

Reform of the League

IN view of the widespread discussion on the reform of the League of Nations our readers will be interested to know that THE NEW COMMONWEALTH INSTITUTE is now engaged in research on the problem of the revision of the Covenant in which they have been so fortunate as to secure the co-operation of Dr. Paul de Auer, the distinguished Hungarian international lawyer. Dr. de Auer has drawn up comprehensive proposals, which are now being submitted, together with the results of research already carried out at Headquarters, to a number of our distinguished collaborators on the Advisory Committee of the Institute. It is hoped that at a later stage a conference will be held for the purpose of co-ordinating the various views expressed and of drawing up final recommendations for the strengthening of the League.

We publish below a short summary of some of the innovations which are contained in Dr. de Auer's preliminary document.

In the introduction he points out that his scheme for a revised Covenant is not in any sense that of an ideal League.

1. Dr. de Auer's first proposal is that the League Covenant should be separated from the text of the Peace Treaties.

2. If the principle of unanimity is to be upheld, it must be expressly stated in the Covenant that the votes of the interested states shall not be taken into account.

3. In the event of a dispute between states which the Council is unable to settle by the machinery of conciliation under Article XV, the Assembly shall be convoked and shall appoint an arbitral commission composed of seven persons which shall proceed to the scene of action and, having instituted an enquiry, shall draw up a statement and report on the facts of the dispute. . . . The object will be to secure the appointment of individuals of standing disposed to co-operate freely and directly in the work of the commission. In that capacity they may not receive instructions from their Governments. They shall be chosen from among such persons as may be presumed, in virtue of their acknowledged international standing, their nationality, their political and legal training and, where necessary, their attainments in the field of economics and geography, to take up a point of view which will command general respect. In making its award, the commission shall bear in mind not merely the principles of international law but shall endeavour to provide a fair and equitable solution. Within a fortnight of its completion, the report shall be laid before the Council and the Council shall decide what procedure is the most suitable for carrying out the award. Here then would be, in embryonic form at least, the much needed Equity Tribunal.

4. Far-reaching proposals are also made for the strengthening of Article XVI and the whole machinery of sanctions. They are designed in such a way as to make the universality of economic sanctions possible and to organise military sanctions on a basis of automatic application and certainty. It is suggested that the decision as to whether economic sanctions are to be applied should not rest with individual States nor with the frequently biased Council but with the Assembly, in which all members are represented, acting on the recommendation of the impartial arbitral commission. Economic sanctions may further be applied against any member who refuses to co-operate with the League in this matter.

With regard to military sanctions Dr. de Auer suggests that the present clause in the Covenant which states that "it shall be the duty of the Council to recommend to the

several Governments what effective military, naval or air force they shall contribute" should be removed from the Covenant and replaced by a Protocol, according to which any States which are prepared to co-operate in military sanctions should put armed contingents at the disposal of the League.

The States which are prepared to contribute to this International Force should form a Council of Signatory Powers. This Council should appoint a General Staff and the States members would undertake to observe implicitly the instructions of the Council and subordinate the forces which they contribute to the direction of the General Staff. If the League could be made universal with all members compelled to apply economic sanctions, and if, in addition, a large number of States had organised their forces in advance for the defence of the Covenant, then, Dr. de Auer maintains, the danger of war would be removed.

5. If sanctions are to be automatic, then provision must also be made for the peaceful revision of the *status quo*. Article XIX must therefore be amended and a precise procedure for its application laid down.

For this purpose, "the Assembly will, from time to time, place on its agenda . . . the question as to whether it seems necessary to advise the reconsideration, by members of the League, of treaties which are inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world." In such cases it shall be for the Assembly to determine first of all whether the issue is to be referred, in virtue of its legal character, to the Permanent Court of International Justice or to an arbitral commission duly appointed in accordance with the terms of Article XV. The Court shall give an advisory opinion, or the commission shall put forward recommendations providing a fair and equitable adjustment of the situation. "The council shall then decide, on the basis of the report, . . . what procedure is to be followed to ensure that the recommendations are in fact carried into effect."

THE NEW COMMONWEALTH

A Society for the Promotion of International Law & Order

FOUNDED 1932

International Executive Committee:

THE RT. HON. G. N. BARNES (President).
M. PIERRE COT (Vice-President).
PROFESSOR ERNST JÄCKH (Vice-President).
OSCAR T. CROSBY (Vice-President).
THE RT. HON. LORD DAVIES (Treasurer).
SIR ARTHUR WILLERT, K.B.E.

Director of International Section: DR. JÄCKH.

General Secretary: CAPT. J. J. W. HERBERTSON.

Objects:

To secure international justice through the establishment of—

- (1) An **Equity Tribunal** for the purpose of settling all disputes, and
- (2) A **Police Force** to uphold international law and order.

The minimum subscription for Associate Membership is 10s. per annum (U.S.A. \$2.50, France 35 francs, Germany 5 RM), and issues of the Society's monthly publication are forwarded regularly to all Associate Members. Ministers of religion, teachers and university students are admitted upon payment of a *minimum* subscription of 5s. per annum. Full particulars and enrolment forms may be obtained from the Secretary, THE NEW COMMONWEALTH, Thorney House, Smith Square, Westminster, S.W.1.