

GENERAL CONVENTION TO IMPROVE THE MEANS OF PREVENTING WAR.

The draft convention, then known as the model treaty, came under the consideration of the Third Committee last year, and after a lengthy discussion, during which considerable divergence of opinion manifested itself, the question was referred to a Committee of Conciliation, which suggested that the draft treaty should be transformed into a draft convention, and that the Assembly should ask the Council to appoint a special committee to continue the study of the convention. The Eleventh Assembly having approved of the recommendation submitted to it, the Council in due course appointed a special committee which met in Geneva between 11th and 15th May, 1931, under the presidency of M. Politis. Both the minutes of the session of the special committee (Document A. 14) and its report (Document A. 9) contain the general draft convention which was framed in the course of its discussions, but with a variation of text. These documents were remitted to the Third Committee by this year's Assembly.

Much of the discussion in the Third Committee was concentrated on Article 2 of the draft and particularly on the first paragraph of that article. A convention designed to prevent war is hardly likely to be applicable to a state of war, and as paragraph 1 of Article 2, as drafted by the special committee, contemplates actual invasion, it was natural that several speakers should hold the view that in such circumstances the Pact of Paris would have been violated, and that, consequently, Article 16 of the Covenant would come into question, rather than Article 11, with which the principle of the Convention is closely allied. Indeed the Polish delegate went so far as to propose a suppression of the paragraph and he obtained some support. Ultimately, however, he introduced a new text. A possibility of more than one interpretation of the paragraph as it stood was certainly involved, so it was decided to form a Drafting Committee consisting of representatives of Great Britain, France, Italy, Germany, Poland, Spain, Sweden, and Uruguay, to which this question and any others bearing on the convention might be referred.

The amendment proposed by the Polish delegate included a new paragraph reading :—

“ In the event of the Council's deciding that an international obligation concerning the state of a High Contracting Party's armaments has been violated, it shall call upon the High Contracting Party to restore the situation in accordance with the said obligation. The High Contracting Parties undertake to comply with such invitation without delay.”

This gave rise to a somewhat lengthy discussion. Personally I felt the unreasonableness of introducing at this stage of the proceedings something quite new to the Third Committee, and I said so. The French delegate, whilst agreeing with the principle underlying the proposal, thought that it was a matter for the Disarmament Conference : whereupon the Polish delegate stated (I quote from the *Journal*),—

“ That he would not on principle object to the transmission of the proposal to the Disarmament Conference, but he doubted whether that Conference, including non-members of the League, could accept it. He did not consider that a convention for the prevention of war should be confined to the case contemplated in Article 2—namely, that of invasion. In his opinion, the convention should have a wider scope and include cases of a threat of war, which consisted in the non-fulfilment of disarmament engagements. The Polish proposal made it possible for the Council to intervene any time before an actual threat of war existed, which would appear to be the real object of the convention.”

Ultimately the proposal was withdrawn.

In due course the Drafting Committee produced a new text of paragraph 1, Article 2. This text leaves to the Council the decision whether a given set of circumstances do not create a state of war. The text, which reads as follows, met with the approval of the Polish delegation :—

“ It, in circumstances which, in the Council's opinion, do not create a state of war between the Powers at issue which are parties to the present convention, the forces of one of those powers enter the territory or territorial waters of the other or a zone demilitarized in virtue of international agreements, or fly over them, the Council may prescribe measures to ensure their evacuation by those forces. The High Contracting Parties undertake to carry out without delay the measures so prescribed without prejudice to the other powers vested in the Council under Article 11 of the Covenant.”

The second paragraph of the article was redrafted, and now reads as follows :—

“ If the circumstances referred to in Article 2 have arisen, or, if in the event of a threat of war special conditions, and in particular the possibilities of contact between the forces of the parties to the dispute render it necessary, the Council may fix lines which must not be passed by their land, naval, or air forces and, where necessary in order to avoid incidents, by their civil aircraft. The High Contracting Parties undertake to comply with the Council's recommendations in this matter.”

This, together with the remaining paragraphs, becomes Article 3 of the new convention. It will be observed that in the new draft mention is made of air forces, as well as of land and naval forces.

The British representative introduced an amendment designed to restore the phrase “ territorial waters ” in the convention. Although, for obvious reasons, the amendment met with some opposition, it was ultimately accepted on condition that the meaning of the phrase was not defined.

Another amendment introduced by the British representative had reference to the Suez Canal. Its importance as a world highway, and the possibility of the right of free passage accorded under the Constantinople Convention of 1888 being interfered with, showed how necessary it was to conserve the right of free navigation. Some speakers thought that the point would be covered if the matter were referred to in the committee's report to the Assembly rather than in the convention itself. However, the matter was likewise referred to the Drafting Committee, which recommended the inclusion in the convention of a paragraph to the effect that the convention should not “ affect the right of free