

The First and Second Assemblies considered the proposal but failed to reach any conclusion.

In 1922, Messrs. Fielding and Lapointe, after having satisfied themselves of the impossibility of securing the elimination of the Article, wisely suggested that it be allowed to stand with the addition of the following words:—

“taking into account the political and geographical circumstances of each State. The opinion given by the Council in such cases should be regarded as a matter of the first importance and should be taken into consideration by all the Members of the League who should use their utmost endeavours to conform to the conclusions of the Council; but no Member should be under the obligation to engage in any act of war without the consent of its parliament, legislature or other representative body.”

This suggestion was considered by the Committee on Legal and Constitutional Questions, which made the following recommendation:—

“The Assembly of the League of Nations decides that the Canadian proposal with regard to Article 10 of the Covenant should be adjourned until the Fourth Assembly in order that the subject may be considered in all its bearings. The Assembly leaves it to the Council to decide on the steps to be taken to provide for a detailed study of the Canadian proposal before the meeting of the Fourth Assembly.”

The report was adopted by the Third Assembly, and in January, 1923, the Council, through the Secretary-General, addressed a written communication to all the Members of the League inviting an expression of their views as to the Canadian proposal.

Twenty-five replies were received from as many States and communicated to your delegates. An analysis of those replies, while indicating a wide variance of opinion as to the bearing of the article, clearly showed that a large majority of the States were absolutely opposed to any change in the Article, and your delegates came to the conclusion that in the face of such opposition, no good purpose could be served by insisting upon the Assembly dealing with the matter in the form of an amendment.

On the other hand, after a careful survey of the situation, your delegates were inclined to believe that the Assembly might not be adverse to the adoption of a resolution defining the meaning of Article 10, and therefore bent their efforts in that direction.

When the matter was considered by the First Committee, Sir Lomer Gouin explained the Canadian point of view, insisting on the desirability of some answer being given without any further delay to those Members of the League who sought to be informed of the rights of the Council and of the obligations of the States under the Article.

The matter gave rise to a protracted discussion before the First Committee. Your delegates finally succeeded in securing the adoption of the principle of an interpretative declaration, and a sub-committee of jurists was appointed to draft a recommendation for submission to the Assembly.

The report of the sub-committee was as follows:—

“The Assembly, desirous of defining the scope of the obligations contained in Article 10 of the Covenant so far as regards the points raised by the Delegation of Canada, adopts the following resolution:—