

If the adoption of the plan for the reduction of armaments, devised by the Disarmament Conference, is not carried out within a period to be fixed by the Conference, the protocol becomes null and void (see paragraph 6 of Article 21 of the protocol). Should the plan be carried out (pending the amendment of the Covenant on the lines indicated in the protocol) there will be a dual regime. The States ratifying the protocol will be bound by the Covenant and the protocol; the States which do not ratify will be bound by the Covenant only (Document A. 135, page 6, Article 19, paragraph 3). The protocol will come into force when it has been ratified by a majority of the permanent members of the Council and ten other members of the League.

Under Article 2 the signatory States agree not to resort to war against a State which accepts all the obligations hereinafter set out, except in cases of resistance to acts of aggression, or when acting in agreement with the Council or the Assembly in accordance with the provisions of the Covenant and of the amplifications of the Covenant provided for in the protocol. These obligations are:—

(a.) To recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Permanent Court of International Justice in the cases covered by paragraph 2 of Article 36 of the Statute of the Court, but with the right to make reservations compatible with the said clause.

NOTE.—Paragraph 2 of Article 36 of the Statute of the Permanent Court of International Justice was an “optional clause.” The jurisdiction of the Court under this optional clause included the same disputes which are referred to in paragraph 2 of Article 13 of the Covenant as “generally suitable for submission to arbitration”—viz., (a) The interpretation of a treaty; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; (d) the nature or extent of the reparation to be made for the breach of an international obligation.

Great Britain, the Dominions, and several other countries have not ratified this optional clause, and the words “with the right, however, to make reservations compatible with the said clause” have been inserted in the protocol in the hope that Great Britain and other countries may now ratify paragraph 2 of Article 36 of the Statute of the Court with reservations.

(b.) To render more complete the provisions of paragraphs 4, 5, 6, and 7 of Article 15 of the Covenant.

NOTE.—Under Article 15 of the Covenant, members of the League agree to submit to the Council disputes likely to lead to a rupture which have not been referred to arbitration in accordance with Article 13.

The method of procedure to be adopted by the Council under Article 15 of the Covenant, and the new proposals under the protocol, are set out below in parallel columns:—

Article 15 of the Covenant.	Protocol.
Paragraph 3— The Council to endeavour to effect a settlement, and, if successful, to publish facts and explanations and the terms of settlement the Council may deem appropriate.	The same.
Paragraph 4— If unsuccessful, the Council either unanimously or by a majority vote (exclusive of the votes of one or more of the parties to the dispute) shall publish a report of the facts of the dispute and the recommendations deemed just and proper.	<p>Article 4.</p> <p>Paragraph 1— Apparently the action of the Council as prescribed in paragraph 4 of Article 15 of the Covenant is retained, but in addition the protocol provides that “the Council shall endeavour to persuade the parties to submit the dispute to judicial settlement or arbitration.”</p> <p>Paragraph 2— If the parties cannot agree to do so, then at the request of at least one of them the dispute shall be submitted to arbitration.</p> <p>Paragraph 3— If none of the parties asks for arbitration the Council shall again take the dispute under consideration. The signatory States agree to comply with the recommendations of the Council unanimously agreed to (exclusive of the representatives of any of the parties to the dispute).</p> <p>Paragraph 4— The Council shall submit the dispute to arbitration.</p>
Paragraph 7— If the Council is not unanimous (exclusive of the parties to the dispute), the members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.	

From an examination of the above parallel columns it will be seen that the protocol provides for *compulsory arbitration in the case of all disputes* not settled by conciliatory methods, by the Council or by judicial procedure, and consequently goes further than the Covenant. The penalties which the parties signing the protocol will have to submit to in case of refusal to arbitrate, breach of arbitration award, or resort to war, will be referred to later on in this report.

(c.) (Article 5 of the protocol.) In the course of arbitration, at the request of one of the parties to the dispute to allow the Arbitration Court, acting on the advice of the Permanent Court of International Justice, to say whether the matter is by international law solely within the domestic jurisdiction of that party. If the opinion of the Permanent Court is affirmative, the Arbitration Court shall so declare in their award.