THE PROPOSED AMENDMENTS TO THE COVENANT OF THE LEAGUE OF NATIONS

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ON August 27, 1928, as is well known, an instrument commonly styled the Kellogg Pact was signed by the representatives of fourteen Members of the League of Nations, to receive within the ensuing year the adhesions of an overwhelming majority of their fellow-Members. In September 1929, following upon a proposal made by the British Prime Minister, the Assembly declared "that it is desirable that the terms of the Covenant of the League should not accord any longer to Members of the League a right to have recourse to war in cases in which that right has been renounced by the provisions of the Pact of Paris", and invited the Council to appoint a Committee to frame a report "as to the amendments in the Covenant of the League which are necessary to bring it into harmony with the Pact of Paris". The report here contemplated, having lately appeared, forms the subject of the present article. Its careful examination by serious students of the League is desirable just now as it is being submitted to the Members of the League "in order that such action as may be deemed appropriate may be taken during the meeting of the eleventh ordinary session of the Assembly in 1930".

The presupposition officially formulated by the Assembly as the basis for its action will hardly need to be disproved. The mutual relationships of League Members are governed, not by the Covenant merely, or by the Peace Pact merely, but by the *ensemble* of international law, including the provisions of those two instruments. The Covenant neither accords nor purports to accord to its signatories a "right" to do anything which would otherwise be unlawful. As the Rapporteur, M. Cot (France), reminded the Assembly: "It was, of course, obvious that no legal necessity existed to amend the Covenant in consequence of the signature of the Pact for the general renunciation of war. The Briand-Kellogg Pact, indeed, does not conflict with the Covenant. It extends and supplements it, and the legal position of the states Members of the League which have also signed the Briand-Kellogg Pact is clearly defined by these two international treaties taken in conjunction".

But what is not legally necessary may yet be deemed politically

expedient, and, as the Amendments Committee recognized from the first, it "was not called upon to inquire whether it was expedient to amend the Covenant of the League of Nations. This question has already been answered by the Assembly".

To British readers it should be of some interest to notice in what ways the newly published proposals represent an advance upon the "formal modifications" put forward in the First Committee by Sir Cecil Hurst—as seeming to his Government to be "required in the terms of the Covenant in view of the fact that a major obligation had now been accepted by most states when they became parties to the Pact of Paris".[1] Those modifications appeared to proceed from a desire simply to include in the Covenant the substance of the Peace Pact, coupled with an admitted readiness that, for the sake of uniformity, the sanctions at present applicable against war begun in certain circumstances of peculiar aggravation should in future cover every case of unlawful recourse to war.[2] The only substantive difference those modifications would have made in the mutual relations of almost all League Members would have been this new obligation to apply sanctions to wars which before the Peace Pact would not have been unlawful. And, so far from this extension of commitments being advocated as the gist of the plan, it was spoken of as "more theoretical than real". The only ostensible purpose in fact was that the Covenant should be caused to register the recent loss by Member states of their residuary liberty to use war (and hence, in effect, the threat of war) as an instrument of national policy. It is true that Mr. Ramsay MacDonald had originally spoken of his Government's desire to "build up what I call the foundations of the Pact of Peace", but, passing in his next sentence to what has become the more fashionable metaphor, he went on to talk of "pruning out the dead wood from the Covenant". So too, as though to emphasize the relative unimportance of the 'sanctions' aspect of the proposals, the speech in which they were elaborated by the Foreign Secretary contained no allusion to Article 16.

Other important delegations, however, viewed the matter differently. M. Briand, after a regretful allusion to the 1924 Protocol, asked rhetorically: "Does that mean that we are henceforth to renounce our endeavour and begin again in some other

[1] The text of the British proposed amendments is printed at the end of this article.

[2] Article 16 requires the application of sanctions against any Member of the League that resorts to war in disregard of its Covenants "under Articles 12, 13 or 15". To extend, as is proposed, the scope of the prohibition contained in Article 12 is, therefore, *ipso facto* to extend also the scope of the repressive measures provided for in Article 16.

form, that we are to put systematically on one side all idea of penalties?" And the Roumanian delegation thought "that, in the case of any state Member of the League which is also a signatory of the Paris Pact, Article 16 should apply as soon as that state is guilty of any violation of that Pact". Other aspects also appeared. The late Dr. Stresemann said: "If we are to have complete concordance between the provisions of the Covenant and the principles underlying the Kellogg Pact, we can hardly, I think, confine ourselves to examining the articles expressly mentioned in the British proposal; we must also examine any other provisions of the Covenant which are inseparably bound up with those of the Kellogg Pact." And M. Motta said: "That Pact connotes compulsory arbitration. It does not explicitly prescribe it, but it postulates it." And M. Rolin: "Other suggestions might be made; for instance, the Council's recommendation might be regarded as equivalent to an arbitral award, for the enforcement of which the Council would take all proper steps." Finally the Rapporteur, addressing the plenary Assembly: "Some Members had in mind simply a literal adaptation, as it were, a correlation of the texts. Others thought that since resort to war was to be eliminated from the Covenant, something else should be substituted for it."

The report of the Amendments Committee sheds some light on the preoccupations that underlay the proposals submitted. The keynote, at a first reading, seems to be one of caution. At intervals there recurs a formal confession of conservative bias. "Strictly speaking, it is not part of the Committee's duty to examine an amendment, however desirable in itself, which is not imposed by a desire to harmonize the two Pacts." "The Committee decided to touch the provisions of the League Covenant as little as possible. It is not required to make a general revision of the Covenant but simply to ensure harmony between the two instruments", and so on.

But the Committee had its definite and clearly conceived task to perform; and it was not on the narrower, or original British, conception of that task that it proceeded. "The Covenant of the League has an organic character which must be maintained", and what that character seemed to the Committee to involve may be seen in the amendments they propose.[1] Apart from the extended provisions for the prohibition and repression of war, the broad effect of these changes would be to confer upon the League Council a novel competence, given the necessary measure

[1] The text of the Committee's proposals is printed at the end of this article.

of agreement, to impose upon disputant Members solutions, or methods of solution (e.g. submission to the arbitral ruling of some specified individual), which they would have no legal choice but to accept,[1] and, secondly, to strengthen materially such provision as is made in the existing Covenant for concerted pressure to be put upon any disputant Member that hesitates to comply with the result of pacific proceedings unfavourable to itself.[2] And, whether or not these changes are strictly necessitated by the Peace Pact, they at least are said to contain nothing that may be considered as running counter thereto.[3]

In regard to the extension of sanctions against war, the Committee, adopting the argument of the British delegate at the Assembly (an argument which the Danish delegation had declared itself unable to share, and the Netherlands delegate had stated that he did not understand), observes that "the stronger the system of sanctions the less risk of having to apply them", so that "in practice the amendments of Articles 12, 13 and 15, will not add to the burden of the obligations contracted by states under Article 16".

Whether all these proposals are truly necessary to the harmonizing of the Covenant with the more recent Pact is not perhaps a pressing question, for, short of introducing any element of actual conflict between the two, the League Members are plainly at liberty, with whatever slogan, to amend their Covenant as they will. The question, however, of actual conflict is of course entirely

[1] "Resort to war being henceforward prohibited, its place must be taken by methods of pacific settlement in order to ensure the settlement of disputes." "The general principle by which the Committee has been guided has been that the elimination of resort to war should have as its consequence the extension of the procedure of pacific settlement. Otherwise war would only be prohibited by the law and in practice there would be a danger that, in default of any other solution, states would be led to adopt a warlike attitude."

[2] "Provision must be made for the possibility of such proceedings (pacific procedures other than recourse to the Council) failing or not being resorted to at all." "The Council's obvious duty is to take all the necessary measures to cause effect to be given to the award or judicial decision." "The Committee felt that a report which was unanimously adopted was of so great authority that it ought to prevail over the individual will of the states."

[3] "The Members of the League who are bound by the Paris Pact must preserve all the rights which are theirs under the latter instrument." "The Paris Pact simply condemns war 'as an instrument of national policy', without prohibiting . . . the execution of international police measures." "Accordingly the Council should be left the greatest possible freedom in its choice of methods for ensuring the execution of awards or judicial decisions." "No limits can be laid down. Everything depends on the circumstances. The Council must be relied on to act with the necessary prudence and firmness." "An obligatory decision (of the Council) could not be left in danger of not being executed."

germane. That sanctions against the lawless war-maker may be applied even by signatories of the Peace Pact would seem clear enough, if only from the wording of the preamble.[1] But it is not only to violators of the Peace Pact that force is to be applicable. It is plain that in the last resort—and after all, it is by what is capable of happening in the last resort that the specific character of any scheme of relationships is chiefly determined—"international police measures" resolved upon at the Council table are to be launched against a state resisting, not actively but merely passively, the formula of solution which has resulted from an obligatory procedure of settlement. Operations to which "the rules of the law of war" would appear to be applicable—though "it might be doubtful whether the case was one of war properly so-called"—are to become legitimate (as contrasted with war "as an instrument of national policy") when proposed by a unanimous Council. It is to be hoped that important non-Member states would officially perceive the distinction.

From a merely debating point of view it is easy to question the necessity of some of the proposed changes. How, for instance, does an instrument which provides for sanctions in some cases become more harmonious with another instrument which provides for sanctions in no cases by being modified so as to provide for sanctions in all cases? If resort to war cannot fittingly be prohibited without methods of compulsory settlement being put in its place, how comes it to be prohibited where the Council is not unanimous or the dispute arises out of a matter of domestic jurisdiction? If "in default of any other solution" of its dispute a state may be led, even lawlessly, "to adopt a warlike attitude", will the position be easier if another solution of some sort, having been compulsorily arrived at, is felt to be unacceptable?

But a student will do better to give his mind to the question: What is meant by that "organic character" of the Covenant which will, it seems, be better safeguarded by the new set of amendments than it would have been by those at first proposed? For either this phrase represents a definite theory and is the key to the detail of the changes, or else it is merely a pretext for once more putting forward certain principles[2] that have hitherto failed,

[1] ... "Convinced ... that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty."

[2] i.e. the principle of the compulsory solution even of non-justiciable differences (under the existing Covenant neither party need accept the recommendations of the Council), and the principle of the collective coercive enforcement of the solution so obtained.

though not for want of advocacy, to find a home in the constitutional fabric of the League.

To think of the Covenant procedure for the pacific settlement of disputes as prejudiced by the Peace Pact (and what else can be meant by the suggestion that the Covenant cannot simply adopt the Peace Pact without detriment to its own "organic character"?) seems to be to conceive of it as assigning an essential value to the diplomacy of force, relying for its effectiveness on the fear of ultimate military defeat, unacquainted with any influential argument other than the threat of war. Remove that fear of defeat, and the intransigent will be stiffened in his intransigence; disputes will simmer on indefinitely. Consequently, the Covenant system having even now (for the Peace Pact is already in force) been deprived of its vital energy, we are left in effect with no living system at all; and the need to-day is for the institution of a new system, a system which must be allowed to embody several ideas that failed to establish themselves in 1919 under the chairmanship of President Wilson.[1] From some source there must be available the vital energy, the steam to turn the turbine, the fear to ensure respect for compulsory pacific solutions, the possible threat of force—not sanctions against war, but "international police measures" against passive resistance. Now this, if not very idealistic, is a perfectly intelligible view, and it is well that it should be understood and pondered on its merits. The phrase "organic character" is very far from being a mere pretext.

The underlying philosophy of the Peace Pact—and it *has* an underlying philosophy, though the point is not conceded in the Committee's report—does not assume the need of a permanent external source of energy; it does not call for the 'institutionalization' of collective pressure. The Peace Pact, in short, was put forward, not as a faltering first step towards the piecemeal creation of a new and bigger version of the Covenant, a more thorough-going application of that principle of centralized authority and pooled strength for which M. Bourgeois had argued in 1919, but as containing a complete policy coherent in itself. No Government which thought in terms of sanctions, international police measures, and compulsory arbitration, could, without hypocrisy, have issued the invitation that went forth over the name of Mr. Kellogg.

A third possible theory in regard to the proper basis for a living system of peace can be found in a quotation from the speech delivered by Lord Robert Cecil (as he then was) at Birmingham on

[1] Cf. Hunter Miller, *The Drafting of the Covenant*, Vol. I, *passim*.

the morrow of the armistice in 1918: "The most important step we can now take is to devise machinery which in case of international disputes will, at the least, delay the outbreak of war and secure full and open discussion of the causes of the quarrel. . . . That [the interposition of a delay] is the essential thing, and to secure it, the treaty would require each of the signatories to use their whole force, economical as well as military, against any nation that forced on war before a conference had been held. To that extent and to that extent only, international coercion would be necessary".[1] This conception, which some regard as the true essence of the Covenant, can welcome the Peace Pact as a natural ally which, by improving the atmosphere, lightens the task without at any essential point affecting the technique of Covenant procedures.

Assuming that the above interpretation of the phrase "organic character", read in the light of the proposals it accompanies, is a fair one, it will be seen that the conception it implies of the nature of the League is merely one of various possible conflicting conceptions, none of which has pretensions to universally acknowledged orthodoxy. But, while it has yet to be proved that the existence of the Peace Pact will in practice militate against the solution of acute international differences, the converse is at least equally true. If 'private' war, besides being unlawful and therefore officially 'unthinkable', becomes politically impracticable too, the environment in which the League has in future to live will be of a nature hitherto unknown and one in which the Covenant in its present form would hardly have been framed. Can we afford to "wait and see"? Will that be to miss a golden chance of protecting the Peace Pact from undue strain by forestalling the appearance of the sort of situation in which war, however unlawful, begins again to be thinkable none the less? May it not be that by strengthening the hand of the League Council we should be giving the Peace Pact its best hope of proving a reality? If "pruning out the dead wood" is useful, "building up foundations" may be more important still. While verbal harmonization may seem a fad for purists, a movement avowedly looking to a reinforcement of the Peace Pact and a modernization of the Covenant to adapt it to the needs of a new phase in human affairs may command general support.

In any event, let us consider what might be the effect of voting and ratifying the Committee's amendments as they stand—for

[1] Quoted from *The Problems of Peace*, 1927, p. 25.

after all there is nothing final about them. The main case for the "ayes" is in the report. One cardinal point, however, which might by some be considered to tell in favour of the changes, receives no mention in the report, so that it may perhaps be wondered whether it arose in discussion at all. It is that, whereas on a disputed legal point the Council is expected, as a matter of course, to consult jurists or the Court, and whereas arbitration tribunals in general are required to affirm the legal status quo, there seems to be nothing in the terms of the proposed amendments which would prevent the unanimous Council from requiring a disputant Member state to proceed to a revision of its treaties. A notable innovation —if it is intentional.

Then there is the extension of the 'sanctions' system to cover every recourse to 'private' war. Article 16 is a topic on which confused thinking is all too easy. It is said to be valueless because never yet actively applied. It is described as punitive, whereas its action would be essentially, if not solely, to bring the aggressor to a standstill. It is discussed as if primarily intended to function actively, whereas its main purpose surely is to serve as a deterrent. It is thought of as holding states to a promise to desist from private war, whereas it has its chief importance in relation to a promise, not of absolute abstention, but of a provisional abstention and postponement until after a discussion at the Council table. Article 16 in fact at present exists more in order to canalize the dangerous disputes—steering them in the direction of the ultimate gap, a gap that can be approached only through an interval of Geneva investigation—rather than for the purpose of preventing, where Council statesmanship has, *ex hypothesi*, failed otherwise to prevent it, their finally leading to war. So long as there remains on paper this gap in the 'sanctions' arrangements, your hypothetical 'aggressor' will have some sort of inducement to forgo the strategic advantages of a surprise attack. Universalize the scope of Article 16 and, unless he sees hopes of convincing the whole Council, your aggressively minded statesman will do better to pick his moment—not e.g. during September—and present the League with a *fait accompli*.

The effectiveness of Article 16, even within its present modest sphere, depends on the confidence (or apprehension) statesmen feel that there would be no hanging back. Hanging back would be least likely in the cases where the public conscience was most deeply shocked. The restraints imposed by the terms of the existing Covenant are relatively so light and so easy to respect that

the sanctions presuppose violence of a particularly cynical sort. Though voices object, even now, to the article, none of them suggests that the transgressor might not deserve the treatment. Under the amended Covenant the transgressor might well be a state whose cause on its merits commands general sympathy.

Then again there is the perennial difficulty of determining the aggressor. Unless it is clear, in the day of battle, to which of the two or more belligerents the sanctions are duly applicable, the system will contain an element of danger. Under the existing Covenant the question might perhaps not be easy. Under the prospective, amended Covenant cases of difficulty would be even more likely to arise. Indeed, in a case where a division of sympathies in the Council has produced a stalemate, and, after a period of strained relations, hostilities break out, it is only too conceivable that the Council would be divided likewise in its attribution of the blame. Yet there is nothing in paragraph 1 of Article 16 to make the obligation to apply sanctions dependent upon unanimity having been recorded in the Council.

This leads to a further objection. It is well known that in 1921 an unsuccessful attempt was made to amend Article 16. One motive at any rate of that attempt was the desire to mitigate the dangerously automatic character of the system, at least as it appears in black and white in paragraph 1. Many who favour the principle of sanctions controlled by the Council feel troubled about the article in its present form. Many who might be willing enough in principle to extend the field of sanctions, may very well object to an extension of the system prescribed in Article 16.

Of course, as was pointed out by the Danish delegate in the First Committee,[1] there are various ways in which the Peace Pact might be embodied in the Covenant without extending the field of sanctions at all. But to any such proposal there might be heard the impressive retort that a Covenant in which war, prohibited in all circumstances, is to be collectively repressed only in some, would be logically, morally, politically, and aesthetically indefensible.

There is, however, another alternative which might be worth suggesting. Let us assume that Article 16 is to apply to all wars alike. Let us assume that in its less fortunate aspects we shall see

[1] "He thought, however, they might easily avoid that difficulty by appropriate drafting. He ventured to suggest, for example, the addition to the Covenant of the League of Nations of a new Article 17 (*a*), reproducing the Kellogg Pact, but leaving untouched the system of sanctions laid down in the previous articles of the Covenant. Other solutions were also conceivable."

it extended only with regret. Let us assume—as experience requires us to do—that no amendment which should abate by one particle the protection that, on paper at least, the text of the Covenant already promises to the victim of aggression would obtain the necessary ratifications. Is it possible, on all these assumptions, to make some conciliatory suggestion? It would be competent for the British delegation, when the Committee's report is under discussion next September, to propose in the same context an amendment to Article 16. There need not be two classes of wars. Article 16 would apply alike to every war. But the manner of its application would vary with the nature of the evidence. The aggressively minded statesman would have always to reckon with the probability of automatic sanctions, as prescribed in the existing paragraph 1. But, in some at least of the most dangerous, because dubious, cases, a discretion as to their application would lie with the Council, whose duty it would be to formulate recommendations, as prescribed in the existing paragraph 2. Aggression as such would entail sanctions controlled by the Council. "Flagrant" aggression would entail automatic sanctions. And since certain states would be unlikely to renounce anything the Covenant already gives them, all those instances of aggression to which Article 16 already applies would be deemed to be "flagrant". The suggested amended article would run somewhat as follows:

"1. Should any Member of the League resort to war in violation of this solemn covenant it shall be the duty of the Council to recommend to the several Governments concerned what measures of all kinds Members of the League shall severally undertake to protect the covenants of the League, and the Members of the League hereby agree to co-operate loyally and effectively in the protection of those covenants to an extent which is compatible with their military situation and takes their geographical position into account.

"2. Should any Member of the League resort to war in flagrant violation of this Covenant, the Members of the League hereby undertake immediately to subject it to the severance, &c. . . ." as in the present paragraph 1.

"3. Should any Member of the League, being a party to a dispute, resort to war without having submitted the matter either to arbitration or judicial settlement or to inquiry by the Council, or before the expiration of a period of three months after the award by the arbitrators or the judicial decision or the report by the Council, or against any Member of the League which complies with the award of the arbitrators or the judicial decision or the recommendations of a report by the Council which is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, it shall *ipso facto* be deemed to have resorted to war in flagrant violation of this Covenant."

"4 and 5". The existing paragraphs 3 and 4.

A further possible disadvantage of the new régime would perhaps be that individual states represented on the Council might use their power of defeating the search for unanimity in a spirit inimical to the general interest. *Ceteris paribus*, it may be assumed that the greater the temptation to such abuse of voting-power, the greater the risk of its happening. In view of what contingency is there at present such a temptation? that is, for what purposes does the existing Covenant require merely 'exclusive', not 'inclusive', unanimity?[1] The answer is that the state against which an operative 'exclusive' unanimity has been got would, prior to the Paris Pact, have thereby become disentitled, even after the three months' delay, from attacking its opponent. To frustrate, by corrupt bargaining, the attainment of such 'exclusive' unanimity in a case where it would otherwise have been arrived at, would have been merely to keep alive the legal liberty of embarking upon a war in support of contentions against the merits of which world opinion would lately have become conscious, and given proof, of its substantial solidarity. That legal liberty having been renounced in the Pact, the only boon now to be bargained for is the doubtful privilege of violating the Pact in those unpropitious circumstances without the operation of sanctions becoming technically inevitable.

Under the proposed amendments, the advantage to be improperly bargained for would be that of retaining, on political issues, a free hand in a world of what it is hard to distinguish from compulsory arbitration,[2] the power, that is, of preventing, in a crisis, the adoption of recommendations compliance with which would be not merely obligatory but enforceable by concerted international measures.[3] It would render politically practicable the perseverance of a Member state in policies the merits of which would not bear disinterested examination. It would, as the

[1] Cf. Article 15, paragraph 6. "If a report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report." In all other cases the votes of the interested states have to be *included* (not *excluded*) in determining that the voting has been unanimous.

[2] For it is proposed that the Members shall agree that "if the report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute", they "will comply with the recommendations of the report". Under the existing text they are not bound so to comply; they are merely bound not to go to war with any party to the dispute which does comply with such recommendations.

[3] For "if the Council's recommendation is not carried out, the Council" (it is proposed) "shall propose suitable measures to give it effect".

amendments now read, be the only security for vested rights against any modification on which the other Council states would normally have been able to arrive at a common 'legislative' policy. Under the new régime the temptation would thus be indefinitely strengthened.

The possibility that some states might fall to this kind of temptation was evidently not far from the thoughts of those on the Committee. Thus, even on a less crucial point, viz.: the proposing of measures of execution, "some members" thought that "the rule of unanimity . . . might involve serious disadvantages, since the opposition of a single state represented on the Council would be sufficient to prevent the execution of a judicial decision or arbitral award. The Committee recognized the gravity of the question. . . ." And, again, "in order to render the asking of an advisory opinion easier" where "it would be of real importance for the solution of the dispute that the advisory opinion should be requested" so that "the majority of the Council will be very ready to consult the Court", a majority vote is, by an amendment of the Covenant, to be declared sufficient.[1,2] If there is anything in such anxieties, it means that Member states could be conceived of as falling into two categories, viz. the 'exposed' or 'uninsured' Members—and the 'insured'—those to whose detriment certain provisions of Article 15 would in practice be unlikely to work.

Some of these queries are no doubt far-fetched. Sinister possibilities can be discerned in almost any constitutional scheme. Nor can this article pretend to have touched on all the matters of interest in the recent report. Those, however, who have come to set store by the existing League should be interested to observe what becomes next September of proposals the acceptance of which would at least mean the opening of a new chapter in its history.

TEXT OF THE AMENDMENTS PROPOSED BY THE BRITISH DELEGATION.

Article 12 (1) to be amended to read as follows:

"The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitra-

[1] The alternative deprecated in both these instances was the rule, not of 'inclusive', but of 'exclusive', unanimity.

[2] There would be some advantages in not proposing to touch the mechanism of advisory opinions at the present moment. True, the Committee explicitly leave "entirely on one side the question whether, as a general rule, a request for an advisory opinion requires unanimity, or may be made by a simple majority". But what is the restricted purpose for which the interpretative amendment is to be adopted? It is for the handling under Article 15 of acute international differences!

tion or judicial settlement or to enquiry by the Council, and they agree that they will in no case resort to war."

Article 13 (4) to be amended to read as follows:

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto."

Article 15 (6) to be amended to read as follows:

"If a report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League agree that as against any party to the dispute that complies with the recommendations of the report they will take no action which is inconsistent with its terms."

Article 15 (7) to be amended to read as follows:

"If the Council fails to reach a report which is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice other than a resort to war."

PROPOSALS OF THE COMMITTEE.

Present text.	*Proposed amendments.*
Preamble.	*Preamble.*
"In order to promote international co-operation and to achieve international peace and security *by the acceptance of obligations not to resort to war.*"	"In order to promote international co-operation and to achieve international peace and security *by accepting the obligation not to resort to war.*"
Article 12, *paragraph* 1.	*Article* 12, *paragraph* 1.
The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council.	The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will only employ pacific means for its settlement. If the disagreement continues, the dispute shall be submitted either to arbitration or judicial settlement, or to enquiry by the Council. The Members of the League agree that they will in no case resort to war for the solution of their dispute.
Article 13, *paragraph* 4.	*Article* 13, *paragraph* 4.
The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not	"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered and that they will not take

resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto.

Article 15, *paragraph* 6.

If a report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

Article 15, *paragraph* 7.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

any action against any Member of the Leagues which complies therewith.

"In the event of any failure to carry out such award or decision the Council shall propose what measures of all kinds should be taken to give effect thereto; the votes of the representatives of the parties shall not be counted."

Article 15, *paragraph* 6.

If the report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will comply with the recommendations of the report. If the Council's recommendation is not carried out, the Council shall propose suitable measures to give it effect."

Article 15, *paragraph* 7.

"If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, it shall examine the procedure best suited to meet the case and recommend it to the parties."

Article 15, *paragraph* 7 *bis*.
(New paragraph.)

"At any stage of the examination the Council may, either at the request of one of the parties or on its own initiative, ask the Permanent Court of International Justice for an advisory opinion on points of law relating to the dispute. Such application shall not require a unanimous vote by the Council."