaty of guarantee, I should like to draw attention to the dangers which, in the Norwegian Government's view, might result from the conclusion of regional agreements, when such agreements refer not only to the regional reduction of armaments but also to a regional guarantee. My Government is of opinion that only one treaty of guarantee should be concluded, and that all States should be free to adhere to it, whether Members of the League or not.

The Royal Government further desires to point out that the treaty should take the form of a continuation of the system laid down in the Covenant for the peaceful solution of international disputes, and not that of a treaty intended to supersede or abolish the Covenant. In order to enable a State to benefit by a guarantee, there should be a preliminary assurance that that State, in the conduct of its foreign policy, will be guided by the principles upon which the Covenant of the League of Nations is based.

The question of a ruling might, for instance, be considered by which the only States entitled to benefit by the guarantee would be those which :



- (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.

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(19) **Panama.**

December 5th, 1922.

[*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.

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(20) **Poland.**

May 30th, 1923.

[*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.

#### *General Observations on Lord Robert Cecil's Draft.*

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 Part assigned to Governments in Lord Robert Cecil's Scheme.*

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 fulfil 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.

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#### (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.

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(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.

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(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) QUIÑONES DE LEÓN.

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(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, one 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.



IV.

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*) HEDERSTIERNA.

*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 co-operate 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, invite 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) MORTA.



(26) Venezuela.

[Translation.]

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, as it considers this reduction to be advantageous to the peace of the world. Guided by such considerations, it adhered to the above-mentioned Convention on the Traffic in Arms and Ammunition signed at Saint-Germain-en-Laye.

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 preparations 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 resulting 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 5 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 *in itself* 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 a 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 all 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:

How far can the statement of the Temporary Mixed Commission in regard to the immediate and effective employment of naval and air forces be regarded as correct, and what result should it be justified in expecting:

(*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 pre-concerted 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.

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(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 16 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.

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## 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 :

According to Lord Robert Cecil's draft,

"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.

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*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 automatically 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 *attachés* 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 *attachés*.

*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<sup>1</sup>.

*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.

<sup>1</sup> 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, 1921, to the Special Committee which sat in London to examine Lieutenant-Colonel Réquin'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 High 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.

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