

THE public law of the world, if such it can be called, is now incorporated in treaties. As international conditions change these treaties become out of date, and must be revised from time to time. This principle is recognised in Article 19 of the Covenant, which, however, provides no adequate machinery for the process of revision. In the past, war has been recognised as the instrument of revision. Therefore, if war is to be ruled out, a substitute must be found to effect peacefully those changes which are just and reasonable. We believe that at this stage this function can best be exercised by a Tribunal in Equity.

WHAT do we mean by a Tribunal in Equity? A body of men selected for their character, integrity and impartiality from amongst the elder statesmen of the world; men who are prepared to sever their connection with national politics in order to devote their time and energies exclusively to the solution of international problems. The late Lords Balfour and Finlay, Presidents Theodore Roosevelt and Wilson, M. Briand, M. Branting, Dr. Nansen, and Herr Stresemann, to mention only a few were sufficiently internationally minded to have played this role admirably. Moreover, the members of the Tribunal would be appointed by the International Authority, not by their national governments. The existing procedure for the appointment of judges to the Permanent Court could be adapted and improved in order to ensure that the right men were appointed.

The Tribunal would be charged with the duty of settling political disputes, including those arising from the revision of treaties, which are always the real causes of war. They would pronounce their judgments or awards *ex aequo et bono*, not necessarily according to law, for there would be no law to guide them. In effect, they would perform a quasi-legislative function. Internationally we have reached the stage of development which civil communities passed through centuries ago. It follows that the legislative function must be put into commission because humanity is not yet ripe for the parliament of man or the federation of the world.

IT may be argued that the responsibility we have ascribed to the Tribunal should be entrusted to the Permanent Court of International Justice which has been set up at The Hague. There are two objections to this course. First, the primary duty of the Permanent Court is to interpret treaties, not to revise them. Secondly, the Permanent Court is composed exclusively of jurists and lawyers, whose training and experience do not fit them to adjudicate upon those vital questions which can only be decided on grounds of equity.

Another objection raised against the Tribunal system is that it will encroach upon the duties now entrusted to the Council of the League. At present these duties consist of bringing the disputants together and endeavouring to further an agreement through the processes of conciliation and negotiation. No one suggests that the Council should be deprived of these functions. This does not mean, however, that the Tribunal is superfluous, for if these processes break down, and a deadlock ensues, there is nothing left but a resort to war. When everything else has failed, the Tribunal stands forth as the final arbiter. It is the last barrier between us and war. Any nation which defies the international authority by ignoring its existence and resorting to war discloses itself as the aggressor by its own act.

We believe that in existing circumstances there is no practical alternative to the Tribunal system. It will have to be fitted into the organisation of the League, and the New Commonwealth