

6. The next difficulty of any serious kind that arose was in connection with the mention of air demonstrations in Chapter III (*f*). It is unnecessary to summarize the discussion, which ranged over almost every possible aspect of the question. I think the passage as it now stands is unobjectionable. I thought it important not to omit all mention of the possibility of air demonstrations. It is true that this expedient has never yet been tried, but it seems to me that the rapidity of such action and the fact that it could be applied to States possessing no seaboard may one day render it a useful instrument for bringing pressure to bear on a recalcitrant State.

7. On the whole, I think the committee have achieved a useful work. The discussions were interesting throughout, and at times animated. In any case, I think the committee has been careful not to go beyond the Covenant, nor to interpret it in any way so as to increase the liabilities and obligations devolving from that document on the members of the League.

I have, &c.,
CECIL.

Enclosure.

REPORT OF THE COMMITTEE OF THE COUNCIL, DATED 15TH MARCH, 1927.

I.—*Preliminary.*

(a) The committee has not been asked to give an authentic interpretation of article 11, or even to draw up a complete code of procedure for the application of this provision of the Covenant. It has simply to make recommendations regarding the action that may be deemed wise and effectual for the purpose of carrying into effect the provisions of that title. The recommendations which follow are based on—(1) Past practice; (2) previous resolutions of the Assembly and Council; (3) the proceedings of these bodies and of various committees formed by the League of Nations.

It should be clearly understood that the measures referred to below are only cited as examples, and that the committee does not wish to underrate or dispute the value of any which it may not have expressly mentioned. It is impossible to draw up in advance any rigid classification of the infinite variety of events which occur in international political life. Nor is it possible, by resolutions, recommendations, or suggestions, to prescribe limits to the extensive rights which the League holds in virtue of its essential duty, that of effectually safeguarding the peace of nations. Among the measures recommended will be found those which, having been favourably received and having already been successfully applied, appear particularly effectual. The list of these measures will doubtless be added to as further experience is gained.

(b) If the action to be taken under article 11 of of particular concern to States which are not members of the Council, such States must, under the terms of paragraph 5 of article 4, be given a seat at the Council. The procedure instituted under article 11 in no way implies the exclusion of procedure taken under other provisions of the Covenant. The Aland Islands question, for example, was referred to the Council by the British Empire in virtue of article 11; this did not, however, prevent the Council from declaring itself competent under article 4, paragraph 4, and at the same time applying as far as possible articles 12, 15, and 17. Thus, if any action contemplated by the Council as being calculated to preserve peace is taken under the provisions of article 15, the votes of the representatives of the parties will not count for purposes of unanimity as far as such action is concerned. The report referred to in article 15, paragraph 6, may, of course, contain any recommendations which the Council may think likely to bring about a settlement of the dispute and prevent a rupture.

(c) If the threat of war did not arise out of a dispute coming under article 15, the members of the Council not directly concerned in the dispute would still be free to make recommendations, which could not fail to have a considerable moral value.

(d) Under article 11, any war or threat of war is declared to be a matter of concern to the whole League, and the League is directed to take any action that may be deemed wise and effectual to safeguard the peace of nations. If there is no threat of war, but some circumstance threatens to disturb the good understanding between nations upon which peace depends, that circumstance may be brought to the attention of the Assembly or the Council by any member of the League, so that presumably the Assembly or Council may consider what, if anything, should be done to restore international good understanding.

II.—*Where there is no Threat of War, or it is not acute.*

(a) The Council will consider the question at a meeting, to be called specially if necessary, to which the contending parties will be summoned.

(b) The Council can request an organization, or even a private individual, appointed by it to exercise conciliatory action on the parties.

(c) The Council may also suggest that the dispute be referred to arbitration or judicial settlement, in accordance with the provisions of article 13 of the Covenant.

(d) If there is a doubt as to the facts of the dispute a League Commission may be sent to the *locus in quo* to ascertain what has actually happened or is likely to happen. It is understood that such a Commission cannot go to the territory of either party without the consent of the State to which that territory belongs.

(e) If for the accomplishment of its task the Council deems it necessary it can, in certain appropriate cases, ask for an advisory opinion from the Permanent Court, or else, in certain special circumstances, from a committee of jurists appointed by it.