

This is in accord with the provisions of paragraph 8 of Article 15 of the Covenant, which directs the Council, if it finds (apparently unanimously) the matter is one of domestic jurisdiction, to so report and make no recommendation as to the settlement of the dispute. In the protocol, however, a further paragraph is added, stating that "If the question is held by the Court or by the Council to be a matter solely within the domestic jurisdiction of the State, this decision shall not prevent consideration of the situation by the Council or the Assembly under Article 11 of the Covenant." There is no such paragraph appended to paragraph 8 of Article 15 of the Covenant. Legal opinions were given during the discussions in committee to the effect that though no such paragraph was appended to paragraph 8 of Article 15 of the Covenant there was implied a duty in case of "war or threat of war" to resort to the provisions of Article 11 of the Covenant. It may be that these legal opinions correctly interpret the Covenant, but I have my doubts.

The provisions of Article 11 of the Covenant are far-reaching inasmuch as they declare that any war or threat of war is "a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations." The provisions also declare it "to be the friendly right of each member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends." It is not difficult to conceive that the Council or the Assembly, if they venture into the field of domestic concerns, instead of bringing about good understanding, may do just the opposite.

(d.) (Article 7 of the protocol.) In case of dispute between signatory States, these States agree not to increase armaments or effectives which might modify the position, nor to undertake military, industrial, or economic mobilization, nor, in general, any action of a nature likely to extend the dispute or render it more acute.

(e.) (Last paragraph of Article 10 and Article 11 of the protocol.) At the call of the Council, to apply immediately against the aggressor the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article 16 of the Covenant.

The obligations under the Covenant and under the protocol with respect to sanctions should be carefully studied. To aid this investigation the obligations are set out below in parallel columns:—

Under the Covenant.	Under the Protocol.
<p style="text-align: center;"><i>Article 16.</i></p> <p>Paragraph 1— In case of resort to war in disregard of the Covenant, all members of the League undertake to subject the aggressor to economic and financial pressure. Further, they undertake to prevent financial, commercial, or personal intercourse.</p> <p>Paragraph 2— "It shall be the duty of the Council to recommend to the several Governments concerned what effective military, naval, or air force the members of the League shall severally contribute to the armed forces to be used to protect the Covenants of the League."</p> <p>Paragraph 3— Members agree to mutually support one another in the financial and economic measures which are taken under this article . . . to afford passage through their territory to the forces of any of the members of the League which are co-operating to protect the Covenants of the League.</p>	<p>Article 10— "The Council shall call upon the signatory States to apply forthwith against the aggressor the sanctions provided by Article 11."</p> <p>Article 11— "The obligations of the said States in regard to sanctions of all kinds mentioned in paragraphs 1 and 2 of Article 16 of the Covenant will immediately become operative." "Those obligations shall be interpreted as obliging each of the signatory States to co-operate loyally and effectively in support of the Covenant of the League of Nations, and in resistance to any act of aggression, in the degree which its geographical position and its particular situation as regards armaments allow." "The signatory States give a joint and several undertaking to come to the assistance of the State attacked or threatened, and to give each other mutual support by means of facilities and reciprocal exchanges as regards the provision of raw materials and supplies of every kind, opening of credits, transport and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State."</p> <p>Article 12— The Council is to invite the economic and financial organizations of the League to report as to the nature of the steps to be taken for financial and economic sanctions and measures of co-operation. When in possession of this information the Council shall draw up plans:— (1.) For the application of the economic and financial sanctions against an aggressor State. (2.) Of economic and financial co-operation between a State attacked and the different States assisting it.</p> <p>Article 13— "The Council shall be entitled to receive undertakings from States determining in advance the military, naval, and air force which they would be able to bring into action immediately."</p>

It is evident that the obligations under the protocol are much more stringent than under the Covenant.

With regard to military sanctions, the Covenant makes it the duty of the Council to recommend, whereas the States who ratify the protocol enter into an obligation to co-operate loyally and effectively in the application of military sanctions immediately; the only limitation being their geographical position and the situation as regards their armaments.