

such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article XII, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Observations: Clearly it is not within the competence of any human power absolutely to prevent war. Therefore the framers of the Covenant have wisely availed themselves of the best means of reducing to a minimum the possibility of its outbreak. The means selected are discussion, publicity and mediation. As President Wilson has truly said, there is force in the background, but only in the background. It is a Covenant of peace and not of war. If the Great Powers of the world had been parties to such a Covenant in 1914, humanity would have been spared the horror and sacrifice which have been endured in the past five years.

Even if the provisions of these five Articles were more open to criticism than is apparent, one would hesitate to suggest any amendment lest the proposal might lead to differences which would prevent the adhesion of nations whose support and concurrence are of vital importance. The following observations are therefore put forward with the reserve which prudence clearly dictates under the circumstances:

First. It is submitted that the form of expression could be improved in clearness and directness through the aid of a skilled draftsman and without in any way modifying the meaning intended.

Second. As the dispositions of these five Articles permit war under certain conditions without any breach of the Covenant, it is advisable to consider whether the proposed Signatories would concur in additional safeguards; or, failing that, whether further provisions to prevent the continuance of such a war and to control its results might not be advisable.

Third. The circumstances in which war might break out without breach of the Covenant are, *inter alia*, the following: (a) The arbitrators fail to