LEAGUE OF NATIONS.

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Geneva,
22nd September, 1924.

DRAFT PROTOCOL.

Articles adopted by the Mixed Committee of the 4th Sub-Committee of the Third Committee, 4th Sub-Committee of the First Committee.
PROTOCOL.

Preamble.

With a view to ensuring a lasting peace in the world and to guaranteeing the security of peoples whose existence, liberty or territory might be specially threatened,

being desirous of facilitating the complete application of the system provided in the Covenant for the peaceful settlement of disputes which might arise between members of the international community, and for the repression of international crimes,

being accordingly determined to carry out the reduction and limitation of armaments contemplated in Article 8 of the League of Nations,

The States represented by the undersigned, duly authorised, do hereby accept the following provisions.
Article I.

The Undersigned agree to support the amendment of Article 12 of the Covenant by the suppression of the last sentence of paragraph 1 of that article and by the insertion at the beginning of the article of the following provision:

"The Members of the League agree that they will in no case resort to war against any Member of the League except in resistance to acts of aggression or with the consent of the Council or Assembly of the League".
Article 2.

The undersigned agree to accept the jurisdiction of the Permanent Court of International Justice as compulsory ipso facto and without special agreement in the conditions contemplated in paragraphs 2 and 3 of Article 36 of the Statute of the Court.
Article 3.

The undersigned will support the introduction of amendments to Article 15 of the Covenant for the purposes of amplifying paragraphs 4, 5, 6 and 7 of that article on the following lines:

1) If the dispute submitted to the Council cannot be settled by it as provided in paragraph 3 of the said article 15, the Council shall endeavour to persuade the parties to submit the dispute to judicial settlement or to arbitration.

2) If the Parties cannot agree to do so, the Council shall, at the request of at least one of them, proceed to the establishment of a committee of arbitrators. The Committee shall, so far as possible, be established by agreement between the Parties.

3) If within a time limit to be fixed by the Council the Parties have not reached complete or partial agreement in regard to the number, names and powers of the arbitrators, as well as in regard to procedure, the Council shall settle the outstanding points.

b) It shall choose with all speed and after consultation with the Parties, the arbitrators and their President from among persons who, by reason of their nationality, their character and their experience appear to it to afford the best guarantee of competence and impartiality.

c) At the request of either Party and once only during the proceedings, the committee of arbitrators shall, through the medium of the Council, request an advisory opinion from the Permanent Court of International Justice on the points of law indicated by the party. For this purpose the Court shall hold an emergency session.

3) If neither of the Parties requests arbitration, the Council shall resume consideration of the dispute.
If the Council succeeds in arriving at a report which is adopted unanimously by its members, other than the representatives of the Parties to the dispute, the Members of the League agree to accept the settlement recommended by it.

(4) If the Council cannot arrive at a report which is concurred in by all its members, other than the representatives of the Parties to the dispute, it shall submit the dispute to arbitration. The Council shall itself determine the composition, powers and procedure of the committee of arbitrators.

(5) Questions which have already been the subject of a unanimous recommendation by the Council may in no case be re-opened before the arbitrators.

(6) The Members of the League undertake to carry out in good faith the arbitral awards and to comply, as stated above with the settlements recommended by the Council.

(7) In the event of a State failing to fulfil this undertaking, the Council shall exert all its influence to secure such fulfilment. If it cannot succeed therein, it shall suggest the measures to be taken to this end, in accordance with the concluding paragraph of article 13 of the Covenant. The sanctions mentioned in article 16, interpreted as provided in this protocol, shall be applied immediately to the State which, having failed to fulfil the said undertaking, resorts to war.
Article 4.

The provisions of articles 2 and 3 do not apply to the settlement of disputes arising as the result of measures of war taken by one or more of the Signatory States in accordance with decisions of the Council or the Assembly.

It is further agreed that the provisions of articles 2 and 3 do not apply to disputes concerning the revision of a Treaty or Convention, seeing that the Assembly is, under Article 19 of the Covenant, alone competent to deal with such matters.
ARTICLE 5.

If in the course of an arbitration proceeding in accordance with article 3 above, one of the parties claims that the dispute or part of it relates to a matter which by international law is solely within the domestic jurisdiction of that party, the arbitrators are bound, through the medium of the Council, to consult on this question the Permanent Court of International Justice. If the Court replies that the matter is of such a nature, the decision of the arbitrators must be limited to a declaration to that effect.
ARTICLE 6.

The Signatory States undertake to abstain from any act which might constitute a threat of aggression against another State.

In the event of one of the signatory States ascertaining that preparations for war are being made in another State, the former has the right so to inform the Council.

The Council after verification of the facts shall proceed as indicated in paragraphs 2, 4, and 5 of Article 7.
In the event of a dispute arising between two or more of the Signatory States, the said States undertake that both before the dispute is referred to arbitration or conciliation and during the time involved by the procedure of arbitration or conciliation they will not proceed to any increase of armaments or of effectives which might modify the position fixed by the Conference for the reduction of armaments. They undertake equally that during the above-mentioned period they will not proceed to any measures of military, naval, air, industrial or economic mobilisation nor generally to any action of a nature likely to render the dispute more acute or more extensive.

In accordance with the provisions of Article 11 of the Covenant, it shall be the duty of the Council to examine any complaints as to the infraction of the above provision which may be laid before it by one or more of the States parties to the dispute. Should the Council consider the complaint well-founded it shall, if it considers such a course expedient, authorise enquiries and investigations in one or several of the countries concerned. These enquiries and investigations shall be carried out in the shortest possible time by the organisation set up by the Conference for the reduction of armaments to ensure respect for the decisions of that Conference. The Signatory States undertake to give the organisation in question every facility for carrying out its duties.

The steps thus taken by the Council are intended solely to facilitate the peaceful settlement of disputes and shall in no way prejudice the settlement itself.
The above-mentioned organisation shall report the result of its enquiries to the Council and if any infraction of the provisions of the first paragraph of this article be established, it shall be the duty of the Council to call upon the State or States guilty of the infraction to remedy the offence. Should the State or States in question refuse to do so, the Council shall declare the State or States in question to be guilty of a violation of the Covenant and the protocol and shall decide upon the measures to be taken with a view to terminate as soon as possible a situation of a nature to threaten the peace of the world.

For purposes of this Article the Council shall take its decisions by a two-thirds majority of the members of the Council entitled to vote excluding the votes of States parties to the dispute.
Article 8.

Every Member of the League signing the present protocol is an aggressor and it is the duty of the Council so to declare:

1) if it resorts to war in violation of the undertakings in article 1, for instance if it refuses to submit a dispute to the procedure for pacific settlement laid down in articles 13 and 15 of the Covenant as amplified by the present protocol or to conform either to a judicial or arbitral decision or to a unanimous recommendation of the Council as laid down in those articles and the present protocol;

2) if it commits an act of war in violation of decisions of the Council for arresting the movement of its land, sea or air forces;

3) if it commits an act of war in violation of provisional measures enjoined by the Council during the course of the proceedings as laid down in article XXXX 7 of the present Protocol.

Any violation of the act establishing a demilitarised zone is to be considered as an act of war.

When the Council has made the above declaration it must forthwith call upon the Members of the League to apply without delay the sanctions referred to in article 12 of the present protocol.
ARTICLE 9.

The signatories agree that a State or States not belonging to the League and to which accordingly Article 17 of the Covenant applies shall if the case arises be invited in the circumstances contemplated by the said Article to submit to the provisions accepted by the signatories of the present protocol for the purpose of pacific settlement of any dispute with one or more States signatories of the present protocol.

In such case the provisions of Article 17 of the Covenant as modified by the present protocol shall be applicable.
ARTICLE 10.

The undersigned agree that the measures indicated in the above draft amendments to the Covenant will become obligatory within their respective limits on the date fixed below for the entry into force of the present protocol and that so far as the undersigned are concerned the Council will thereafter be entitled to exercise all the rights and fulfill all the duties conferred on it by the provisions of the said draft amendments.
ARTICLE 11.

The existence of demilitarised zones being of a nature to prevent aggressions or to facilitate the official and authoritative declaration mentioned in Article 8, their establishment between States equally consenting thereto is recommended as a means of avoiding a violation of the present protocol.

The demilitarised zones already existing under the terms of certain treaties or conventions or which may be established in future between States equally consenting thereto may be subject to temporary or permanent supervision organised by the Council of the League of Nations, at the request and at the expense of one or all of the coterminous States.
ARTICLE 12.

As soon as the declaration of aggression has been made and the outlawry of the aggressor has been effected by this declaration, the obligations of the contracting Powers in regard to the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article XVI of the Covenant will immediately become operative in order that such sanctions may forthwith be employed against the aggressor.

These obligations shall be interpreted as obliging each of the Members of the League to co-operate loyally and effectively in support of the Covenant of the League and in resistance to any act of aggression.

In accordance with Article 16 of the Covenant the signatories 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 supplies of raw materials and foodstuffs of every kind, openings of credits, transports 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.

If both parties to the dispute have been declared aggressors according to the above provisions, the economic sanctions will be applied to both of them.
ARTICLE 13.

In view of the complexity of the conditions in which the Council may be called upon to exercise the functions mentioned in Article 12 of the present Protocol concerning economic and financial sanctions, and in order to define the guarantees offered by the present Protocol to the acceding States, the Council shall forthwith invite the economic and financial organisations of the League of Nations to consider and report as to the nature of the measures to be taken to give effect to the financial and economic sanctions and measures of co-operation contemplated in Article 16 of the Covenant and in Article 12 of this Protocol.

When in possession of this information, the Council shall draw up through its competent organisations:

1. Plans of action with a view to the operation of the economic and financial sanctions against an aggressor State;

2. Plans of economic and financial co-operation between a State attacked and the different States assisting it.

and shall communicate them to the Members of the League and to the other signatories.
ARTICLE 14.

In view of the contingent military, air and naval sanctions provided for in Article 16 of the Covenant and in Article 12 of the present Protocol, the Council shall be entitled to receive undertakings on the part of States, determining in advance the military, air and naval forces which they would be able to bring into action immediately, in order to ensure the fulfillment of the obligations arising in this connection out of the Covenant and the present Protocol.

Further, after an act of aggression has been established, the States signatories may, in accordance with agreements previously concluded, bring to the assistance of a given State which is the victim of aggression the whole or such part of their military, naval and air forces as they may consider necessary.

The agreements mentioned above shall be registered and published through the instrumentality of the Council of the League of Nations. They shall be open to all States Members of the League who may desire to accede thereto.
ARTICLE 15.

The signatory States consider, in accordance with the spirit of the present Protocol, that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the present Protocol, as well as the reparation of all material damage caused by the operations and of all losses suffered by civilians or members of the military forces, should be borne by the aggressor State up to the extreme limits of its financial capacity.

Nevertheless, in view of Article 10 of the Covenant, the application of the sanctions mentioned in the present Protocol shall not affect the territorial integrity or political independence of the aggressor State.
ARTICLE 16.

The undersigned Members of the League of Nations undertake to participate in an international Conference for the reduction of armaments which shall be convened by the Council of the League and which shall meet at Geneva on Monday, June 15th, 1925. All States non-Members of the League of Nations shall be invited to take part in this Conference.

Ratifications of the present Protocol must be deposited at the Secretariat of the League not later than May 1st, 1925. Unless the majority of the Members of the League permanently represented on the Council and 10 other Members of the League have deposited their ratifications by May 1st, 1925, the Secretary-General of the League shall cancel the invitations to the Conference.

The entry into force of the present Protocol shall be suspended until a scheme for the reduction of armaments has been adopted by the Conference.

In view of the convening of the Conference, the Council taking into account the undertakings mentioned in Articles 12 and 14 of the present Protocol, shall draw up a general programme for the reduction of armaments which shall be laid before the Conference and communicated to the Governments two months before the Conference meets or earlier if possible.

If within a time limit which shall be fixed by the Conference, the scheme for the reduction of armaments has not been carried out, it shall be the duty of the Council so to declare. In consequence of such declaration the present Protocol will lapse.
The conditions in which the Council may declare that the scheme drawn up by the international Conference for the reduction of armaments has not been carried out, and that in consequence the present Protocol has lapsed, shall be defined by the Conference itself.

Any Member of the League of Nations which has not within the time limit fixed by the Conference conformed to the scheme adopted by the Conference shall not be admitted to benefit by the provisions of the present Protocol.
ARTICLE 17.

All differences relating to the interpretation of the present Protocol shall be submitted to the Permanent Court of International Justice.
ARTICLE 18.

The present Protocol shall not affect in any manner the obligations arising out of the Covenant.