

measures of conciliation and not be extended to include measures of coercion against a country which had not resorted to war. The report, however, was adopted by twenty-five votes to two (Hungary and Poland). Seven countries, including Canada, abstained, the Canadian delegate explaining that, while in general agreement with the proposal that the principle of unanimity be set aside in this particular case, account had not been taken in the report of the Canadian view as to the scope of the Article.

(b) *The so-called coercive provisions of Article XVI.*

The question as to the interpretation which should be placed, in the circumstances in which the League finds itself, upon the provisions of Article XVI gave rise to an extended exchange of views. Mr. Butler, delegate of the United Kingdom, who opened the discussion, referred to the difficulty of securing agreement as to the interpretation which should be placed in present circumstances on the provisions of Article XVI and stated that his Government felt it desirable to define the manner in which they would interpret their obligations under this Article. They desired to do so not merely as a statement of the attitude which the United Kingdom Government would itself adopt but in the form of general propositions which were believed to be applicable to the present situation and which might perhaps commend themselves to other Governments whose points of view were the same. These propositions he set forth as follows:—

“The text, structure and juridical effect of the Covenant remain unaltered. In view, however, of the special circumstances existing at the present time, His Majesty’s Government in the United Kingdom will interpret their obligations under Article XVI of the Covenant in accordance with the following propositions, which apply equally to the case where Article XVI becomes applicable by virtue of paragraph 3 of Article XVII:

1. The circumstances in which occasion for international action under Article XVI may arise, the possibility of taking such action and the nature of the action to be taken cannot be determined in advance; each case must be considered on its merits. In consequence, while the right of any Member of the League to take any measures of the kind contemplated by Article XVI remains intact, no unconditional obligation exists to take such measures.

2. There is, however, a general obligation to consider, in consultation with other Members of the League, whether, and if so how far, it is possible in any given case to apply the measures contemplated by Article XVI and what steps, if any, can be taken in common to fulfil the objects of that Article.

3. In the course of such consultation each Member of the League would be the judge of the extent to which its own position would allow it to participate in any measures which might be proposed, and in doing so it would no doubt be influenced by the extent to which other Members were prepared to take action.

4. The foregoing propositions do not in any way derogate from the principle, which remains intact, that a resort to war, whether immediately affecting any of the Members of the League or not, is a matter of concern to the whole League and is not one regarding which Members are entitled to adopt an attitude of indifference.”

While there was general agreement that, in the present circumstances of the League, sanctions under Article XVI had in practice acquired a non-obligatory character, the discussions that followed gave rise to the expression of widely divergent points of view both as respects the essential principles of the League and the legal and moral obligations of membership.