

If most of the delegates were in favour of bringing the Covenant into harmony with the Pact of Paris, they were not agreed as to the best means of achieving that object. Mr. Guthrie confirmed the Canadian Government's approval of the amendments drafted by the sub-Committee of the First Committee of the last Assembly and expressed its desire that the Covenant be brought into harmony with the Pact of Paris at the earliest opportunity. Divergencies of opinion, however, were expressed on several points, in particular on the right of self-defence, the organization of pacific methods of settling disputes and the extension of sanctions. Although these divergencies were considerably reduced, they were not absolutely cleared up. The Committee therefore suggested to the Assembly that the question of framing a final text should be postponed, the work being referred to a temporary Committee which would meet during the Disarmament Conference. This proposal was adopted.

In its report prepared by M. Rolin (Belgium) the First Committee noted that no objection of principle was now made against the idea of formulating in a single Article of the Covenant (Article 12) and in the simplest terms, without any attempt at interpretation or restriction, the prohibition of recourse to war.

In the opinion of the Committee, this prohibition did not in any way exclude the right of self-defence. Legitimate defence was a general principle of law, the *non adempti contractus* clause. A State which had disregarded the clause forbidding war could not demand that a State attacked by it should observe that clause. This was provided for in the Covenant though not expressly so. The concept of self-defence defied definition in advance in abstract terms. The use which a State claimed to make of the right of self-defence could, however, be discussed by the other States concerned and, in the case of Members of the League, would be subject to the decision of the Council. In judging the facts before it, the Council would have to be guided not only by the general principles of law, but also by any special engagements for preventing war undertaken by the parties to the dispute.

A second point to be determined was whether provision was to be made in order to except from the prohibition to resort to war the legitimate assistance given spontaneously by a Member of the League to another Member, which has been the victim of a flagrant aggression. The Committee agreed that no such exception should be specified expressly. Here again it was not so much a question of an exception as the simple application of the principle of law. The State which violated its undertakings was not entitled to demand the execution of those undertakings by the other parties to the Covenant. Interventions of this kind would, however, in their turn be subject to the appreciation of their character by other Members of the League and by the Council, and to the opinion of the latter the State which had intervened would be obliged to conform.

On the other hand, it was admitted that the proposed amendment of the Covenant would deprive the Members of the League of the right to resort to war in execution of an arbitral award or a unanimous decision of the Council. As a counterpart, the task which devolves upon the Council of considering the measures necessary to ensure execution will become particularly imperative. The Council might have, in the last resort, to authorize military measures. These measures, if prescribed, would lose their character of recourse to war and assume a character of social defence.

The Committee noted the desire of the Chinese and Finnish Governments to meet the dangers resulting from a country creating what is in effect a state of war, while not officially recognizing that war exists. The Committee did not feel able for the moment to enter upon a discussion of this question.

Logic compelled many delegates to say that from the moment when the prohibition of resort to war was absolute, resort to arbitration or judicial settlement must be equally so. As things stand, the Covenant allows States the choice