

# THE DRAFTING OF THE COVENANT

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#### SUGGESTION FOR A COVENANT OF A LEAGUE OF NATIONS

##### *Preamble.*

International civilization having proved a failure because there has not been constructed a fabric of law to which nations have yielded with the same obedience and deference as individuals submit to intra-national laws, and because public opinion has sanctioned unmoral acts relating to international affairs, it is the purpose of the States signatory to this Convention to form a League of Nations having for its purpose the maintenance throughout the world of peace, security, progress and orderly government. Therefore it is agreed as follows:

Article 1. The same standards of honor and ethics shall prevail internationally and in affairs of nations as in other matters. The agreement or promise of a Power shall be inviolate.

Article 2. No official of a Power shall, either directly or by indirection on behalf of his Government, be expected or permitted to act or communicate other than consistently with the truth, the honor and the obligation of the power which he represents.

Article 3. Any attempt by a Power, either openly or in secret, whether by propaganda or otherwise, to influence one Power or nation against another shall be deemed dishonorable.

Article 4. Any open or direct inquiry regarding the acts or purposes of a Power may be made by another Power as of course, and shall be regarded as an act of friendship tending to promote frankness in international relations, but any secret inquiry to such end shall be deemed dishonorable.

Article 5. Any war or threat of war is a matter of concern to the League of Nations, and to the Powers, members thereof.

Article 6. The Ambassadors and Ministers of the Contracting Powers to X and the Minister for Foreign Affairs of X shall act as the respective delegates of the Powers in the League of Nations. The meetings of the delegates shall be held at the seat of government of X, and the Minister for Foreign Affairs of X shall be the presiding officer.

If the delegates deem it necessary or advisable, they may meet temporarily at the seat of government of Y or Z, in which case the Ambassador or Minister to X of the country in which the meeting is held, shall be the presiding officer *pro tempore*.

Article 7. The Delegates shall meet in the interests of peace whenever war is rumored or threatened, and also whenever a Delegate of any power shall inform the Delegates that a meeting in the interests of peace is advisable.

Article 8. The Delegates shall also meet at such other times as they shall from time to time determine.

Article 9. The Delegates shall regulate their own procedure and may appoint committees to inquire and report. The Delegates shall constitute a Secretariat and fix the duties thereof and all expenses of the Secretariat shall be paid by the Contracting Powers as the Delegates may determine. In all matters covered by this article the Delegates may decide by the votes of a majority of the Contracting Powers represented.

Article 10. An International Court composed of not more than fifteen members shall be constituted, which shall have jurisdiction to determine any difference between nations which has not been settled by diplomacy, arbitration, or otherwise, and which relates to the existence, interpretation, or effect of a treaty, or which may be submitted by consent, or which relates to matters of commerce, including in such matters, the validity or effect internationally of a statute, regulation or practice. The Delegates may at their discretion submit to the Court such other questions as may seem to them advisable.

The judges of the International Court, shall, both originally and from time to time as vacancies may occur, be chosen by the Delegates. A judge of the International Court shall retire from office when he shall have reached the age of seventy-two years, and may be so retired at any time by a vote of two thirds of the Delegates, but in case of retirement of a judge from office, the salary paid to him shall be continued to be so paid during his natural life.

A judge may be removed by a vote of two thirds of the Delegates. The International Court shall formulate its own rules of procedure.

Article 11. Any difference between nations relating to matters of commerce and which involves the validity or effect internationally of a statute, regulation or practice, shall, if the Power having adopted such statute, regulation or practice so request, be submitted to its highest national court for decision, before submission to the International Court.

Article 12. The highest national court of each Contracting Power shall have jurisdiction to hear and finally determine any international dispute which may be submitted by consent for its decision.

Article 13. The Contracting Powers agree that all disputes between or among them or any of them of any nature whatsoever which shall not be settled by diplomacy and which are not within the provisions of Article 10 shall be referred for arbitration before three arbitrators, one to be selected by each party to the dispute and one to be chosen by two arbitrators so selected, or in the event of their

failure to agree to such choice, the third arbitrator shall be selected by the Delegates.

The decision of the arbitrators may be set aside on the appeal of a party to the dispute, by a vote of three fourths of the Delegates, if the decision of the arbitrators was unanimous, and by a vote of two thirds of the Delegates if the decision of the arbitrators was not unanimous, but shall otherwise be finally binding and conclusive.

When any decision of the arbitrators shall have been set aside by the Delegates, the dispute shall again be submitted to arbitration before three arbitrators, chosen as heretofore provided, but none of whom shall have previously acted as such and the decision of the arbitrators upon the second arbitration shall be finally binding and conclusive without right of appeal.

Article 14. Any Power which the Delegates determine shall have failed to submit to the International Court any dispute of which that Court has jurisdiction as of course, or failed or neglected to carry out any decision of that Court, or of a national court to which a dispute has been submitted by consent for decision, or failed to submit to arbitration any dispute pursuant to Article 13 hereof, or failed to carry out any decision of the arbitrators, shall thereupon lose and be deprived of all rights of commerce and intercourse with the Contracting Powers.

Article 15. If any Power shall declare war or begin hostilities before submitting a dispute with another Power as the case may be, either to the International Court or to Arbitrators, as herein provided, or shall declare war or begin hostilities in regard to any dispute which has been decided adversely to it by said Court or by Arbitrators or pursuant to Article 12 hereof, as the case may be, the Contracting Powers shall not only cease all commerce and intercourse with that Power as in Article 14 provided, but shall also arrange to blockade and close the frontiers of that power to commerce and intercourse with the world.

Article 16. As regards disputes between one of the Contracting Powers and a Power not a party to this Convention, the Contracting Power shall endeavor to obtain submission of the dispute to judicial decision or to arbitration. If the other state will not agree to submit the dispute to judicial decision or to arbitration the Contracting Powers shall bring it before the Delegates. In the latter event the Delegates shall in the name of the League of Nations invite the state not a party to this Convention to become *ad hoc* a party and to submit its case to judicial decision or to arbitration and in such case the provisions hereinbefore contained shall be applicable to the dispute both against and in favor of such state in all respects as if it were a party to this Convention.

Article 17. If the state not a party to this Convention will not accept the invitation to become *ad hoc* a party, the Delegates shall

inquire into the dispute and shall make a recommendation in respect thereof.

Article 18. If hostilities shall be commenced against the Contracting Power by the other state before a decision of the dispute, or before the recommendation made by the Delegates in respect thereof, or contrary to such recommendation, the Contracting Powers will thereupon cease all commerce and intercourse with the other state and will also arrange to blockade and close the frontiers of that state to commerce and intercourse with the world and any of the Contracting Powers may come to the assistance of the Contracting Power against which hostilities have been commenced.

Article 19. In the case of a dispute between states not parties to this Convention, any Power may bring the matter before the Delegates, who shall tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the Powers, party to the dispute, shall offer and agree to submit its interests and cause of action in regard thereto wholly to the control and decision of the League of Nations, that Power shall *ad hoc* be deemed a Contracting Power. If no one of the Powers, parties to such dispute, shall so offer and agree, the Delegates shall take such action and make such recommendations to their Governments as will preserve peace and prevent hostilities and result in the settlement of the dispute.

Article 20. The Contracting Powers unite in several guarantees to each other of their territorial integrity and political independence, subject, however, to such territorial modifications, if any, as may become necessary in the future by reason of changes in present racial conditions and aspirations, pursuant to the principle of self-determination and as shall also be regarded by three fourths of the Delegates as necessary and proper for the welfare of the peoples concerned; recognizing also that all territorial changes involve equitable compensation and that the peace of the world is superior in importance and interest to questions of boundary.

Article 21. The Contracting Powers recognize the principle that permanent peace will require that national armaments shall be reduced to the lowest point consistent with safety, and the Delegates are directed to formulate at once a plan by which such a reduction may be brought about. The plan so formulated shall not be binding until and unless unanimously approved by the Governments signatory to this Covenant.

The Contracting Powers agree that munitions and implements of war shall not be manufactured by private enterprise and that publicity as to all national armaments and programmes is essential.

Article 22. Any Power not a party to this Convention may apply to the Delegates for leave to become a party. The Delegates may act favorably on the application if they shall regard the granting

thereof as tending to promote the peace and security of the world.

Article 23. A. The Contracting Powers severally agree that the present Convention abrogates all treaty obligations *inter se* inconsistent with the terms thereof, and that they will not enter into any engagements inconsistent with the terms hereof.

B. Where any of the Contracting Powers, before becoming party to this Convention, shall have entered into any treaty imposing upon it obligations inconsistent with the terms of this Convention, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.