

make an award. (b) The arbitrators fail to make an award within a reasonable time. (c) The Council or the Body of Delegates fail to make a recommendation. (d) The Council or the Body of Delegates fail to make a recommendation within a reasonable time.

Fourth. As an illustration, the following case is suggested: State "A" intends to attack State "B". "A" declines arbitration and submits its case to the Council with the demand that it shall be referred to the Body of Delegates. It might not be difficult for "A" so to influence the representatives of one or more States in the Body of Delegates that no recommendation would be made. "A" therefore attacks "B", overpowers it, and annexes a portion of its territory.

Fifth. Exception has already been taken to the provisions of Article X, which possibly might be invoked in aid under such circumstances. It is not clear at what stage, under what conditions, or with what result the provision of Article X, could thus be invoked.

Sixth. It is suggested that the articles in question should embody a provision that no treaty embodying terms of peace between such contending powers shall be registered under Article XXIII except by express permission of the Council. This would give the Council definite control of the terms of peace as no treaty is binding until registered. The power of the Council to revise any such treaty would be of great value in deterring any nation from undertaking aggressive war for the purpose of acquiring additional territory.

Seventh. In connection with these five Articles it is to be observed that the Covenant itself apparently prevents any of the Signatories from going to the assistance of a weak Power aggressively attacked by a stronger Power under the circumstances above set forth.

Eighth. In case any High Contracting Party breaks or disregards its Covenant, how is the fact to be evidenced so as to affect the High Contracting Parties? There is no express provision requiring a determination and a public declaration by the Council. If such a declaration is contemplated it would involve delay; and in that case there should be a provision permitting immediate action in the meantime as a state of war is created by breach of the Covenant.

Ninth. Amend Article XVII as follows: (a) Substitute for the words "the above provisions" the words "the provisions of Articles XII to XVI, both inclusive;" (b) Substitute for the word "League" in the last line of the first paragraph the word "Council".

Reasons for Amendment: Obvious.

Tenth. Strike out the word "Executive" before the word "Council" in all these Articles.

Article XIV is as follows:

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice, and this Court shall, when