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Report of the  
Canadian Delegates

TO THE

Fourth Assembly of the League of Nations

September 3 to 29, 1923

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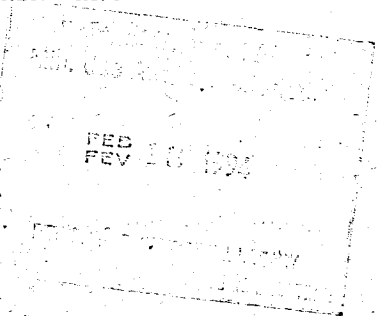
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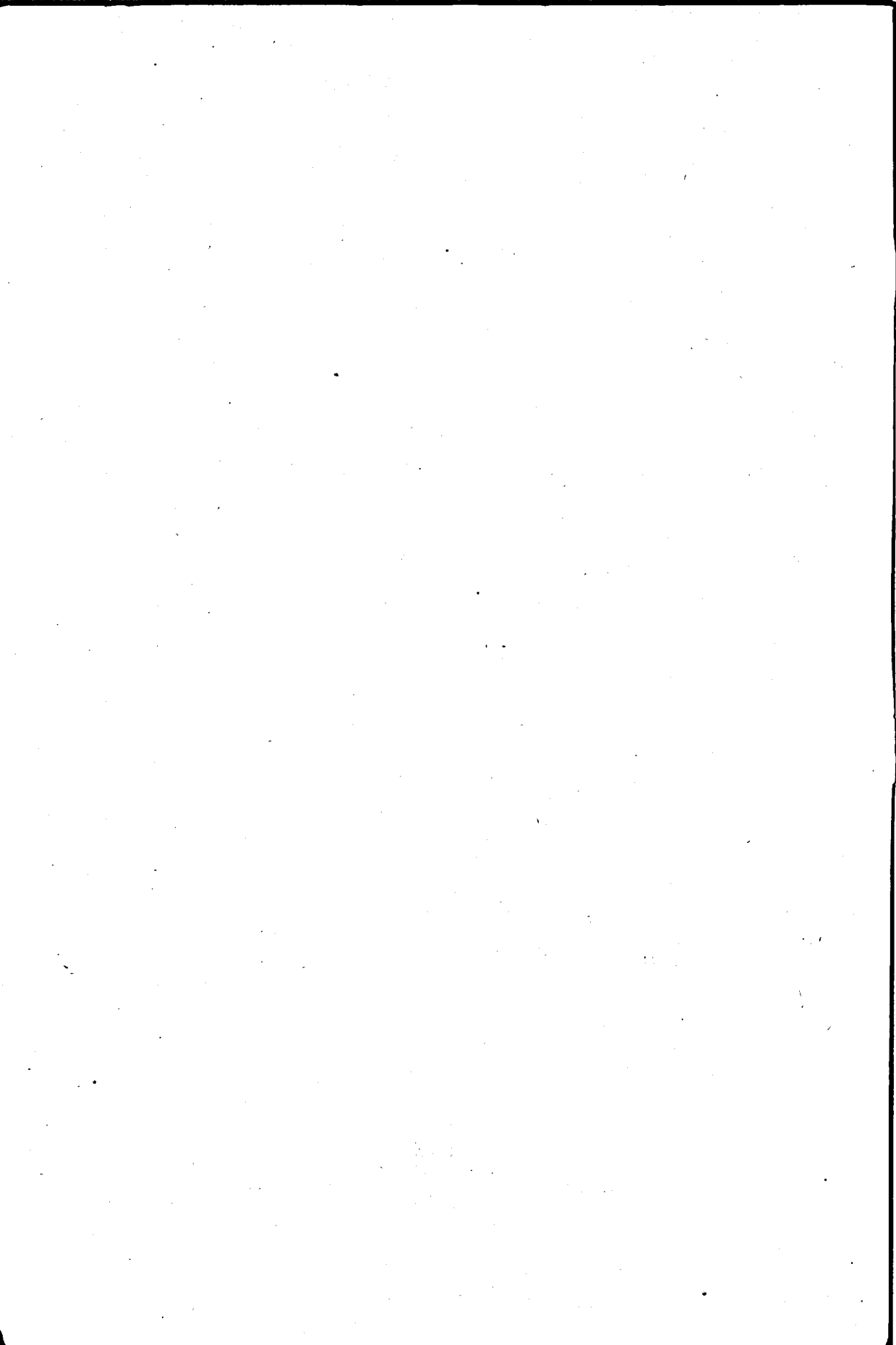
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OTTAWA, December 1, 1923.

*To His Excellency*

*The Governor General in Council:*

The undersigned delegates appointed to represent Canada at the Fourth Assembly of the League of Nations have the honour to report as follows:—

The session of the Assembly was opened at Geneva on Monday, the third day of September, under the Chairmanship of Viscount Ishii (Japan), Acting President of the Council of the League, and continued its sittings until the 29th day of September.

At its First meeting, the Assembly elected Mr. de la Torriente, Delegate of Cuba, as its President.

The Agenda had already been circulated to the Members and covered a wide range of subjects.

The Rules of Procedure provide for the distribution of the business of the Assembly amongst six large Committees, on each of which every State Member of the League is entitled to representation.

Sir Lomer Gouin served on the First Committee which deals with Legal Questions, by which he was unanimously chosen as Vice-President, and on the Sixth Committee to which are referred questions of a political nature.

Mr. Graham served on the Second and Fifth Committees, dealing respectively with Technical Organizations and Social and General questions. He was chosen by the Second Committee as Rapporteur and presented to the Assembly the report of the Committee on the work of the Organization of Communications and Transit, which report was unanimously adopted by the Assembly.

Mr. Larkin had been designated to serve on the Third Committee (Reduction of Armaments) and on the Fourth Committee (Budget and Financial Questions). As he was unavoidably absent from Geneva, the undersigned acted as substitutes for him on those Committees.

The work of the Committees consists in the careful study of the various matters submitted to them and their conclusions are reported to the Assembly for decision thereon.

To the first Committee was referred the Canadian proposal concerning Article 10 of the Covenant.

The Canadian delegates at the Peace Conference had taken exception to Article 10 and at the First meeting of the League of Nations had proposed its elimination. The Article reads as follows:—

“The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which the obligation shall be fulfilled.”

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:—

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"It is in conformity with the spirit of Article 10 that, in the event of the Council considering it to be its duty to recommend the application of military measures in consequence of an aggression or danger or threat of aggression, the Council shall be bound to take account, more particularly, of the geographical situation and of the special conditions of each State.

"It is for the constitutional authorities of each Member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of Members, in what degree the Member is bound to assure the execution of this obligation by employment of its military forces.

"The recommendation made by the Council shall be regarded as being of the highest importance and shall be taken into consideration by all the Members of the League with the desire to execute their engagements in good faith."

The recommendation received the endorsement of the First Committee and your delegates are pleased to report that on a vote being taken by the Assembly, it met with almost unanimous support since only one State, Persia, voted against its adoption and twenty-nine registered their approval of the Canadian proposal.

The States that voted in favour of the interpretative declaration are as follows:—

South Africa, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chili, China, Cuba, Denmark, British Empire, Spain, France, Greece, Hungary, India, Irish Free State, Italy, Japan, Luxembourg, Norway, New Zealand, Netherlands, Portugal, Salvador, Sweden, Switzerland and Uruguay.

While it is true that unanimity is necessary under the constitution of the League to give legal effect to a declaration of this nature, it nevertheless remains that should occasion arise, the Council would be expected to give to Article 10 the interpretation which by its vote the Assembly has expressed. An additional guarantee is to be found in the fact that all the powers represented on the Council are amongst those States who voted in favour of the interpretative declaration.

Your delegates feel that, under the circumstances, a satisfactory answer has been given to the question, and in this connection desire to record their appreciation of the assistance they have received from the British Empire Delegates and the representatives of France, as well as of the courteous treatment accorded to them at all times by all the Delegates to the Assembly.

One of the items on the Agenda called for the election of a judge of the Permanent Court of International Justice to fill the vacancy created by the death of Mr. Ruy Barbosa. The vote resulted in the election of Mr. Epitacio da Silva Pessoa, of Brazil.

The Temporary Mixed Commission for the Reduction of Armaments presented its report on the Draft Treaty of Mutual Assistance and same has been circulated to the Members for consideration.

By the unanimous vote of the Assembly the Irish Free State was admitted to the League of Nations.

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The Assembly adopted an additional clause to the financial regulations providing that the credit balance accruing at the end of the financial year should be applied in the reduction of the contributions of the Members for the second year following, thereby reducing the sum to be raised this year by way of contribution by the Members to 23,233,635.70 gold francs.

As it was found that conditions were not yet sufficiently settled to warrant the establishment of a definite scale of allocation towards the expenses of the League, the Assembly decided to continue, with but slight modification, the present provisional scale, and the amount required from Canada this year is 168,353.29 United States dollars.

The Assembly dealt with a large number of other matters, and adopted resolutions and recommendations which are available in the official records circulated to the Members of the League.

LOMER GOUIN.

GEO. P. GRAHAM.

