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Mary Chick

THE DRAFT TREATY OF MUTUAL ASSISTANCE.

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Origin and History.

At the Peace Conference in Paris in 1919 France, in return for abandoning her claim to a Rhine frontier, was promised a pact of guarantee by which Great Britain and the United States of America undertook her defence if she were attacked by Germany. The agreement was ratified by the British Government and Parliament, but was made contingent upon the co-operation of the United States; this failing, the pact has not become operative and France has unceasingly sought an equivalent provision for her territorial security. At the present time she has concluded military Defensive Treaties with a ring of European States to whom she has supplied arms and training in the arts of war, thereby intensifying the economic peril and political unrest which make war probable, if not inevitable. In these circumstances it is not surprising that feelings of insecurity dominate the minds of governments and mould their policy. Development of coercive force begets fear and fear demands greater force for protection, and so we find armaments themselves helping to create the very insecurity they were intended to banish.

DISARMAMENT is an urgent necessity for the world at this time, and the Women's International League gives its earnest support to any scheme that would bring it nearer, but the question we have to answer is, would the proposals of this Draft Treaty be the "first step that leads to the next step" in that direction?

The Treaty and the League of Nations.

Articles 10 and 16 of the Covenant of the League deal with the use of force for the protection of States Members of the League against external aggression. In regard to Article 10 it should be remembered that certain States who were neutral in the war of 1914-18 made their entrance to the League contingent upon

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reservations in respect of this Article, while the adherence of States now outside the League, notably the United States and Russia, appears largely dependent upon elimination or special provision in regard to it. Four years' work of the League shows the general trend of its development to be in the direction of international co-operation in dealing with common tasks and problems rather than in organization of coercive force under Article 16. It would be disastrous to divert or check this beneficent tendency.

Articles 8 and 9 of the Covenant provide for the reduction of armaments and for a technical commission to advise in all matters connected with such reduction, and on naval, military and air questions generally. It was soon apparent that a wider range of view was essential to deal with these matters and, on the invitation of the First Assembly (1920), the Council of the League appointed a Temporary Mixed Commission, consisting of persons of political, social and economic experience, to prepare proposals for the reduction of armaments, "which, in order to secure precision, should be in the form of a Draft Treaty or other equally defined plan." This Commission presented, through the Third Committee (Armaments) of the Third Assembly (1922), the general principles governing the proposed Draft Treaty. These were defined in Resolution XIV, adopted by the Assembly, and submitted to the States Members of the League for their comments. This Resolution proposes that reduction of armaments should be made in return for guarantee of security by means of a defensive agreement binding the signatories "to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked."

This reduction is to be carried out by means of—

- (a) A general Treaty of Assistance.
- (b) Partial Treaties designed to be extended and open to all nations. It should be noted that Article 7, par. 4, of the Draft Treaty makes such extension dependent upon the consent of the *original parties* to the Treaties.

Special points arise which need careful consideration :—

1. Article 8 of the Covenant (reduction of armaments) is hereby linked with and made dependent upon definite and binding provisions for application of Articles 10 and 16 (organization of military, naval and air force by the League).

2. Under the auspices of the League partial military treaties would be concluded, leading almost inevitably to the creation of sectional antagonistic groups among its members.
3. Surely the "pre-arranged plans" provided for in the Draft Treaty, which must of necessity be secret, would have to be directed against particular States and would inevitably provoke counter plans leading possibly to increase rather than reduction of armaments.

It is instructive to study the replies regarding this Resolution received by the League Secretariat from 25 governments—chiefly European States. Great Britain did not reply.

As to a general treaty the criticism is offered that such a treaty would fail to afford protection owing to the delay in coming to the help of a State attacked and to the difficulty in making pre-arranged plans that would meet any contingency that might arise. France, together with several of the States with which she has concluded military pacts apart from this scheme, lays stress on these difficulties and urges the need for partial treaties as the foundation on which a general treaty could be built. On the other hand, other States, notably Northern European States who were neutral in the Great War, point out that such partial treaties would tend to stabilize dangerous groupings of nations, and are altogether contrary to the spirit of a Universal League of Nations and jeopardize the very existence of the League itself.

During the earlier part of 1923 the Temporary Mixed Commission worked at the Draft Treaty presented to the Fourth Assembly in September, and the final form of this Draft is now before the governments for their consideration.

The Treaty starts well with the solemn declaration that aggressive war is an international crime, and that the parties to the Treaty pledge themselves against such action. Unfortunately reservations are added in regard to "legitimate warfare" which weaken and complicate the original statement.

Articles 2-5 deal with the circumstances and methods governing the rendering of "general assistance," *i.e.* military, naval and air force, financial aid, priority for communication and transport, &c., to any signatory who, having previously reduced its armaments in accordance with treaty obligations, is found to be the "object of a war of aggression."

The difficulty of defining aggression or "menace of aggression" is easily understood, and examples of aggression are bewildering in their range and variety. Since the Draft Treaty has been under general consideration, it has been suggested that "resort to hostilities without having referred the dispute to the League or in defiance of its decision" should be held to be "aggressive war." Such definition would remove some objections, but would not cover "threat or menace of aggression."

A special committee of the Temporary Mixed Commission has drawn up a Commentary on this point, and quotes the words of the Permanent Advisory Commission (military, naval, and air experts) that "under conditions of modern warfare it would seem impossible to decide, even in theory, what constitutes an act of aggression." The Commentary states that governments can only judge by "impression," based on such factors as propaganda, the attitude of the press, populations and politicians, the policy in the international markets of an alleged aggressor, &c. The difficulties of definition being so great the Council of the League is left complete discretion, and the conclusion is offered that as, under the provisions of the Covenant, the Council of the League will have been engaged in efforts to avoid war it "may therefore be in a position to form an opinion as to which of the parties is really actuated by aggressive intention." To the lay mind it would be ludicrous, if it were not tragic, to contemplate the possibility of the machinery of the League putting into motion the armed force of its members upon so vague and questionable a basis. Further, experience has shown that, *without sanctions*, the Council has not dared to pronounce on important matters where the Greater Powers are concerned. There would be still less likelihood of an impartial judgment, or indeed of any judgment at all, if it involved war by the League—with men, materials, and money to be furnished by States members of the Council.

When we remember the composition of the Council, which has as permanent members four Greater Allied Powers, all victors in the Great War, as elected members four who were victors, two neutrals, and not one of the vanquished States, we may well question whether it is wise or right to entrust to this body a judgment so difficult and one that would carry with it results impossible to determine or to limit.

In the event of hostilities breaking out the Council is to decide within four days which State is the aggressor; this

decision must be unanimous, apart from votes of the interested parties.

Articles 6 to 8 deal with partial agreements to be concluded between two or more States. They offer many points of difficulty, and to many seem contrary to the spirit of the League itself, determining in advance the armed assistance the signatory States are to render to each other in case of any act of aggression. Their provisions seem to be scarcely distinguishable from the military treaties already concluded between certain States of Europe. The "plan of assistance," *i.e.* armed force, is to be set in motion immediately; that is, the signatories act first and inform the Council afterwards, thus removing the slight checks of a few days' delay for investigation, and of the authority of a unanimous verdict of the Council.

Article 9 suggests demilitarised zones between neighbouring States, and Article 10 provides for reparation of the most extensive and drastic nature to be furnished by the "aggressor" as a first charge upon the whole of its assets and revenues. This applies to operations undertaken under GENERAL or PARTIAL agreements.

It appears as if the terrible cycle of the Great War is to be reproduced under the auspices of the League of Nations—war, conquest, and economic ruin for the conquered and the conqueror in the attempt to recover the cost of the original war.

Articles 11 to 13 deal with plans for disarmament, proportionate to the security offered by general or partial treaties. These plans are to be carried out within two years and then to be subject to revision every five years.

Further articles deal with the rights and obligations resulting from the Peace Treaties of 1919 and 1920, the use of the Permanent Court of International Justice for the interpretation of the Treaty, and adherence of States not yet members of the League.

Article 18 provides that the Treaty shall come into force in Europe when ratified by five States, of whom three shall be permanent members of the Council. Japan being one of the four permanent members, is hardly likely to be interested in a Treaty that is chiefly concerned with European conditions, so it would be for Great Britain, France, and Italy to ratify. This places special responsibility upon the British Government and upon the influence brought to bear by all who are interested in the cause of peace and the League of Nations.

In considering this Treaty there are certain vital questions to be answered:—

Will it Lead to Disarmament?

In this connexion we must be careful to consider the conditions of which armaments are the symptom and consequence. The Third Assembly of the League which passed Resolution XIV, summarised above, passed also a further Resolution, XVI, which affirmed that moral disarmament must precede material disarmament. Dealing with the questions of reparations and international indebtedness the Armaments Committee in its introduction to this resolution puts the case admirably: "the general economic situation is such that the world is kept in a condition of suspicion and unrest incompatible with real peace. Without peace, without moral disarmament, plans for material disarmament are vain."

Further, as certain of the Governments have pointed out, obligation to furnish armed forces for use in connexion with this Treaty would in many cases involve actual increase rather than decrease in armaments.

Will it Give Security?

The fallacy of security being dependent on armed force lies in the fact that the security of one nation—or group of nations—means insecurity for others, and the effort to redress the inequality brings about the dangerous and wasteful rivalry in armaments. This is true whether it is planned and exercised by a single nation, a group of nations, or by the League of Nations itself.

What of the League?

The Women's International League stands for an all-inclusive League of Nations, and we have to consider whether the application of this Treaty will make entrance more or less difficult for nations now outside.

From the declaration recently made in this country on behalf of the Soviet Government, we know that *Russia* repudiates the idea of coercive force being exercised by the League; while the trend of opinion in *America* is shown in the famous Bok Peace Plan, which suggests, as one of the conditions of American participation in the work of the League, that moral judgment and public opinion be substituted for force.

Is the "mutual assistance" contemplated in the Treaty the kind of co-operation that will (in the words of the Preamble to the Covenant) "achieve international peace and security"? Do we really desire that the League shall act as a coercive super-State?

Should it not rather be the focus of world opinion, relying upon the spiritual force of that opinion impartially ascertained?

MARY CHICK.

Official Documents which should be read:

1. **Reduction of Armaments.** Report of Third Committee to the Third Assembly. A. 124, 1922, IX.—Geneva, September 22nd, 1922, for text of Resolutions XIV and XVI. **Price 1/9.**
2. **Report of Temporary Mixed Commission for the Reduction of Armaments.** A. 35, 1923, IX, Part I.—Geneva, August 30th, 1923, for Comments and Criticisms of Governments and Experts on Resolution XIV. **Price 2/6.**
3. **Reduction of Armaments. Report of Third Committee to the Fourth Assembly.** A. 3, 1923, IV, Part I.—Geneva, September 27th, 1923, for text of Draft Treaty, definition of aggression, &c. **Price 6d.**

These can be obtained from Messrs. Constable, 10-12 Orange Street, London, W.C.2.

RESOLUTION PASSED AT THE ANNUAL COUNCIL MEETING OF THE WOMEN'S INTERNATIONAL LEAGUE ON MARCH 7TH, 1924.

Draft Treaties of Mutual Assistance.

This Council is of opinion that the Draft Treaties of Mutual Assistance presented to the Assembly of the League of Nations, and referred by it to the respective Governments for consideration, would increase the difficulties which already stand in the way of American membership of the League, and should be rejected for the following reasons, among others:—

(1) A General Treaty cannot provide any effective military protection, and will in practice be broken up into Partial Treaties.

(2) Partial Military Treaties are injurious to the solidarity of the League of Nations, and reintroduce the worst features of the Balance of Power.

(3) It is most improbable that the Treaties would result in any substantial reduction of armaments, and they might actually in some cases increase armaments.

(4) It is impossible to define "aggression" in any way that will be satisfactory in practice, still less define what is "aggressive policy" or "menace of aggression."

(5) Any Partial Treaties of the kind contemplated would concentrate the attention of the Council of the League of Nations on force—the organization of force and the danger of force—instead of upon conciliation and justice; they would deprive the judgments of the League even of the measure of impartiality they now possess.

The Women's International League for Peace and Freedom.

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