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LEAGUE OF NATIONS

Twenty-Eighth Session of the Council

Secret Meeting, held at 3.30 p.m. on March 13th, 1924.

The PRESIDENT presented the report of the Jurists on the interpretation of the Covenant (C.18.1924). He proposed that the Council should approve the report as whole, leaving it for individual members to make such observations in regard to particular points as they might desire.

Lord PARMOOR said that he hoped the report would be generally accepted. Individual members, however, might, of course, make personal declarations. Objections had been raised to the third and fourth answers given by the Jurists to the questions which they had been asked to consider. He would point out, however, that the third answer was not a ^{legal} decision which had any binding force, but merely an expression of opinion.

The fourth answer was merely a note to the effect that it was impossible to give any abstract general reply to the question which had been raised, since each case had to be considered on its merits, and with reference to the special circumstances attending it.

It had been suggested that the Permanent Court of International Justice should be asked to supplement this answer. He did not think, however, that the Permanent Court would be able to give a more definite answer than that already framed by the Jurists. The British Government was in favour of accepting the answers as a whole, but, of course, it was open for any member of the Council to make a declaration which would be duly recorded.

M. SALANDRA said that the Italian Government approved the answers en bloc, and read a note in the following terms:



I should like to be the first to propose that the Council should note with satisfaction the conclusions of the special committee, and that it should approve these conclusions and thank the jurists for having accomplished the difficult task entrusted to them by the Governments represented on the Council. The Royal Government of Italy and ^{the} ~~a~~ delegate who has the honour personally to represent the Royal Government, hope that this declaration may be regarded as a proof of their loyal adhesion to the essential principles of the Covenant, and of their desire that the League of Nations shall develop still further its beneficent activities with the object of maintaining the best possible relations among civilised peoples, and assuring the peace of the world.

During the long discussions of last September, it might have seemed that the Italian Delegation desired to question or to restrict the competence of the League of Nations. At that time, however, we were merely performing our duty in legitimate defence of the dignity and prestige of Italy, which had been grievously wounded by an atrocious crime. This incident ^{was} ~~had been~~ definitely closed, thanks to the wise and moderate collaboration of the Council, and Italy ^{is} ~~was~~ prepared to admit the widest possible interpretation of the competence of the League of Nations.

I accordingly desire that the replies suggested by the jurists should be accepted as a whole, as I have the honour to propose, without discussion or modification. It is not necessary for me to explain to the Council the high political motives which may be urged in justification of my proposal.

M. SALANDRA added that he was happy to associate himself with the views of Lord Parmoor. He did not think it would serve any useful purpose to consult the Permanent Court in regard to the fourth reply, ^{but} ~~and~~ it was, of course, open to the members of the Council to make personal declarations. These declarations should not, however, be regarded as proposals to be discussed or voted upon by the Council.

M. BRANTING noted with satisfaction the replies to the first three questions, which affirmed the obligatory character of mediation under the Covenant. In the fourth answer, however, the Jurists had not given a definite answer, but had merely said that the decision must vary according to circumstances. He accordingly urged that this question should be referred to the Permanent Court in order that the matter might be further elucidated. He had no objection to the fifth reply.

He would like to thank M. Salandra for the declaration which he had made in regard to the intentions of Italy, which was extremely re-assuring for the future progress of the League.

M. HANOTAUX said he had been instructed by his Government to thank the Jurists for their conclusions. He supported ~~a~~ ^{the} proposal of Lord Parmoor and M. ^{Salandra} ~~Hanotaux~~ that the answers should be accepted as a whole, and he hoped that the Council would adopt a resolution to this effect, and that the report would be forwarded to the Governments. He did not think there was any need to refer the fourth answer to the Permanent Court.

M. BENES said he thought that the answers were as a whole satisfactory, and that he was prepared to support the proposal of Lord Parmoor. There might, however, be a slight difference of opinion in regard to particular points, and he accordingly suggested that the Council should note the replies, ^{rather than} ~~and not~~ formally approve them.

Viscount ISHII said that his Government accepted and approved the answers as a whole. He did not think it would suffice merely to note the replies. The Council had promised the Assembly to take a decision on the question, and he would, therefore, propose that the Council should definitely approve the report, leaving it to the members to make personal declarations in regard to points on which they were not satisfied.

M. HANOTAUX agreed that the Council should approve the replies.

M. MELOT said that the answers were entirely satisfactory to the Belgian Government, and that he had been instructed to approve them as a whole. He accordingly supported the proposal of Viscount Ishii and M. Hanotaux.

M. Quinones de LEON said that the Spanish Government approved the replies as a whole.

M. BENES said he did not insist upon his formula.

M. BRANTING noted that all the members of the Council were prepared to approve the replies. As the Council was not prepared to accept his suggestion to refer the fourth answer to the Permanent Court, he would reserve the right to make a declaration at a public session of the Council. In this declaration he would state that the Swedish Government stood by the interpretation which it had supported at the session of the Council held in September, 1923.

M. BENES said that the declaration which he had already made might be taken as an expression of the opinion of his Government. Subject to this reservation, he accepted the decision of the Council.

The PRESIDENT noted that the Council had unanimously decided to approve the replies as a whole.