

the Egyptian Government will naturally not desire to send any personnel of their armed forces to undergo a course in any training establishment or unit abroad elsewhere than in the United Kingdom, provided that this shall not prevent it from sending to any other country such personnel as cannot be received in training establishments and units in the United Kingdom.

(3) In the interests of the Alliance, and in view of the possible necessity of co-operative action between the British and Egyptian forces, the armament and equipment, land and air, of the Egyptian forces shall not differ in type from those of the British forces. His Majesty's Government in the United Kingdom undertake to use their good offices to facilitate the supply of such armament and equipment from the United Kingdom, at prices similar to those which would be paid by His Majesty's Government, whenever the Egyptian Government so desire.

I avail, &c.

MOUSTAPHA EL-NAHAS,

President of the Council of Ministers.

Völkerbund

Materialien zur Frage der Reform des Völkerbundes*)

1. Rede des britischen Außenministers in der Völkerbundsversammlung am 25. September 1936¹⁾

The Rt. Hon. Anthony Eden (United Kingdom). — At this our annual Assembly it is our habit, indeed our duty, to review the events of the past year.

None of us can feel satisfaction at their course, nor is there in the international scene that confronts us any room for complacency. Indeed, the seriousness of the times is such as to command frank speech, so that I shall not apologise to you for using less guarded language than is usual at our Assembly.

What picture does the world present to us to-day, in September 1936? Nationalism is strong, its antagonisms are vibrant. Challenging enthusiasms for rival forms of government hurl defiance at one another. What must be the ultimate consequence of so much licence? Inevitably a general weakening of confidence throughout the world. And this in turn must be the cause —

*) Der zunächst zum Abdruck in der Zeitschrift vorgesehene vorläufige Bericht des Generalsekretärs des Völkerbundes über die von den Regierungen einzelner Mitgliedstaaten verfaßten Denkschriften (VII. Questions Politiques 1936. VII. 8.) ist durch den endgültigen, erheblich erweiterten und veränderten Bericht (S. d. N. Journ. Off., Suppl. Spéc. No. 154, S. 44—97) überholt worden. Das Material über das Ergebnis der Untersuchungen im Völkerbund wird im nächsten Heft gebracht werden.

¹⁾ 17. Ordentliche Versammlung, Sitzung am Freitag, den 25. 9. 1936, 10.30 Uhr. — Die britische Regierung hatte keine schriftliche Antwort auf die Anfrage des Generalsekretärs über die Stellung der Mitgliedstaaten zur Frage einer Reform des Völkerbundes gegeben, sondern auf die kommenden Ausführungen ihres Vertreters vor der Völkerbundsversammlung verwiesen.

is indeed already the cause — of another disturbing element which no one can ignore. Each nation, and this applies even to the smallest and most peace-loving, is expending an ever increasing proportion of its national wealth upon armaments to the ultimate detriment of its economy. The recovery of world trade is hampered by many obstacles, both economic and political; a standard of living may even find itself sacrificed for a standard of armament. There is restlessness, there is restriction; the barriers of frontiers grow harder to pass. There is an insufficiency of free intercourse between people and people, while nationally controlled propaganda for rival theses confuses criticism and stifles the free development of thought.

Not a pleasant picture; but not a hopeless one either. There need be in all this no fatal seeds of war. It should be, it can be perfectly, possible for nations to live and work together, however divergent their forms of government. How is it to be done? In the first place, by the practice, the national practice, of a certain toleration and restraint. I do not believe that we increase respect for our own forms of government by pouring scorn on those of other nations.

Perhaps there is the more excuse for me to say this because it is a British tradition to distrust extremes. Maybe that tradition can be of service to Europe and to peace in the next few years.

I would not have you believe that because we in the United Kingdom proclaim less loudly than others our faith in the democracy that we practice and in the institutions we have developed that our faith in them is therefore weakening and that we should not be willing to make sacrifices in their defence. We are profoundly attached to our liberties and to our traditions and we shall not yield them up, nor should we allow anyone to wrest them from us. We believe in democracy and in its survival, if only because its ideals lie too near to the spirit of the British race ever to be quenched. For us no system, of whatever extreme, could ever be acceptable if it brought in its train the suppression of our liberties and the destruction of our traditions. After centuries of experience, democracy appears to us, not effete, but enduring; the epitome of man's endeavour to create a civilisation wherein he can find freedom, individuality and peace.

Though such are our national sentiments, they do not prevent us from realising that other peoples feel just as strongly about the form of government they practice, that they are just as determined to uphold their traditions. Of course we accept that fully and completely. The last thing we would wish to see is the nations divided into camps, their alignment determined by the forms of government they practice. This would be an added and a wholly superfluous complication in a world complicated enough already. The first rule of ordered life between nations is then surely this: faith in one's own national tenets, toleration for those of others. Unless we fix that rule firmly in our minds and in our conduct, we can scarcely hope to put order into the present disordered state of international relations. Moreover, in international affairs, conditions do not remain static. If they are not improved, they will further deteriorate.

We must all of us be conscious of the significance of our world economic problems in relation to our present difficulties, and I shall have something to say on this subject in a moment. And yet do we not each one of us know that the indispensable element in all economic recovery is confidence in the political future? And how can there be such confidence unless we show a

respect and toleration for each other's national faiths and traditions? The responsibility upon us all to observe this first rule of toleration and respect, of good temper and good-will in our international dealings, is thus very heavy, but by itself it is not enough.

We have also need of an international order, the authority of which shall finally supersede the arbitrament of conflict between States. Mankind has made many attempts to set up such an order, attempts which have so far met with only a moderate measure of success. Yet these attempts must be continued. By our signature of the Covenant, every nation here, by its signature of the Pact of Paris, almost every nation in the world, has repudiated war as an instrument for the settlement of international disputes. Civilisation has to put its promises into practice or perish. The best method so far devised for that purpose is this League of Nations, which can yet achieve, if the nations of the world so intend, the aims of its founders; which can yet realise the fervent desire of most of mankind: the permanent establishment of peace.

So far as His Majesty's Government in the United Kingdom is concerned, its policy will continue to be based upon its membership of the League of Nations. More than that, its whole-hearted cooperation can be counted upon in order that the League may be strengthened for the work it has to do, both by the enlargement of its membership and by the more confident loyalty of its Members.

How are we to achieve these results? For let us not delude ourselves. Unless we can achieve them, the League may still retain some value, but that value will only be secondary. In considering the problem of the future of the League, let us recognise clearly that there are two essential elements to its solution: the League's machinery and the will to work that machinery. Of the two, the second is without doubt infinitely the more important. But this is not to say that the machinery cannot be improved. At the last Assembly, it will be recalled, Governments were asked to send in their observations on the lessons to be learned from the experiences of the past year. Since His Majesty's Government of the United Kingdom did not do that in writing, perhaps you will allow me to make certain comments on this subject on its behalf.

The underlying motive for the work on which we are now engaged, of examining the Covenant and the procedure of its application, is the recent failure of the collective action of the Members of the League to achieve the prime object for which it was undertaken.

The principal causes of the failure of the League in this instance were twofold: the lack of universality of the League itself and its failure, for whatever reason, to play a more energetic and effective part in the earlier stages of the crisis.

The former of these two causes — a lack of universality — has unfortunately been operative to some degree ever since the inception of the League. It has been aggravated by defections in recent years; and the authority of the League has without doubt been greatly impaired by the fact that its pronouncements do not have the weight of a verdict of universal world opinion. In all, therefore, that we may do, we should bear in mind the necessity of winning the widest possible acceptance, so that we may reinvest the League to the greatest possible extent with that universality which alone can give it full authority and effect. For it is clear that, in any crisis, an early and

unmistakable indication of world opinion must inevitably carry the utmost weight, and may avert the necessity of special measures to prevent or to arrest a disturbance of the peace.

If we examine, as we should and frankly, the causes of the abstentions and defections from the League, we may find that these are based on two principal objections; first, that the Covenant invites signatories to assume obligations and commitments which all the Governments of the world are not ready in present circumstances to accept; and, secondly, that the League stands, so it is alleged, for the maintenance of an order of things with which some Governments are not content.

It would therefore seem appropriate that all nations should examine the present incidence of their commitments and the possibility of making them more applicable to the realities of the world situation as it exists today. We must also seek to encourage and facilitate the use of the League's machinery for adapting situations to changing circumstances and for the remedy of what may be recognised to be legitimate grievances.

The first of these two objects might be brought nearer achievement if we could find some method of enabling the League to intervene more effectively in the early stages of a crisis than recent experience has shown to be possible.

It is to be observed that the framers of the Covenant were wise in that they produced an elastic document which did not exclude any form of action in an emergency. In the opinion of His Majesty's Government in the United Kingdom, machinery should be devised which would facilitate the effective intervention of the League earlier than is now to be expected in any dispute which arises.

The first paragraph of Article II, the Assembly will recall, provides that: "Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared 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". This paragraph therefore gives wide opportunity for useful action, but the activities of the Council have, in the past, been hampered by the assumption that the rule of unanimity must apply to this provision of the Covenant, and that the consent of the parties to the dispute is thus necessary before the Council can make any recommendation.

It is for consideration, therefore, whether the Council should not be given more latitude, enabling it to make recommendations under the first paragraph of Article II without the consent of the States in controversy. His Majesty's Government attaches importance to this proposal. If it were to find general acceptance, then in the examination of any case that arose, and in any steps which such an examination might show to be practicable and desirable, the United Kingdom Government would be prepared to play its full part.

It seems to us all-important that the members of the Council should, in any dispute, clearly express their views at an early stage and should be asked to indicate the measures that they would be prepared to take to give effect to them. Discussion of such measures would show clearly how far the Powers represented on the Council would be prepared to intervene in any given case. If at the outset, or at an early stage in the dispute, the parties are left in no doubt of the will of the Council and of the determination of Member States

to enforce it, this must act as a powerful deterrent to any party contemplating aggression in violation of the Covenant. And the earlier such party is brought to realise the situation, the easier it will be for him to modify his attitude and to conform to what the Council may recommend. Delay too often means that one or both of the parties commit themselves to military preparations which become increasingly difficult to revoke, and that the other Members of the League are thus faced with a situation in which it is more difficult and more hazardous for them to intervene with effect. The best way to serve peace is to ensure, so far as possible, that Governments know where they stand. If, on the other hand, it appears that Members of the League would not be prepared in the circumstances contemplated to intervene effectively, then it is better that the realities of the situation should be understood.

I turn now to another aspect of the same problem. In the view of His Majesty's Government in the United Kingdom, there is every advantage in the negotiation of regional pacts devised to strengthen general security. One of the great advantages of regional pacts is that their terms are known in advance, as are the conditions in which they will apply. The value of agreements for collective action, as a deterrent to an aggressor, depends largely on the certainty that they will be applied. The uncertainty of the operation of wider and more ambitious schemes may tempt an aggressor to hazard the risk that they will not be operated.

His Majesty's Government is therefore in favour of regional pacts, provided that they are consistent with the Covenant. It is for consideration whether such regional pacts should be submitted to the Council or the Assembly for approval. The approval of the Council or Assembly might even perhaps be dependent on compliance with certain conditions to be defined. Under such regional pacts, those who were parties to them would, of course, be free to assume definite obligations beyond those at present embodied in the Covenant. His Majesty's Government is resolved to endeavour to negotiate such a pact in respect of Western Europe.

Such, in broad outline, are the directions in which His Majesty's Government considers that we might seek improvement of our machinery for dealing with disputes and with breaches of the peace. But that is not, however, the whole of our task. Reflection shows one thing clearly — there is nothing essentially wrong with our charter, the Covenant of the League of Nations. Its general principles are right: it forms a logical and reasonable system which should not be incapable of practical application.

Well, then, the moral to be drawn is that its shortcomings have been due to the failure on the part of States Members of the League to apply the system loyally and integrally. Unless the League evidently commands the complete and ultimate loyalty of all its Members, and unless its membership be truly representative if not universal, it cannot have the authority which the peace of the world so clearly demands.

If nations are to be prepared to co-operate fully and loyally for the maintenance of peace, that peace must rest on a basis that appears to them desirable or at least acceptable. They will only strive to maintain a *status quo* that has won general acceptance, or to prevent forcible change of that *status quo*, if they are convinced that there exist peaceful methods whereby just changes can be effected.

That is, let us admit it, in the judgment of some, a principal failing of the League; it has come to be regarded, rightly or wrongly, as an attempt

to stereotype a state of things that can hardly be expected to endure for all time. It is true that Article 19 of the Covenant recognises the impracticability of a rigid maintenance of the *status quo*. Moreover, there is, in the view of His Majesty's Government, nothing to prevent the Assembly, should it think fit, from embarking on the discussion of matters arising under that article, though, of course, the powers of the Assembly do not extend to decisions on the substance of such matters. It would plainly be impracticable, for example, to seek to give the Assembly power to impose changes against the wish of the parties concerned. Human life, however, is not static, but a changing thing; and it would be a mistake to try to encase world affairs in a rigid mould of a particular date. A frank discussion of grievances may go some way towards removing misconceptions, and a clear expression of opinion on the part of a great majority of the Assembly would undoubtedly exert moral pressure on the side of remedy of injustice. The ideal, I suggest to the Assembly, for which we should strive is a balanced system wherein justice is done to all and where none should have a sense of hurt or grievance. Therefore, our peacepreserving machinery would lose something of its point and of its efficacy unless we are sure that the peace which we aim to preserve is one that by its justice commends itself generally to the nations of the world.

In proposing modifications of our procedure, His Majesty's Government does not deceive itself — and I am sure not one of you in this Assembly deceives himself or herself — into thinking that, by modifications of machinery alone, we can vitalise the League. It is for that reason that His Majesty's Government has sought, in accordance with the terms of the *communiqué* agreed on in London towards the end of July, to draw together representatives of certain Governments, to see whether the first steps can be taken towards a European settlement. We are persisting, and we shall persist, in that endeavour. Let us not be blind to the fact that, without the co-operation of all the principal Powers, the League can have no full authority, and that we shall not get that co-operation unless all are convinced that it will be possible for them to obtain justice from the League and that it will therefore be in their interests to enforce peace through the League.

So much for the question of the application of the Covenant. But, if you will allow me, I wish before concluding to refer briefly to certain other points.

First, it might be thought desirable and calculated to remove a cause of misgiving if the Covenant could be separated from the treaties of peace in which it now remains incorporated, and were to take the form of a self-contained convention. His Majesty's Government in the United Kingdom would favour such a course.

So far, I have dealt with political considerations; but, as the years pass, we must all become increasingly conscious of the close and, indeed, inextricable connection which exists between the political and economic factors of our problem.

Economic considerations are matters, of course, of the deepest concern to the people of the United Kingdom, not only because of their commercial and industrial activities, but also because they realise how profound an influence economic factors exercise upon the peace of the world. I therefore wish to affirm the desire of His Majesty's Government in the United Kingdom to assist, so far as it possibly can, in dealing with this aspect of the situation. The present situation has been summarised in the Secretary-

General's Note¹); an indication of the ways and means of dealing with it has been given in the admirable report of the Economic Committee²); and this report has been fully endorsed by the Financial Committee. His Majesty's Government wishes to express its appreciation of the work which these reports represent.

Economic recovery, and more especially the recovery of international trade, is an aid to peace. There is a growing realisation of the significance of this factor in the solution of our international problems. That is all to the good. But, as the Secretary-General points out, recovery is "uneven and perhaps insecure". I believe that some steps can be taken, here and now at this present Assembly, to promote the smoother and surer progress of that recovery. His Majesty's Government in the United Kingdom will willingly give what help it can to further this endeavour, for it is an object of its policy to seek to re-establish normal commercial and financial dealings between the nations of the world.

What I have said as to the attitude of His Majesty's Government is in relation to the wider aspects of international economic co-operation. I now mention one subject in particular on which there may be some misconception, and which appears now ripe for discussion and enquiry. This is the question of access to certain raw materials in regard to which some observations were made by the United Kingdom delegate in his speech at the last Assembly³). This is a matter which seems suitable for discussion at Geneva, and, indeed, for impartial expert enquiry under the auspices of the League on the lines suggested by the United Kingdom delegate last year. His Majesty's Government would be prepared to support the taking of steps in this direction by this Assembly.

One other subject I must mention before I close — the subject of armaments. I have said — and we know it — that most nations are now engaged in increasing their expenditure upon armaments. His Majesty's Government in the United Kingdom is among this number. We have, indeed, made no secret of it. We are engaged upon fulfilling a very considerable programme for the re-equipment of our three services — navy, army and air. We are making good progress with that programme. We have entered upon this re-equipment of our defences because we thought it a national duty. Though I do not conceal from you that there are other ways in which I believe the majority of our people would prefer, were it possible, to spend their wealth, we shall persist in it unless and until the nations of the world reach an international agreement for the limitation and reduction of armaments. This assurance I can give. In any attempt to secure such an agreement, our full co-operation is assured. I must, however, add one word of caution. If disarmament is to be real, it must be not only military but mental, not only weapons but the war mentality must be laid aside. A standstill in armaments calculated to give a permanent advantage to nations which had urgently concentrated upon achieving the most intensive measure of armament within their power would be no service to peace. We could have no lot or part in that.

¹) Annex to the report on the Work of the League 1935/36, Part II (document A. 6 (a). 1936, Annex II).

²) Document C.378.M.249.1936.II.B.

³) See *Official Journal*, Special Supplement No. 138, page 45.

In connection with the problem of disarmament, I have seen a recent reference to the question of publicity in relation to national defence expenditure. I understand that there is already in existence a draft Convention which was drawn up by one of the sub-committees of the Disarmament Conference. I should like to emphasise that if a convention on these lines could be generally accepted, it would meet with the warm support and approval of His Majesty's Government.

In the course of my remarks to-day, I fear I have detained you long and covered a wide field. I have put forward, on behalf of His Majesty's Government in the United Kingdom, certain suggestions for altering the methods by which we work. If the modifications we have suggested could be incorporated in our machinery, they would, we believe, further the dual objective which I mentioned to you at the outset — the enlargement of our membership, the more confident loyalty of our Members.

But I have also sought to put before you wider considerations than those of machinery, for in the last resort it is not the machinery but the will to work it that counts. Do the nations of the world wish to establish an international machinery for the settlement of disputes between them without recourse to force? If all nations so will it, it could be done, and it must be done, unless we are prepared to watch with folded hands the final calamity which is the drift of humanity to war. Let this Assembly then make its effort. Let it frankly consider the possibility of improvement from within. Let it endeavour to make allowances for criticism from without. Let it determine to do all in its power to facilitate the collaboration of others in a task which is a task for all.

2) Das Memorandum der niederländischen Regierung über die Reform des Völkerbundes, vom 13. Januar 1934¹⁾

Depuis quelque temps, des voix se sont élevées, dans différents pays, en faveur d'une revision du Pacte. Ceux qui s'expriment dans ce sens semblent d'avis qu'une réorganisation de la Société des Nations pourrait faciliter une solution des difficultés avec lesquelles le monde est aux prises. En effet, ces difficultés sont tellement graves que, dans le domaine international également, rien ne doit être négligé pour essayer d'améliorer la situation mondiale. Si une revision du Pacte, ainsi qu'une réforme des méthodes de la Société des Nations, pouvait contribuer à une telle amélioration, ce serait une erreur regrettable de rejeter de prime abord des suggestions à cet effet. D'autre part, il ne serait pas justifié non plus de procéder à la légère à une revision

¹⁾ S. d. N. Journal Officiel 1934, S. 288. Die nähere Veranlassung zu diesem Memorandum ist in der niederländischen Ersten Kammer in der Sitzung vom 15. 2. 1934 Gegenstand einer Interpellation gewesen, vgl. Handelingen der Staten-Generaal, Eerste Kamer 1933/34, Bl. 277. Der niederländische Außenminister de Graeff erwiderte etwa folgendes: Die Note an den Völkerbund habe er in erster Linie deshalb überreicht, weil er von Genfer Seite darum gebeten worden sei; auch hätten verschiedene diplomatische Vertreter im Haag ihn um diese Stellungnahme gebeten. Und zwar handele es sich hierbei nicht um diplomatische Vertreter von Großmächten, sondern gerade um solche von kleineren Staaten. Dabei sei in weiteren Kreisen — und er stelle das mit besonderer Genugtuung fest — hervorgehoben worden, daß man besonderen Wert auf das objektive Urteil der Niederlande lege, und daß man es für wünschenswert erachte, daß eine Diskussion über die Völkerbundsreform durch eine niederländische Note eingeleitet würde.

de la constitution de la communauté internationale. Aussi le Gouvernement néerlandais estime-t-il qu'il lui appartient, comme Membre de la Société des Nations, de se prononcer à ce sujet.

Profondément convaincu de la nécessité du développement de l'organisation de la Société, le Gouvernement de la Reine n'a jamais pensé que l'organisation, telle qu'elle a été créée en 1919, n'était pas susceptible de perfectionnement. Parmi les nombreuses critiques sur la Société, on ne trouve, toutefois, que très peu d'indications au sujet des amendements à apporter à sa charte.

Le Gouvernement néerlandais a l'impression que ces critiques ont, en grande partie, leur origine dans des préoccupations qui ne sauraient être apaisées par une modification du Pacte.

La Société des Nations représente une méthode de collaboration internationale selon certains principes volontairement acceptés par ses Membres. Dans plusieurs cas, ces principes se sont avérés efficaces; dans d'autres, ils n'ont pas réalisé leur but. Toutefois, il ne faudrait pas faire des reproches à la Société des Nations, si elle n'aboutit pas à des accords dans des cas où les gouvernements s'abstiennent de lui confier leurs conflits ou dans lesquels ils ne sont pas disposés à accepter toutes les conséquences qui résultent de la procédure prévue par le Pacte. Il existe, d'ailleurs, des conflits d'intérêts d'un caractère si grave qu'aucune Société des Nations, quelle que soit son organisation, ne pourrait trouver des solutions immédiates.

Le Gouvernement néerlandais n'est point d'avis qu'il serait contraire à l'esprit du Pacte ou aux intérêts des Membres qu'au cours d'une conférence convoquée sous les auspices de la Société des Nations, un certain nombre de Puissances qui ont des intérêts spéciaux (comme le problème du désarmement) procèdent d'abord à des négociations entre elles. Au contraire, il estime qu'il peut être dans l'intérêt de la communauté internationale que des négociations de cet ordre soient entamées entre les grandes Puissances, à condition, toutefois, que ce soit dans le cadre de la Société des Nations et que les résultats en soient soumis aux organes compétents de la Société comme base de discussions ultérieures. De l'avis du Gouvernement néerlandais, il est très important d'éviter, dans de tels cas, de susciter l'impression qu'on cherche à imposer aux autres Etats les résultats obtenus dans des groupes restreints.

Dans certains milieux, on a exprimé l'opinion que la Société des Nations répondrait mieux au but envisagé si l'on abandonnait le principe de l'égalité de droit des Membres qui est à la base du Pacte. Le Gouvernement néerlandais est d'avis contraire. Il estime que le principe de l'égalité de droit est le seul principe sur lequel une organisation d'Etats souverains puisse être fondée. Aussi le Gouvernement néerlandais se verrait-il obligé de s'opposer énergiquement à toute proposition portant atteinte à ce principe. En adoptant ce point de vue, le Gouvernement néerlandais n'entend nullement contester qu'il y a des Puissances qui ont une sphère d'intérêts plus large et une plus grande responsabilité pour la marche générale des affaires mondiales que d'autres Puissances. Le gouvernement a pu se rallier entièrement à la manière dont cette inégalité de fait a été reconnue, dès le début, dans la composition du Conseil, et il a toujours combattu — à son regret, sans aucun succès — les propositions qui ont été faites plusieurs fois pour augmenter le nombre des Membres non permanents de cet organe. C'est peut-être cet élargissement du Conseil qui a contribué à l'affaiblissement de l'autorité de celui-ci et de

son influence sur la marche des affaires. Toutefois, il faut observer que l'augmentation réitérée du nombre des Membres élus a toujours eu lieu avec la collaboration et l'assentiment des grandes Puissances.

Il résulte de ce qui précède que des mesures éventuelles, tendant à annuler ou diminuer l'effet de cette augmentation, ne rencontreraient point d'opposition de la part du Gouvernement néerlandais, pourvu que de pareilles décisions respectent le principe de l'égalité de droit des Etats.

De certains côtés, on a soulevé des objections contre la règle de l'unanimité. On a stigmatisé le fait qu'une seule voix, fût-ce celle d'une petite Puissance, peut mettre en échec une décision ou une mesure sur laquelle tous les autres Etats sont d'accord. Cependant, la pratique a bien démontré que telle n'est pas la cause de l'insuccès auquel la Société des Nations s'est heurtée sur plusieurs points, mais qu'il faut plutôt la rechercher dans les divergences d'opinions qui opposent les grandes Puissances les unes aux autres. Serait-on disposé à abandonner la règle de l'unanimité dans le cas où il s'agirait de divergences de vues entre ces Puissances?

Un autre point, souvent critiqué, est le lien entre la Société des Nations et les traités de paix; ce lien aurait eu pour effet que la Société des Nations, telle qu'elle existe, serait très différente de l'institution internationale envisagée au début.

Le Gouvernement néerlandais, tout en n'étant pas partie aux traités de paix, s'est toujours félicité que la Conférence de la Paix ait donné l'occasion de créer la Société des Nations. Il n'est pas excessif d'avancer que si l'on n'avait pas saisi cette occasion, il n'existerait pas encore une Société des Nations à l'heure actuelle.

En examinant la question de savoir en quoi consiste le lien entre la Société des Nations et les traités de paix, il faut signaler, en premier lieu, que, pour un certain nombre d'Etats — ceux qui ne sont pas partie aux traités de paix —, le Pacte constitue déjà une charte indépendante. D'autre part, les articles du Pacte forment également la première partie des traités de paix. Il n'est pas nécessaire d'exclure *a priori* la possibilité juridique d'une séparation en ce sens que le Pacte serait mis dorénavant en dehors des traités de paix. Il faut admettre qu'une telle séparation pourrait comporter certains avantages du point de vue psychologique: elle pourrait, en effet, fortifier la foi dans l'indépendance et l'impartialité de l'institution de Genève. Mais ceux qui préconisent de disjoindre les deux actes doivent bien se rendre compte des inconvénients auxquels on pourrait aboutir du fait que la base historique du Pacte aurait été rejetée comme défectueuse, sans qu'on se soit mis d'accord, par ailleurs, sur une nouvelle base. On risquerait ou bien de voir disparaître la Société des Nations ou de ne lui laisser qu'une existence diminuée par la condamnation explicite de sa base historique. Devant l'imminence de ce danger, le Gouvernement néerlandais hésiterait à collaborer à un effort en vue de la séparation susvisée.

En ce qui concerne le lien matériel entre la Société des Nations et les traités de paix, il faut distinguer entre deux éléments différents. En premier lieu, il résulte des dispositions du Pacte, en vertu duquel les Membres s'assurent une assistance mutuelle contre une agression par la force armée, que la Société des Nations, dans une certaine mesure, garantit le statut territorial existant, tel qu'il a été créé par les traités de paix. Pourrait-on, toutefois, concevoir une Société des Nations qui ne se place pas sur la base du respect des traités comme fondement de toute organisation juridique internationale? La fon-

dation d'une Société des Nations implique la reconnaissance du statut territorial existant lors de sa création. Il n'en résulte pas que tous les traités et toutes les réglementations de frontière aient un caractère immuable, mais seulement que l'on ne devra en rechercher la modification que selon les méthodes du Pacte.

En second lieu, il faut remarquer que plusieurs stipulations des traités de paix chargent la Société des Nations de collaborer à l'exécution de ces traités. C'est le cas, notamment, pour la Ville libre de Dantzig, le territoire de la Sarre, la protection des minorités, les mandats. On pourrait s'efforcer de mettre fin à toutes ces activités de la Société des Nations. Le gouvernement se demande, toutefois, si cela présenterait un avantage pour la communauté internationale. Il ne faut pas perdre de vue, en effet, que l'on a précisément confié ces tâches à la Société des Nations afin de garantir, autant qu'il est possible, qu'elles fussent accomplies dans un esprit d'impartialité et de confiance réciproque. S'il faut constater que la Société des Nations n'a pas pleinement répondu aux espoirs qu'on avait placés en elle sur tous ces points, il faut néanmoins admettre que, dans les années précédentes, l'institution de Genève a su apporter des apaisements et favoriser des solutions pacifiques. Peut-être pourra-t-on, pour certains de ces cas, arriver à des accords qui rendent superflu un régime international dans l'espèce, mais, dans tous les cas où de pareilles solutions ne seraient pas possibles, le monde ne gagnerait pas beaucoup à ce qu'on mit fin à ces activités de la Société des Nations. Ce serait payer cher un tel assainissement de la Société.

Pour se résumer, le Gouvernement néerlandais affirme qu'il ne voit pas la nécessité de modifier le Pacte, qui, à son avis, offre toutes les possibilités de réaliser les fins de la Société des Nations, pourvu qu'un esprit de collaboration anime les Membres. Si, toutefois, de certains côtés le désir d'une modification du Pacte se fait jour, le gouvernement est tout disposé à participer, selon la procédure prévue par l'article 26, à un examen de l'opportunité d'une telle révision, à condition qu'il ne soit pas porté atteinte à l'égalité de droit qui est à la base du présent Pacte. A cette fin, il serait hautement désirable que ceux qui préconisent l'idée de la révision soumettent d'abord, sous une forme concrète, les réformes qu'ils ont en vue.