

in a general manner, as between them, the functions of a tribunal of appeal from international arbitral tribunals, in all cases where it is contended that the arbitral tribunal was without jurisdiction or exceeded its jurisdiction?" The results of the above inquiry are to be communicated to the various Governments with a view to discussion at a future session of the Assembly.

*Amendment of the Covenant of the League of Nations as a Result of the General Adhesion of the Members of the League to the Paris Pact.*

This same proposal had been brought up during the Ninth Assembly by Professor Voldemaras (Lithuania), but it had been then considered not ripe for discussion. In a long detailed statement, Sir Cecil Hurst pointed out the changes which the British Delegation considered to be necessary to harmonize the Covenant with the Briand-Kellogg Treaty. Referring to Article 12, he pointed out that, although war was excluded for a period of three months after the award by the arbitrators, or the judicial decision, or the report by the Council in cases of disputes or ruptures between States, it would be necessary to bring the Article into line with the Paris Pact by adding the essence of Article 2 of that Pact, viz: "and they agree that they will in no way resort to war."

If the above change is accepted, two minor amendments to other provisions of the Covenant will be necessary. The first one would be a change in the fourth paragraph of Article 13, which would then read:—

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

The other change would be in the sixth paragraph of Article 15. Here the change would not be so simple because in submitting a justiciable dispute to a body which can give a binding decision, there was the obligation to accept the decision, which was recognized in the above phrase of Article 13, but when the States were submitting to the conciliatory proceedings of the Council there was not, and there could not be, any similar obligation to accept the recommendations of the Council. It was therefore necessary to oblige States not to go to war at all. It was necessary to change the Covenant so that even in certain cases the right to go to war could not remain open, because here they would be resorting to war as an instrument of national policy. He would therefore suggest that, following unanimous agreement on some question or dispute, Members of the League reserve the right to take such action as is deemed necessary for the maintenance of right and justice, other than a resort to war.

Although for the vast majority of States the Pact of Paris had become a reality, Sir Cecil Hurst did not consider it necessary to make any changes in two of the Articles of the Covenant.

- (a) Article 10: It would be extremely dangerous to amend Article 10 on account of the wide divergence of views; for example, some States desired its complete abolition from the Covenant, while others considered it to be the keystone of the arch of security which the League gave them.
- (b) Article 16, dealing with sanctions: If the obligations under Articles 12, 13 and 15 were extended, the obligations under Article 16 would also be extended. The application of sanctions was only a burden if other States actually did resort to war, but the more the possibility of war was reduced, the less possibility there was of having to apply sanctions, and therefore the obligations in Article 16 would appear to be more of a theoretical than a practical extension.

In conclusion, Sir Cecil Hurst was of the opinion that his proposed amendments were so modest that the present Assembly could handle them immediately.