

Appointment of Commission of Jurists.

There remain then these two questions which I have referred to, the question of the legality of the occupation of Corfu, which I have already dealt with, and the question of the competence of the League. They have been dealt with in this way: We, most of us, or I and several of the other members of the Council, desired that they should be referred to the International Court of Justice for an advisory opinion. The Italians were opposed to that in the case of one of the questions. They proposed that they should be referred to a Commission of jurists. Ultimately we agreed to the Commission of jurists, and they agreed to a very strong declaration: that any dispute between members of the League likely to lead to a rupture is within the sphere of action of the League, and that, if the dispute cannot be settled by diplomacy, arbitration, or judicial settlement, it is the duty of the Council to deal with it under Article 15 of the Covenant. In view of that very strong declaration, which seemed to me to go far to dispose of the question of competence, I did not myself think it was necessary to fight any longer for the immediate reference to the International Court of Justice. The matter will go to this Commission of jurists, and they will report to the next meeting of the Council on the 10th December. If the Council still feel that the matter is in any doubt they will be able to put any further questions they like to the International Court.

Effect of Italian Action on Position of League.

It seems to me, therefore, that, as far as the formal position of the League is concerned, it is unhurt. An attack was made on its competence that has been either actually withdrawn or will be dealt with finally in the near future. The question of the occupation of Corfu is also to be submitted to legal determination, and so is the question of the responsibility for a political crime committed on the territory of a State. I confess I think those provisions for dealing with these questions which have been raised in this dispute in a strictly legal way form a very valuable precedent. I do not recall any instance of an international dispute of this nature, raising very difficult questions, which has been followed by an attempt to settle those questions by strictly legal and constitutional means, and if that precedent is established and is followed it really will lay the foundation, as it seems to me, for a gradual elaboration of international law which may be of enormous value for the future peace of the world. Therefore, formally the League is unhurt.

Substantially, however, I do not think one can go as far as that. There has been the challenge by a great Power of the competence of the League. It is quite true that that has been met immediately by a very remarkable rally of all the smaller Powers to the support of the League. It showed a very strong, vigorous, vital feeling on the part of all those Powers not only in Europe, but all over the world, that the League must be supported, that it was the only guarantee of justice between the States, and that the small States particularly were vitally interested in the maintenance of the authority of the League. I think that was a very valuable counterweight to the repudiation—I think we must admit it was repudiation—by a great Power of the competence of the League, at any rate for a time. I do not think that repudiation has done the League's authority as much harm as some people believe.

General Attitude towards Council of Governments represented on it.

Apart from the actual repudiation by a great Power, the other unfavourable symptom that struck me at Geneva was a certain want of confidence in the Council of the League by the members of the Council. They did not feel as sure of themselves as I could have wished. They did not quite know what it would be safe for them to do. That is perhaps not a matter of surprise considering the short time which the League has been in existence, but I do think, if I may say so, that it points to the necessity for those countries that believe in the League, as I hope we do, giving to the League on all possible occasions every support that they can, and making it a most essential part of our foreign policy.

Comments on League Machinery.

On the other hand, I think we may say, those of us who believe in the League, that there were very many encouraging things about this crisis, not only the matters to which I have already alluded. I think we may say with great truth that the machinery of the League worked well; that it all worked, as we used to be told, according to plan; that the dispute, when it was presented, came naturally to the Council, the Council naturally considered it; there was no hitch or difficulty. I myself believe that the publicity in which the later stages of the controversy took place was all to the good. I believe it enabled public opinion to support the League, to support what I think was justice. I think that the effect of public opinion was exactly what we who believed in it thought it would be; it was so overwhelming that no country could stand against it, and that, when it became clear that the public opinion of the world was on one side, that country had to modify its policy in accordance with the opinion expressed.

Support of British Empire for League.

Somebody said to me the other day that the British Empire never had any foreign policy except to keep the peace. I believe that is roughly true; at any rate, true for very many decades, if not centuries, past. We have tried to keep the peace: that has been the great object of British foreign policy—working not by force, not by power, but by trying to promote friendliness amongst the nations. That has been, I believe, the broad object, sometimes more and sometimes less successfully pursued by successive British Ministries. I believe it is still the essential thing we should aim at. We now have in our hands an instrument for that purpose in the League of Nations, incomparably more effective than anything we have had before. We ought to do our utmost to strengthen the