

countries in question have taken any irrevocable decisions, proposed that the Council be empowered in disputes under paragraph 1 of the Article, i.e., in conflicts involving war or more probably the threat of war, to express an opinion on the facts or make recommendations as to measures to be taken for the purpose of safeguarding peace, by agreement of its members other than the parties to the dispute.

In the discussion that followed France, China, Spain, Sweden, Union of South Africa, New Zealand and a number of other countries supported the United Kingdom proposal. M. Koht, delegate of Norway, regarded the United Kingdom proposal as a minimum objective. Stressing the view that opposition to any change in the Covenant was a dangerous position to take and that to require unanimity was to hamper the League in one of its vital tasks, he urged the Committee to go somewhat further and adopt a resolution providing that a simple majority vote would suffice for acts of mediation or conciliation or in case of friendly acts designed to obviate the danger of international conflicts.

Mr. Lapointe (Canada) expressed his agreement with the view of the Norwegian delegate with respect to persistent opposition to changes likely to facilitate the work of the organization. The League of Nations was after all a human institution. It had been unable to attain perfection at the moment of its creation and in his view it would be unwise not to accept changes which twenty years of experience might have shown to be necessary to ensure the success of its work. The sole object of Article XI was, he held, not to impose sanctions, but to enable the League to take in good time measures calculated to prevent the outbreak of a conflict. He expressed his ardent desire to see better international relationships established and argued that to require the prior assent of parties to a dispute would be to render the application of the Article quite illusory.

The representatives of Poland, Roumania and Hungary expressed opposition to any movement designed to remove the safeguard of unanimity from Article XI, on the general ground that it would involve an impairment of sovereignty, contending that in no dispute in which the vital interests of a country were at stake should a solution be imposed upon it without its consent.

M. Uden, delegate of Sweden, who was appointed rapporteur, drew up a draft report and resolution based upon the United Kingdom proposal and purporting to take into account the differences of opinion revealed in the discussion. The report, after setting forth the view that the proposal covers two possible cases—that in which the Council should express an opinion on the facts of a dispute and that in which it should recommend measures of a precautionary character—proposed the adoption of the following resolution:—

“The Assembly,

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“Expresses the view that, in cases in which a dispute is referred to the Council under paragraph 1 of Article XI, the Council may, with the consent of all its Members other than the parties to the dispute:

“ (1) Express an opinion or adopt a report concerning the facts of the dispute;

“ (2) Make recommendations as to the measures to be taken by the Members of the League, other than the parties to the dispute, to safeguard peace.”

Considerable objection was taken to M. Uden's report chiefly on the ground that, if it were adopted, Article XI might lose its most important function which should be that of conciliation. The Canadian delegate considered that the report did not give adequate weight to the Canadian view that, as the League has developed, the primary purpose of the Article is to deal with emergencies which constitute a threat to peace rather than with the settlement of disputes that have already resulted in war and that the Article should be confined to