

DELHI UNIVERSITY
LIBRARY

DELHI UNIVERSITY LIBRARY SYSTEM

Cl No. VIR MIR

Date of release for loan

Ac No 37566

This book should be returned on or before the date last stamped below
An overdue charge of Six nP. will be charged for each day the book
kept overtime.

LEAGUE OF NATIONS

TEN YEARS
OF
WORLD CO-OPERATION

Foreword by
SIR ERIC DRUMMOND

SECRETARIAT OF THE LEAGUE OF NATIONS
1930

Made and Printed in Great Britain by
Hazell, Watson & Viney, Ltd., London and Aylesbury.

FOREWORD

The aim of the present volume is to present a simple record of the work done by the League during the first ten years of its existence—to set forth briefly and impartially the principal events, the progress which has been accomplished, and the methods which have been devised for dealing with the problems that have arisen. The book is divided under different headings, but it must not be forgotten that all League activities are closely related to one another and interact on one another. All must be taken into account if the reader seeks to understand and realise the true meaning of the record.

This book cannot arrogate to itself the name of history. It is a statement of facts. It seeks neither to discern the causes of events nor to estimate their effects, still less to relate particular causes and effects to those general laws of historical truth which it is the historian's highest function to illustrate and to establish. It is, if not strictly what is called an official document, at any rate a document produced under the limitations by which the official is hedged. It is not even the raw material of history. That will be found in the official publications of the League, which already form so immensely rich and varied a source of information on almost every question of international affairs. It is, as I have said, simply a record which may, I hope, prove useful to the student and a source of indications to the more advanced scholar and to the historian.

I cannot altogether regret that the limitations imposed by their official position have prevented the compilers of this book from attempting to judge the facts which they relate, or to place the history of the League in its true relation to the events which preceded its establishment, or have taken place during its existence, but apparently outside its field of action. These

are matters for the historian, and they are also, to my mind, matters in regard to which the historian, if he is wise, will wait at least another decade before he attempts to form his final judgments. The League of Nations is not static; it is alive and dynamic, influencing and being influenced by the other forces whose inter-play is moulding the political aspect of the world to-day. It is too early yet to attempt to lay a finger on this decision and that and to sum up their effects for good or evil. It may well be that, ten years hence, some decisions which seemed of little importance when they were taken may prove to have had effects beyond any present calculations, while others which seemed of importance at the time may, seen in their true perspective, appear to have been almost matters of indifference.

Nevertheless, I think we may venture on two judgments in full confidence that the historian of the future will not greatly disagree with them. First, that the mere creation of the League and its continued existence during these ten years is one of those great facts which inevitably stand out as landmarks in the history of the world. One of the drafters of the Covenant said a short time ago:

> "Looked at in its true light, in the light of the age and of the time-honoured ideas and practice of mankind, we are beholding an amazing thing—we are witnessing one of the great miracles of history. . . .
>
> "The League may be a difficult scheme to work, but the significant thing is that the Powers have pledged themselves to work it, that they have agreed to renounce their free choice of action and bound themselves to what amounts in effect to a consultative parliament of the world.
>
> "By the side of that great decision and the enormous step in advance which it means, any small failures to live up to the great decision, any small lapses on the part of the League, are trifling indeed. The great choice is made, the great renunciation is over, and mankind has, as it were at

> one bound and in the short space of ten years, jumped from the old order to the new, across a gulf which may yet prove to be the greatest break or divide in human history. . . ." [1]

The second judgment which I venture to put forward is that, during this space of ten years, the League has definitely, and greatly, grown in strength—that is to say, in its hold on public opinion throughout the world and on the Governments and Administrations through which public opinion acts. There are many indications of the truth of this; very few against it. This is not, however, the place to attempt to prove it. I content myself with recording the fact that I, at any rate, have been led irresistibly to these convictions as a result of my close association with the work of the League in all its forms from its beginning.

ERIC DRUMMOND
(Secretary-General).

[1] General Smuts at Oxford, November 9th, 1929.

TABLE OF CONTENTS

PAGES

FOREWORD . . . . . v–vii

INTRODUCTION 1–18

CHAPTER I

THE PEACEFUL SETTLEMENT OF DISPUTES 19–48

The League and the Maintenance of Peace—The Covenant and the Peaceful Settlement of Disputes—Survey of the Political Activities of the League—A Few Typical Cases in which the Covenant has been applied.

CHAPTER II

THE ORGANISATION OF PEACE AND DISARMAMENT 49–124

Foundation of League Action—Draft Treaty of Mutual Assistance—Arbitration, Security and Disarmament—Preparation of the Disarmament Conference—Arbitration and Conciliation—Security and Assistance—Problems of Disarmament—Special Questions.

CHAPTER III

INTERNATIONAL JUSTICE 125–163

Organisation of the Permanent Court of International Justice—Jurisdiction of the Court—Work of the Court.

CHAPTER IV

CODIFICATION OF INTERNATIONAL LAW 164–175

The Object of Codification—The League and the Codification of International Law—Work of the Committee of Experts for the Progressive Codification of International Law—Conference for the Codification of International Law—International Institute for the Unification of Private Law at Rome.

CHAPTER V

PAGES

FINANCIAL AND ECONOMIC CO-OPERATION 178–206

New Methods—Basis of Work—The Brussels Conference—Formation of Economic and Financial Committee—Reconstruction Schemes—The World Economic Conference—Economic Policy at the Tenth Assembly—The Economic Intelligence Service.

CHAPTER VI

INTERNATIONAL TRANSIT AND COMMUNICATIONS . . 207–231

Origin of the Communications and Transit Organisation—Method and Sphere of Action—Work done by the Organisation.

CHAPTER VII

HEALTH 232–260

Origin and Constitution of the Health Organisation—The Epidemiological Intelligence Service—The Educational Work of the Health Organisation—Technical Work in the Various Branches of Preventive Medicine—Co-operation between the Health Organisation and National Health Authorities.

CHAPTER VIII

SOCIAL AND HUMANITARIAN ACTIVITIES 261–312

Emergency and Relief Work—Slavery—Traffic in Women and Protection of Children—Traffic in Opium.

CHAPTER IX

INTELLECTUAL CO-OPERATION 313–329

The Committee of Intellectual Co-operation—The Paris Institute—The Cinematograph and the Rome Institute—Instruction in the Ideals and Work of the League of Nations.

CHAPTER X

THE MANDATES SYSTEM 330–351

Article 22 of the Covenant and the Mandates—The Exercise of the League's Supervision—General and Special Problems.

CHAPTER XI

PAGES

PROTECTION OF MINORITIES. 354–378

Origin and Purpose of the Protection of Minorities—Basic Texts—Procedure and Machinery—The Work of the Council and the Minorities Committees.

CHAPTER XII

THE SAAR TERRITORY AND THE FREE CITY OF DANZIG . 379–387

CHAPTER XIII

THE FINANCIAL ADMINISTRATION OF THE LEAGUE 388–397

The Committee of Enquiry of 1921—The Supervisory Commission—How the Financial System Operates—Budgets and Expenditure.

CHAPTER XIV

THE LEAGUE AND PUBLIC OPINION 398–414

What is Public Opinion?—Responsibility of the Secretariat—The Principle of Publicity—Press Facilities—Publicity on Current Affairs—Personal Contacts—Other Relations with Public Opinion.

ANNEXES

I. The Covenant of the League of Nations 417–430

II. Short Bibliography of the Publications of the League of Nations . 431–444

III. Annotated Bibliography of the Principal Works on the League of Nations catalogued in the Secretariat Library 445–460

INDEX 461–467

INTRODUCTION

THE idea of a League of Nations is very old, but it was first brought into the realm of practical politics by the war of 1914–1918. The way the war broke out and developed, and the consequences of the war, gave convincing proof of the need for an international organisation to preserve peace and to save civilisation from the recurrence of such a catastrophe. Most of the general questions affecting the prosperity and even the existence of States to-day, are international in character and can be settled only through international co-operation.

The League was considered to be a necessity; yet, when it was established in 1919, it commanded very little attention. The world was still shaken by the passions of war, and was to continue so for some years to come; the peace settlement was far from complete, for it left unresolved political, financial and economic problems of such gravity and urgency that they absorbed the energies of statesmen and diplomatists and monopolised the attention of public opinion.

From time to time, especially in the early days, there were insistent demands from various quarters that the League should intervene in the settlement of these questions, and it was reproached for not doing so. On the other hand, it was argued that, by reason of its composition and in the interest of its development, the League should not concern itself with the direct consequences of the war. As a matter of fact, the Governments most closely interested in the settlement of these questions usually preferred to deal with them between themselves.

When the Council of the League met for the first time on January 16th, 1920, the only question on the agenda was the appointment of the members of a frontier delimitation commission. A few weeks later, the United States Government announced that it would not ratify the Treaty of Versailles and consequently would not join the League. The actual effect of this decision has sometimes been exaggerated,

but the immediate moral effect was considerable, and there is no doubt that the League's development has been hampered and retarded by the absence of the United States.

While important events such as the Supreme Council's discussions on the reparations problem, the Russo-Polish war, the Washington Naval Disarmament Conference, and the Cannes and Boulogne Conferences were taking place without League intervention or participation, the League began to build up and organise its machinery and methods, a task that lasted several years.

The Covenant speaks of "promoting international co-operation." But this is a vague, general injunction, to which life and reality had to be given. The Council, which held twelve sessions in the first year of its existence, meeting at Brussels, London, Paris, Rome and San Sebastian, laid the foundations of the organised methods by which the League now does its work. The first steps taken were the framing of the Statute of the Permanent Court of International Justice, the appointment of the Commission for the Study of Military, Naval and Air Questions, of the Mandates Commission, and of the High Commissariat for Refugees, and the establishment of procedure for the fulfilment of the League's obligations in the protection of minorities.

The first Assembly met in November and December 1920. It decided that one session should be held every year, made a declaration that it met in its own right, drafted its standing orders, adopted rules for the administration of the League's budget, and drew up principles governing its relations with the Council, which was asked to present a progress report to the Assembly every year. It also decided to create the Health and Opium Committees. From the very beginning, the Assembly established itself as a platform from which the representatives of the Governments associated in the League could annually give expression to their general views, their grievances, their criticisms and their aspirations.

The Brussels Financial Conference, summoned by the League and the first international conference after the war, was followed by the appointment of the Economic and Financial Committee; the Barcelona Conference gave birth to the Communications and Transit Committee; the Conference for the Suppression of Traffic in Women and Children led to the

creation of the Commission for the Protection and Welfare of Children and Young People.

The establishment of the Permanent Court of International Justice—all previous attempts had failed owing to differences between the Great Powers and the minor States over the method of appointing the judges—was made possible by the constitution of the League, which enabled the earlier difficulties to be overcome. As soon as it was inaugurated in January 1922, the Court held three sessions, lasting five months in all, to deal with cases submitted for its opinion or judgment.

The League was taking shape and gaining strength. The general lines of its organisation were now settled. It was to grow and develop, throwing out new branches and adapting itself to fresh needs as they arose, until it became as comprehensive as the international life of which it is an integral part. But in the steady effort to provide international co-operation—continually enlarging its scope—with those permanent organs for conference and enquiry that the society of States had lacked until the creation of the League, the aims and the methods remained unchanged.

The next stage was the reference to the League of several political questions, mostly legacies from the war—the Aaland Islands question, the Polish-Lithuanian dispute about Vilna, the Upper Silesian question and the settlement of a critical situation that had arisen between Albania and Yugoslavia.

During the same period the League was beginning to apply the principles formulated by the Brussels Conference in a series of financial reconstruction schemes in Austria, Hungary, Greece and Bulgaria. In the last two countries, the schemes were part of a bigger enterprise of refugee settlement which had also come within the widening orbit of the League's activities. Plans of currency reform for Estonia and Danzig followed. The methods employed proved so successful that they became a model for all subsequent schemes of financial reconstruction.

The new ways of organised co-operation rapidly permeated other spheres of international life. The Barcelona Conference codified the rules governing international transport and took up the simplification of administrative formalities and the standardisation of traffic regulations. Then the Genoa Conference—held outside the League—passed on to the League

the technical questions which it had been unable to settle. They were divided between the Transit Organisation and the Economic and Financial Organisation. After this came investigations, most of which led to new conventions—on the improvement of transport by rail and waterways in Europe, on double taxation and tax evasion, on the simplification of Customs formalities, on arbitration clauses in commercial contracts. The Health Organisation established the Epidemiological Intelligence Service and interchanges of public health officials for educational purposes, and took up technical work in various branches of preventive medicine. Campaigns against the traffic in women, the abuse of opium and the illicit drug traffic were launched by the joint efforts of Governments and private organisations. Relief was organised for victims of the disasters that followed upon the war—those ravaged by typhus; the war prisoners in Siberia; the Russian and Armenian refugees driven into exile by war and revolution. The International Committee on Intellectual Co-operation arranged its programme.

An international corps of independent experts was formed, comprising men of all nationalities and specialists in every subject—senior officials, bankers, economists, engineers, jurists, scientists, sociologists, representatives of workers' and employers' organisations—who met periodically and became used to working together for the solution of international problems in the common interest.

The Covenant came into operation, not only in so far as it applied to international co-operation generally, but also in relation to the maintenance of peace and the prevention of war (Articles 11, 12 and 15). Gradually the Governments grew accustomed to settling their differences through the League. In 1923, the Council dealt with several frontier questions: the "Hungarian Optants" case was brought forward by Hungary; Bulgaria raised the subject of the treatment of Bulgarians in Western Thrace by the Greek authorities; Albania submitted the question of Moslems of Albanian race in Greece; and the Conference of Ambassadors referred the Memel question to the Council.

The Greco-Turkish war ended and the Treaty of Lausanne was concluded; the Dawes Plan was drawn up and the

occupation of the Ruhr came to a close. The League was now entering upon a new period of activity.

As early as 1921, it had undertaken statistical investigations into the problem of disarmament, and had consulted the Governments on their needs in the matter of security, and on the best methods of obtaining limitation and reduction of armaments. In 1922, the Assembly had recommended a procedure of conciliation for settling disputes, and had passed a resolution by which disarmament and security were linked together for the first time. Thenceforward, the problem of the organisation of peace and disarmament—one of the most far-reaching and difficult of all problems—became the centre of interest for the League and its principal organs, the Assembly and the Council. In 1924, the Assembly accepted the formula " arbitration, security, disarmament," and on that foundation drew up the " Geneva Protocol." The Protocol never came into force, but it exercised a considerable influence on the development of the League.

It has been said with some justice that the Locarno Agreements, although negotiated independently of Geneva, were inspired by the League and were linked up with its endeavours to ensure the maintenance of peace by a system of arbitration and guarantees of security. They give an important place to the League and provide in several contingencies for its intervention. They would not, in fact, be workable in their present form without the League. The conclusion of these agreements led to one of the outstanding events in the League's history—the admission of Germany to membership.

In 1925 the British Secretary of State for Foreign Affairs, Sir Austen Chamberlain, announced his intention of attending all sessions of the Council. His example was promptly followed by others, and the Foreign Ministers of most of the European Members of the Council now take part in all its sessions. At such times a dozen foreign Ministers may be present—those who are not members of the Council coming for questions on the agenda that specially concern their countries. At the First Assembly, there were six Ministers for Foreign Affairs, not one of whom belonged to a country permanently represented on the Council, whereas since 1924 there has been at each Assembly an average of from five to ten Prime Ministers and

from fifteen to twenty Ministers for Foreign Affairs. Thus the statesmen, like the experts, have adopted the practice of holding periodical meetings at which they learn to know each other and become used to working together; there are private conversations and public discussions; the permanent character of the institution, the continuity of its work and the regularity of the meetings make it possible to take up questions after thorough and careful consideration and to endeavour patiently and methodically to reach agreement.

Since 1924, the League's efforts to organise peace have been continuous. A treaty of conciliation, arbitration and judicial settlement, known as the "General Act for the Pacific Settlement of Disputes," has been brought into force. More than half the States Members of the League have accepted the compulsory jurisdiction of the Permanent Court of International Justice in certain classes of legal disputes, and the time is probably not far distant when all the countries of Europe will be bound by it. A compromise formula has been found to make it easier for the United States to adhere to the Court, and this is shortly to be laid before the United States Senate.

The elements of real security embodied in the Covenant of the League, and the possibilities of effective intervention which it affords, were made clear both by the general proceedings of the Committee on Arbitration and Security and by the speedy settlement of the Greco-Bulgarian frontier incident of 1925. The frontier incident between Bolivia and Paraguay in 1928 showed the importance attached by Governments to their obligations as Members of the League, and what can be done by the Council even when it is not formally requested to intervene.

An attempt is being made to codify the ways in which the Council can take steps to prevent war (Article 11 of the Covenant), both in cases where there is no threat or no immediate threat of war and in those where the threat is imminent. Conventions for strengthening the means to prevent war and for financial assistance to States in case of war or threat of war have been drafted. Measures are being taken to ensure that the League may meet and take charge of the situation promptly in an emergency. In 1927, on a motion submitted by the Polish delegation, the Assembly voted a

resolution proclaiming " wars of aggression " an international crime, forbidding all such wars, undertaking to settle all disputes by peaceful means, and declaring that Members of the League are pledged to both these principles. A year later the pact for the outlawry of war (known as the Paris Pact, or the Briand-Kellogg Pact) was negotiated independently of the League. It is generally looked upon as a valuable complement to the League Covenant, and amendments to the Covenant have been drafted with the object of bringing it into harmony with the Pact.

A Preparatory Commission for the Disarmament Conference was appointed at the end of 1925. Throughout 1926, it was engaged in an exhaustive study of the military and economic aspects of the problem; it then prepared a preliminary draft convention, of which the final text is not yet concluded. The essential questions have all been discussed, but unanimity has not yet been reached on the methods of reduction and limitation. It was the hope of reaching unanimity, at all events so far as naval armaments are concerned, that led to the Conference of Three Naval Powers at Geneva in 1927, and then to the London Naval Conference (1930), which was recommended by the Tenth Assembly when it emphasised the necessity for completing the first stage in the reduction and limitation of armaments as early as possible. " The question of the limitation and reduction of armaments," said the President of the Preparatory Commission, " has now become ripe for settlement in the minds of peoples and Governments."

While organising peace in the political field, the League has been equally engaged on the vital and difficult task of organising international economic relations. In 1927, the whole question of the nature, cause and cure of the post-war economic depression came before the League, which had collected and prepared a mass of information and summoned a world conference of representatives of the chief economic interests in all States. The Conference, which included nationals of the United States of America and the Union of Socialist Soviet Republics, voted a series of principles and unanimous recommendations on commerce, industry and agriculture. The outcome was a number of enquiries, investigations and efforts which are still being pursued. In 1929, in order

to secure Governmental support and authority for this work, the Tenth Assembly decided to summon another conference, not of experts, as in 1927, but of Government representatives. For the first time, the Ministers responsible for the economic affairs of the various European countries came together in conference at Geneva.

They concluded a commercial convention, and adopted a programme of subsequent negotiations. This great effort, which aims at applying methods of international co-operation to economic problems as a whole, is still in its infancy. There are numerous difficulties and serious obstacles to any considerable advance. As in the organisation of peace and disarmament, progress is slow and uneven. Success depends upon the good-will and determination of Governments and public opinion of all countries.

To-day the League has fifty-four members. In 1920, when the First Assembly met, it had forty-two. Albania, Austria, Bulgaria, Costa Rica,[1] Finland and Luxemburg were admitted at that Assembly; Estonia, Latvia and Lithuania joined the League at the Second Assembly (1921); Hungary at the Third (1922); Abyssinia and the Irish Free State at the Fourth (1923); the Dominican Republic at the Fifth (1924). Germany joined at the Seventh Assembly (1926).[2]

The League now includes all the countries of Europe except Russia; all the Latin-American countries [3] except Brazil, Costa Rica, Ecuador and Mexico; all the countries of Asia except Afghanistan, Hedjaz and Turkey; and the whole of Africa except Egypt. There was only one State Member not represented at the Assembly of 1929.

The League maintains relations with most of the States which are not members. It is in close touch with the United States

[1] Costa Rica ceased to be a Member on January 1st, 1927.

[2] In the same year, Brazil and Spain gave notice of withdrawal; but before the expiry of the two years which must elapse before a notice of withdrawal becomes effective Spain announced that she was resuming her full membership. Brazil, on the other hand, confirmed her notice of withdrawal and ceased to be a Member.

[3] The Argentine has not sent representatives to the Assembly since the withdrawal of its delegation at the First Assembly in 1920, but it has taken part on several occasions in the work of various League technical and political bodies either through representatives of the Government or through experts.

of America, now co-operating in all its technical activities. American experts are members of several committees of the Communications and Transit Organisation, of the Health Committee, the Committee on Intellectual Co-operation, the Committee of Experts for the Progressive Codification of International Law, the Financial Committee, the Fiscal and Economic Committees and the Advisory Commission for the Protection and Welfare of Children and Young People. The Rockefeller Foundation makes grants for the interchanges of public health officers, the Epidemiological Service and other activities of the Health Organisation; for the period 1930–1934, these grants have been raised to nearly $725,000. Mr. John D. Rockefeller, Junior, has given $2,000,000 to erect and equip the future library of the League. The American Red Cross has assisted in the refugee work. The American Bureau of Social Hygiene has subsidised enquiries into the traffic in women and into the cultivation of the opium poppy in Persia. The United States Government has sent delegations to the Opium Conferences, the Third Conference on Communications and Transit, the Conferences for the Abolition of Import and Export Prohibitions and Restrictions and the Conference on the Codification of International Law. It is represented on the Preparatory Commission for the Disarmament Conference.

The Turkish Government has on several occasions taken part in the Council's proceedings. It is represented on the Preparatory Disarmament Commission and on the Commission on Arbitration and Security, and it usually sends representatives to technical conferences.

Egypt, Mexico and Ecuador attend such conferences from time to time. The U.S.S.R. has been represented at several conferences, and sends representatives to the Preparatory Commission for the Disarmament Conference.

It may reasonably be claimed that, through the scope of its activities and through the importance of the problems submitted to it, through the number of its Members and through its extensive co-operation with non-members, the League of Nations has gained a central place in international life and politics. There are scarcely any countries that are not associated with it in some form, whether as Members or not, and a glance at this volume's table of contents will show that

there is hardly a feature of international life, still less of inter-Governmental co-operation, that does not fall within the province of the League.

The foundation-stone of the new League buildings to be erected at Geneva was laid on September 7th, 1929, and on that day the delegate of Belgium, M. Paul Hymans, recalled the First Assembly, of which he was President, in the following words:

"Ten years ago we were, so to speak, in the air. We were embarking upon an undertaking that aroused anxieties and even hostility, as well as smiles and scepticism. Some people told us that we were starting a great experiment—those were the optimists—while others said that we were plunging into a risky adventure. Well, we have come through our adventure and come to grips with realities, and our experiment has succeeded. We have served, and we shall continue to serve, a great ideal, which is filling an increasingly important place in the minds of the young. The younger generation is pushing us on; it will reap the fruit of our labours and, I am convinced, will sow the seeds of later harvests."

* * *

It may be useful to give a broad outline of the way in which the League is organised.

The League is an association of Governments. Its constitution is contained in the Covenant, which, during the period under review, underwent no substantial modification. During the first few years, certain articles, in particular Articles 10 and 16, gave rise to exhaustive discussions in the Assembly. Amendments proposed in Article 16 did not come into force owing to an insufficient number of ratifications; and a resolution interpreting Article 10 was not unanimously adopted. In both cases, however, the Assembly expressed the opinion that the resolutions submitted would serve for the future guidance of the competent League organs.

The only amendments ratified were on points of procedure. An amendment to Article 4 lays down the conditions in which the Assembly draws up the rules for the election of the non-permanent Members of the Council; another, to Article 6, concerns the allocation of the League's expenses. A third, which owes its existence to the creation of the Permanent Court of International Justice, consists in the addition to

several Articles (12, 13 and 15) of a clause on the judicial settlement of disputes.

Proposed amendments to bring the Covenant into harmony with the Paris Pact have been included in the Agenda of the Eleventh Assembly (September 1930).

The principal organs of the League constituted under the Covenant are the Assembly, the Council, the Secretariat and the Permanent Court of International Justice. The organisation of the Court is analysed in detail in a special chapter. The International Labour Organisation which has its own Statute—embodied in Part XIII of the Peace Treaties—must be placed in a separate category.[1]

The Assembly. The Assembly consists of representatives of all the Members of the League and, as a general rule, meets annually in September. It may also meet at such times as the Assembly at a previous meeting, or the Council, may decide by majority vote. A special session of the Assembly may be summoned at the request of one or more Members approved by a majority of the Members. This has only happened on one occasion—in March 1926—when Germany applied for admission to the League.

Each delegation is composed of not more than three principal delegates, with substitute delegates and technical advisers, and has only one vote. The Covenant contains no stipulations regarding the selection of delegates, and Governments are free to appoint them in whatever way they please.

The Assembly may deal with any matter within the sphere of action of the League or affecting the peace of the world. Other special functions are the control of the budget, the admission of new Members, the periodical election of the non-permanent Members of the Council, and the election, concurrently with the Council, of the judges of the Permanent Court. The Assembly may from time to time advise the re-consideration by Members of the League of treaties which have become inapplicable, or the consideration of international conditions whose continuance might endanger the peace of the world.

In practice, the Assembly has become the general directing body of the League; it reviews the work of the past year

[1] For details concerning the International Labour Organisation, see the publications of the International Labour Office.

and lays down the lines on which the League is to proceed in the ensuing year.

The sessions of the Assembly are summoned by the President of the Council, through the Secretary-General, and the summons is addressed to Members not less than four months before the opening of the session.

The agenda of a general session includes a report on the work of the Council since the last session of the Assembly, on the work of the Secretariat and on the measures taken to execute the decisions of the preceding Assembly; all items whose inclusion has been ordered by the Assembly at a previous meeting; any item proposed by the Council or by a Member of the League; and, finally, the budget. The rules of procedure provide for the inclusion of further questions in the course of the session.

The Assembly opens under the temporary presidency of the Acting President of the Council. Its first business is the election of its President and six Vice-Presidents who, with the Chairmen of the six main Committees of the Assembly, form the General Committee for the conduct of the business of the Assembly. These elections have regard so far as possible to the main currents of international life, so that the various forms of civilisation and the various political interests may be represented.

The real work of the session begins with a debate on the report of the Council and on the action taken on the decisions of the preceding Assembly. At the conclusion of this debate, the Assembly divides its work amongst six general Committees which, in themselves, are small Assemblies, as each State is represented on all of them. These Committees deal with: (1) legal and constitutional questions; (2) the work of the technical organisations; (3) disarmament; (4) budget and internal administration; (5) social questions; (6) political questions.

The Committees consider all reports presented to the Assembly by various League bodies and make recommendations to the Assembly. An account of the discussions and conclusions is made to the Assembly by rapporteurs appointed by each Committee. This may become the occasion for a debate in the plenary Assembly, with which rests the final decision on the resolutions and reports submitted by the Committees.

The Council.

The Council, which consists to-day of five permanent and nine non-permanent Members, was intended at the outset to consist of five permanent Members (the British Empire, France, Italy, Japan and the United States) and four non-permanent Members elected periodically by the Assembly. The original number of permanent Members was reduced to four, owing to the failure of the United States to ratify the Versailles Treaty. Subsequently, the composition of the Council was modified, in accordance with a provision of the Covenant by which the number of seats, either permanent or non-permanent, may be increased by a unanimous decision of the Council, with the approval of a majority of the Assembly.

The first modification took place in 1922, when the number of non-permanent Members was increased from four to six. The second increase took place in September 1926, when the Seventh Assembly raised to fourteen the total number of Members—five permanent (the British Empire, France, Germany, Italy, Japan) and nine non-permanent. That Assembly also adopted new rules governing the method of election, terms of office and conditions of re-eligibility of non-permanent Members. Under the new scheme, the Assembly, at its ordinary session, elects each year three non-permanent Members for three years and they take office immediately on election. A retiring Member cannot stand for re-election during the three years following the expiration of its term of office, unless the Assembly, on the expiration of a Member's term of office or during the course of the three subsequent years, decides by a two-thirds majority that such a Member is re-eligible. The number of Members re-elected after having been previously declared re-eligible is restricted so as to prevent the Council from containing at the same time more than three re-elected Members. So far two States have been declared re-eligible—Spain and Poland.

Each Member of the Council has one representative and one vote. Any Member of the League not represented on the Council is invited to sit as a Member during the consideration of questions especially affecting its interests.

The Council met eleven times in 1920—its period of organisation. At that moment, the Secretariat consisted of a small nucleus of officials; committees were non-existent, and the

Assembly had not yet met. The Council was the sole instrument of work at the League's disposal, and it was therefore necessary for it to meet more frequently. In 1921, the number of its meetings was reduced to five (two in September, one in March, one in June and one in December). In 1929, the Council decided upon a further reduction of the number of its meetings. It now sits four times a year—on the third Monday in January, the second Monday in May and twice in September (three days before the Assembly and immediately after the election of the non-permanent Members). The Council may hold extraordinary sessions. In cases of emergency, it is the Secretary-General who is charged with the duty of summoning a meeting forthwith at the request of any Member of the League.

Like the Assembly, the Council deals with any question coming within the sphere of action of the League or affecting the peace of the world. Some special functions are assigned to it by the Covenant, such as the supervision of the mandates system and the preparation of plans for the limitation of armaments. The Peace Treaties entrusted it with other duties concerning the government of the Saar Territory, the Free City of Danzig and the protection of minorities.

Each year, after the Assembly's session, the Council appoints from among its members, rapporteurs who, throughout the year, make a special study of the subjects on its agenda (mandates, transit, economic and financial questions, disarmament, etc.). These rapporteurs are responsible to their colleagues for the reports on the progress of the work; they propose the necessary consultations and conferences, and suggest resolutions on the action to be taken by the Members of the League. In the event of a political dispute, the Council appoints a special rapporteur who explains the circumstances, suggests methods of settlement and gives a public account of the decisions reached by the Council.

The presidency changes at each session according to the alphabetical order of the names of the States in French. Most of the Council meetings are public. Private meetings are attended by the representatives of States Members and the competent officials of the Secretariat. The minutes of Council proceedings, whether private or public, are subsequently printed and published.

The Secretariat.

The Secretariat is the civil service of the Council and the Assembly, and of the Committees which are described later. During the sessions, the Secretariat prepares the minutes and is responsible for administrative details. Between the sessions, it prepares the work of future meetings and supervises the execution of the decisions adopted.

At the head of the Secretariat there is a Secretary-General, assisted by a Deputy Secretary-General and several Under-Secretaries-General.

The first Secretary-General, Sir Eric Drummond, is nominated in the Covenant. Subsequently, the Secretary-General will be appointed by the Council with the approval of a majority of the Assembly. The staff of the Secretariat is appointed by the Secretary-General, with the approval of the Council, and is divided into sections according to subjects, not according to nationality. The principal sections are under the control of a Director, assisted in certain cases by heads of departments or chiefs of section, and include a number of officials known as Members of Section. The number of Members of Section is at present 102 and the total staff, including all the clerical services, comprises about 670 persons, drawn from fifty-one countries.

The principal sections of the Secretariat are the Political Section, the Financial and Economic Section, the Transit Section, the Section for Minorities and Administrative Commissions (the Saar and Danzig), the Mandates Section, the Disarmament Section, the Health Section, the Social Section (Opium and Protection of Children and Young People), the Section for Intellectual Co-operation and International Bureaux, the Legal Section and the Information Section.

The department of the Treasurer is responsible for the financial administration of the League.

The Secretariat as at present organised is based on the decisions of the Committee which met in 1919, on the report of Earl Balfour (May 1920), and on the report of the Noblemaire Commission of Enquiry which was approved by the Assembly in 1921.[1]

[1] The Tenth Assembly in 1929 expressed the opinion that, although the organisation had, generally speaking, proved satisfactory, certain modifications seemed desirable. It accordingly requested a special committee, known as the

The Balfour report recommended that, in appointing the staff, the Secretary-General should endeavour to secure the assistance of the men and women best qualified to perform the duties assigned to them, whilst taking account of the necessity for selecting persons from different nationalities. No nation or group of nations should have the monopoly of furnishing the staff for an international organisation. "The members of the Secretariat, once appointed, are no longer in the service of their own country, but become for the time being exclusively officials of the League. Their duties are not national but international."

Registration of Treaties.

One of the duties of the Secretariat is to register and publish all treaties and international understandings communicated to it under Article 18 of the Covenant. By the end of May 1930, 2,330 treaties or international understandings had been registered. About 300 are deposited for registration every year, covering every sort of international relation from political treaties (arbitration, security guarantees, treaties of friendship, etc.) to technical agreements (customs, postal, sanitary, etc., conventions). By June 1930, the Secretariat had published ninety-four volumes of about 450 pages each, containing the texts of some 2,160 treaties. The treaties are published in the two official languages of the League, English and French. They are also published in their original texts, if that is neither English nor French. The addition of the English and French translations to the original text, which may be in a little-known language, gives equal publicity to all international understandings.

The Technical Organisations and Advisory Committees.

To deal with technical questions and to perform various duties assigned to it, the League appointed a number of auxiliary organs of the Council. These are known as the Technical Organisations and the Advisory Committees.

The Technical Organisations are peculiar to the League. They are modelled, in principle, on the League as a whole; that is to say, they consist of a standing committee, corresponding

Committee of Thirteen, to study what steps could be taken to ensure the best possible administrative results for the Secretariat, the International Labour Office and the Registry of the Court.

to the Council, a general conference of Government representatives, corresponding to the Assembly, and a secretariat, which forms a section of the Secretariat-General of the League.

There are three organisations of this kind: the Economic and Financial Organisation, the Organisation for Communications and Transit and the Health Organisation. Each deals with problems arising in its own special field; acts as an organ of conciliation for conflicting interests, and co-ordinates the work of national administrations; gives Governments expert assistance if they so require; and studies subjects suitable for treatment by international conventions.

In addition to the technical organisations, there are a number of advisory commissions. Some are permanent, like the Advisory Commission on Military, Naval and Air Questions, the Mandates Commission, the Advisory Committee on the Traffic in Opium, the Committee for the Protection of Children and Young People, the Committee on Intellectual Co-operation. Others are temporary, that is, they cease to exist when they have finished the special duties assigned to them and made their reports. The temporary commissions include the Preparatory Commission for the Disarmament Conference, the Committee of Experts for the Progressive Codification of International Law, etc.

Like the technical organisations, the advisory commissions consist either of members chosen by the Council in a private and personal capacity or of members officially designated by Governments to serve as experts. In the first case, the members sit in an individual capacity, in the second they represent their Governments.

Special committees are sometimes appointed by the Council to follow a question of particular interest at the moment. This category includes commissions of enquiry, such as those set up to study the Mosul and Memel questions. On some occasions, the League seeks the assistance of investigators or commissioners who, under the auspices of the Council, perform special duties or supervise the execution of particular decisions.

International Institutes.

To the list of the League Organisations have been added three recently created institutes of a special kind: namely, the International Institute of Intellectual Co-operation, which was founded in Paris by the French Government, and the two Rome

institutes founded by the Italian Government—the International Institute of Private Law and the International Educational Cinematographic Institute.

International Bureaux.

Article 24 of the Covenant contains the conditions in which international bureaux and commissions originated outside the League before or after the coming into force of the Covenant shall be placed under the authority of the League. The international organisations which have come under League auspices in this way are: the International Bureau of Assistance established to relieve and repatriate foreigners in distress for lack of money; the International Hydrographic Bureau established at Monaco to provide permanent co-operation between the hydrographic services of all countries and to co-ordinate their work for making navigation easy and safe throughout the seven seas; the Central International Office for the Control of the Trade in Spirituous Liquors in Africa; and the International Air Navigation Committee.

The Section of the League Secretariat occupied with this branch of work publishes a list of international organisations (associations, bureaux, commissions) and data on the nature and activities of a large number of them. It also publishes a *Quarterly Bulletin* on the work of these organisations based on reports periodically communicated to the League.

The League Building.

The seat of the League is at Geneva, where most League meetings are held and where the Secretariat is established. The Council, conferences and committees of the League meet in the Secretariat building; the Assembly, which is too large to meet in the Secretariat, held its sessions in the Reformation Hall during the first ten years. The League has decided to build permanent headquarters situated in Ariana Park, and plans for these have been adopted.

CHAPTER I

THE PEACEFUL SETTLEMENT OF DISPUTES

The League and the Maintenance of Peace · I.—The Covenant and the Peaceful Settlement of Disputes. II.—Survey of the Political Activities of the League. III.—A Few Typical Cases in which the Covenant has been applied.

The League and the Maintenance of Peace

The main purpose of the League, which may be said to be born of the war, is to prevent war from breaking out again. The Covenant provides a system of obligations and procedure for the peaceful settlement of disputes, and it is on these articles of the Covenant that the "peace-keeping" or "political" activity of the League is based. It will be well to analyse them briefly before illustrating the use to which they have been put and the way in which they have been applied during the last ten years.

I. The Covenant and the Peaceful Settlement of Disputes

The Covenant contains two kinds of provisions—those of Article 11, which are directed to keeping the peace by prompt handling of situations that may lead to war; and those of Articles 12, 13 and 15, which contain obligations and procedure for settling disputes that are "likely to lead to a rupture."

In practice, the distinction is not always clear. The Council's attention may be drawn to a dispute without particular reference being made to any one article of the Covenant, or the parties may refer to several articles. The Council, acting under Article 11, may be compelled by force of circumstances to recommend measures which will indirectly affect the dispute; and, conversely, when acting under Article 15, it may have to recommend measures to avoid a rupture instead of confining itself to the actual points at issue.

Article 11 reads as follows:

Article 11 of the Covenant and the Prevention of War.

"1. 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. In case any such emergency should arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

"2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends."

The first paragraph, contemplating the case of a war or threat of war, imposes on the League the duty of taking any action that may be deemed wise and effectual to safeguard the peace of nations. This very wide formula leaves the Council, which alone is to intervene in such cases, the greatest latitude in the choice of appropriate measures.

The second paragraph contemplates the less serious case of "any circumstance whatever affecting international relations." There is no immediate threat of war, but such a threat may subsequently develop. The Council (or the Assembly) may be asked to consider the position, and the Covenant recognises that it is the right of any State Member of the League—and therefore of a third party—to submit a dispute to the League without any possibility of this being regarded as an unfriendly act.

Article 12 contains a General Obligation to settle Disputes by Peaceful Means.

Articles 12, 13, 14 and 15 refer to various procedures for the purpose of settling disputes between Members of the League.

Article 12 formulates on general lines the obligations of Members of the League. It begins as follows:

"The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement

or to enquiry by the Council, and they agree in no case to resort to war until three months after the award of the arbitrators or the judicial decision or the report by the Council."

This binds the Members of the League to submit all their disputes to a procedure of peaceful settlement. But the procedure may be either judicial settlement, settlement by arbitration, or enquiry by the Council (or Assembly).

Articles 13 and 15 show in what cases the parties to the dispute resort to one or other of these procedures.

Article 13 and Judicial or Arbitral Settlement.

Judicial or arbitral settlement is dealt with in Article 13. By judicial settlement is meant a settlement effected by an international court in the proper sense of the term—that is to say, a court which is permanent and composed of a fixed number of judges. The Permanent Court of International Justice is the type of such a tribunal. Arbitration takes place through tribunals composed of one or more arbitrators specially appointed to deal with a particular case or a series of cases.

By Article 13 :

> " The Members of the League agree that, whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration or judicial settlement and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.
>
> " Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement."

Disputes are submitted to arbitration or judicial settlement only if all the parties so desire. The parties may give effect to their desire to resort to arbitration or judicial settlement in a number of ways. They may decide, by a special treaty known as a *compromis* or arbitral agreement, to submit one or more particular disputes to the Permanent Court of International Justice

or to an arbitral tribunal. They may go further and decide, by concluding a permanent arbitration treaty, that all or certain categories of future disputes between them shall be submitted to arbitration or judicial settlement. States which take this step have to that extent accepted compulsory arbitration—a generic term which embraces judicial settlement as well as settlement by arbitration.

At the present time, twenty-nine countries are bound by the Optional Clause—*i.e.*, paragraph 2 of Article 36 of the Statute of the Permanent Court of International Justice—which makes the jurisdiction of the Court compulsory in certain classes of disputes of a legal character. Five States are bound by the General Act of Arbitration of September 28th, 1928. There are also a large number of bilateral treaties making arbitration or judicial settlement compulsory in disputes that may arise between the parties to such treaties.[1]

Where there is recourse to arbitration or judicial settlement, "the Members of the League agree that they will carry out in full good faith any award or decision that may be rendered." The parties to the dispute and the other Members of the League undertake " that they will not resort to war against a Member of the League which complies " with such award or decision. This establishes by implication the right to resort to war against a State which does not comply with the award or decision. But there must in no case be any resort to war " until three months after the award or decision." If an award is not carried out, the Council shall " propose what steps should be taken to give effect thereto."

Article 15 and Enquiry by the Council.

If a dispute that arises between Members of the League is not submitted by agreement between the parties to arbitration or judicial settlement, any party may, under Article 15 of the Covenant, bring it before the Council (or Assembly) and the other parties are bound to appear.

The Council (or Assembly) does not act as a judge or arbitrator under Article 15, for it has no power to impose a settlement. All it can do is to endeavour to effect a settlement by agreement or to suggest a solution which the parties are at liberty to reject. In other words, the Council and Assembly, broadly speaking, act as conciliators. They both have the same powers and

[1] See Chapter III: " International Justice."

follow the same procedure, apart from certain details that are mentioned later.

It may be advisable first to consider, as the Covenant does, the case in which the dispute is submitted to the Council. As soon as this is done, the Secretary-General of the League " will make all necessary arrangements for a full investigation and consideration " of the dispute. " For this purpose, the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relative facts and papers, and the Council may forthwith direct the publication thereof."

The Council then tries to effect a settlement by agreement. If it succeeds, its work is finished. " A statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate." If the Council fails to settle the dispute, it makes and *publishes* a report. This report has different effects according to whether it is adopted unanimously or by a majority vote. " If," says paragraph 6 of Article 15, " a report by the Council is unanimously agreed to by the Members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report." This paragraph does not put an obligation on the parties to comply with the recommendations. All it does is to provide that no Member of the League may go to war with a party which does so comply.[1]

If the Council's report is agreed to merely *by a majority vote*, it does not, strictly speaking, produce any legal effect. The parties and the other Members of the League remain free. Paragraph 7 of Article 15, which deals with this contingency, states that " the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice."

If the case is submitted, not to the Council, but to the Assembly, the procedure is the same, except that, according to paragraph 10 of Article 15, " a report made by the Assembly,

[1] An amendment proposed in connection with bringing the Covenant into harmony with the Peace Pact would make a unanimous report under paragraph 6 of Article 15 binding on the parties. This amendment is to be discussed at the Eleventh Assembly.

if concurred in by the representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the Members thereof other than the representatives of one or more of the parties to the dispute."

The procedure of enquiry and report by the Council (or Assembly) is doubly important, for it may induce the parties to settle their dispute, and in any event it binds them not to go to war within a certain period. Article 12 declares that the Council shall make its report within six months after the submission of the dispute and that Members of the League must in no case resort to war until three months after the report by the Council (or the Assembly). That makes a total of nine months during which resort to war in any circumstances is forbidden.[1]

If a dispute arises between a Member of the League and a State which is not a Member of the League, Article 17 provides that " the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just."

The State which is not a Member may accept the invitation. The Council then acts under Articles 11–16.

The State may refuse the invitation. None of the procedures provided for in Articles 12 to 15 then applies. If, however, a State which is not a Member of the League resorts to war against a Member, it may incur sanctions under Article 16.

In the case of a dispute between States that are not Members of the League, the same invitation may be given. If they refuse it, the Covenant simply provides that " the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute."

The Covenant is a fairly comprehensive system for keeping the peace and settling disputes, and relies largely on imposing a period of compulsory delay and discussion to prevent States precipitating a crisis by hasty action and to allow time for reflection.

[1] In order to bring the League Covenant into harmony with the Pact for the Outlawry of War (or Briand-Kellogg Pact), amendments have been drafted that make it unlawful ever to resort to war. The Eleventh Assembly, in September 1930, will be called upon to decide as to the adoption of these amendments.

Since the League was founded, the Council's functions have been extended by a number of treaties and conventions—some concluded through the League and others not—empowering it to settle disputes or to give administrative decisions which will prevent disputes from arising. The Convention on the demilitarisation and neutralisation of the Aaland Islands, the Convention between Germany and Poland concerning Upper Silesia,[1] the Memel Convention,[1] the Treaty of Lausanne and the Locarno Agreements, are examples of this type of agreement in one form or another.

II. Survey of the "Political" Activities of the League

Some thirty disputes have been brought before the League during the first ten years of its existence.[2]

Some of them, like those relating to frontiers in Central Europe, were referred to the League under specific provisions in the treaties; some were submitted through the Government of one of the States Members (the Aaland Islands, the Albanian question); others through the Supreme Council or the Conference of Ambassadors. Most of them were dealt with by the Council; a few by the Permanent Court of International Justice, to which they were referred either by the parties themselves or by the Council. Two only were brought before the Assembly.

[1] See Chapter XI: "The Protection of Minorities."

[2] *Disputes submitted to the Council (or Assembly)*

1920.—Dispute between Persia and the Soviet Union; Aaland Islands question; Polish-Lithuanian dispute.

1921.—Dispute between Bolivia and Chile (Tacna-Arica question), dispute between Costa Rica and Panama; appeal of Albania in connection with the delimitation and violations of the Albanian frontier; question of Upper Silesia.

1922.—Question of Eastern Carelia, raids on the territories of the States bordering upon Bulgaria; Austro-Hungarian frontier (Burgenland); Serbo-Hungarian frontier; frontier between Hungary and Czechoslovakia (Salgo-Tarjan); nationality decrees in Tunis and Morocco.

1923.—Expropriation by the Roumanian Government of the estates of Hungarian optants; Bulgarian inhabitants of Western Thrace; delimitation of the frontier between Poland and Czechoslovakia in the region of Spisz (Javorzina); dispute between Greece and Italy (Corfu); status of the Memel territory; position of Moslems of Albanian origin in Greece.

1924.—Question of the frontier between Albania and the Kingdom of the Serbs, Croats and Slovenes at the Monastery of St. Naoum; question of the frontier between Turkey and Iraq (Mosul question); Moslems of Albanian origin

The majority were in a sense legacies of the war. The Aaland Islands question, the Memel question, the Polish-Lithuanian dispute, the delimitation of the Iraq frontier (better known as the Mosul question) were consequences of the territorial and political changes that took place as the outcome of the war in Northern Europe and in the Turkish Empire. Similar changes due to the same cause raised, or revived, in Europe the Albanian question and that of raids by armed bands on the territories of the States bordering upon Bulgaria; the question of the treatment by the Greeks of the Bulgarians in Western Thrace, and that of the Moslems of Albanian race in Greece; the question of the Greeks settled in Constantinople, and that of the Œcumenical Patriarchate.

The Upper-Silesian question, that of the "Hungarian optants," and the various questions connected with the delimitation of frontiers in Central Europe (Hungary's frontiers with Austria, Czechoslovakia and Yugoslavia; the frontier between Poland and Czechoslovakia; the frontier between Greece and Turkey) were primarily due to differences of interpretation in the application of the treaties.

These questions differed in importance. Some of them seemed at one time to represent a serious threat to peace. Others affected local or national interests of considerable importance. All of them, before they were submitted to the League, had given rise to lively discussions, and some had aroused such strong feeling that between the countries directly concerned definite tension was created influencing considerably their home and foreign policies.

in Greece, appeal of the Albanian Government under Articles 12 and 15 of the Covenant; exchange of Greek and Turkish populations.

1925.—Expulsion of the Œcumenical Patriarch from Constantinople; frontier incident between Bulgaria and Greece.

1926.—Delimitation of the frontier between Greece and Turkey (Maritza question).

1927.—"Hungarian optants" case; alleged infringements of the autonomy of the Memel territory, Polish-Lithuanian dispute; case of the cruiser *Salamis*.

1928.—Request of the Albanian Government concerning questions relating to Albanian properties in Greece and the Albanian minority in Greece; dispute between Bolivia and Paraguay.

Details of all these questions will be found in the *Official Journal* for the years in question; in the annual reports of the Council to the Assembly; in the Information Section's two pamphlets entitled "Political Activities" (Volumes I and II), and in the "League from Year to Year" (1926–1927; 1927–1928; 1928–1929). For bibliographical references, see also Annex II at the end of this book

The Council of the League has not finally settled every political question brought before it, but it has always contributed greatly to their settlement, and has helped to remove other causes of conflict by calming public opinion. In the only case (the Greco-Bulgarian incident) in which hostilities had actually broken out, they were stopped by the Council. In short, Articles 11 and 15 of the Covenant, general as their terms are, have enabled the Council, whenever its services have been requested to meet its responsibilities.

In most cases it is Article 11, and especially the second paragraph, that has been invoked. Reference has also been made to the first paragraph, as in the Greco-Bulgarian case. Submission of disputes to the Permanent Court of International Justice (or to an arbitral tribunal) as contemplated in Article 13 of the Covenant, is a practice that has been widely adopted, through the negotiation of bilateral or general arbitration treaties (*e.g.*, the General Act), or by the acceptance of the compulsory jurisdiction of the Court (the " Optional Clause "). The issues which have been referred to the Court are described elsewhere.[1]

There have also been several cases in which the enquiry and report procedure of the Council (or Assembly) has been applied under Article 15 of the Covenant, applicable to disputes likely to lead to a rupture that have not been referred to arbitration or judicial settlement.

It is not possible within the limits of this chapter to consider all the political questions dealt with by the League and to describe in detail the steps taken by it in each case; but it is desirable to illustrate the use that has been made of the articles of the Covenant and the way in which the Council works, by an analysis of a few characteristic cases.

III. A Few Typical Cases in which the Covenant has been applied

The Council has worked out, on the basis of the relevant articles of the Covenant, a technique of its own, the main aspects of which are illustrated by the examples which follow.

For this purpose, cases have been selected that were dealt with by the League: (1) under Article 11: the Aaland Islands question

[1] See Chapter III: " International Justice."

(Article 11, paragraph 2), the "Hungarian optants" case (Article 11, paragraph 2), Polish-Lithuanian relations (Article 11, paragraph 2), the Greco-Bulgarian affair (Article 11, paragraph 1); (2) under a clause in a special treaty (Article 3 of the Treaty of Lausanne): delimitation of the Iraq frontier (Mosul question); (3) in virtue of the Council's general mission to preserve peace: dispute between Bolivia and Paraguay.

1. *Cases where Article 11 was applied*

One of the first political questions that the League was called upon to settle was the dispute between Sweden and Finland regarding the Aaland Islands.

The majority of the inhabitants of the Aaland Islands appeared to desire union with Sweden; the Swedish Government, which supported their claims, endeavoured to negotiate with Finland on the subject. But the Finnish Government held that Finland's sovereignty over the islands was indisputable and decisive, and the conflict of views became increasingly sharp.

Cases of Circumstances which threaten to disturb Peace or Good Understanding. The Aaland Islands.

The controversy was brought before the Council in virtue of Article 11, paragraph 2, by a third party—the British Government. At that time, in 1920, Sweden was not a Member of the Council and Finland was not yet a Member of the League. It was therefore necessary to apply, in regard to Sweden, Article 4 of the Covenant, according to which "any Member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League." In regard to Finland, Article 17 was applied, whereby, in the case of a dispute between two States, one of which is not a Member of the League, that State "shall be invited to accept the obligations of membership in the League for the purpose of such dispute, upon such conditions as the Council may deem just."

A special meeting of the Council was held in London in July 1920. Finland maintained that the differences between her and the Aaland islanders were a matter solely within her domestic jurisdiction and that, under Article 15 of the Covenant, the Council was therefore not competent to deal with them. As the

Permanent Court of International Justice did not then exist, the Council, with the concurrence of both parties, appointed a commission of three international jurists—a Frenchman, a Dutchman and a Swiss—to give an advisory opinion on the point. The Commission decided that the Council was competent. The Council appointed a Committee of Enquiry—composed of a Belgian, a Swiss and an American—to examine the situation in the Islands and to furnish it with material on which to suggest a solution. On the basis of the Committee's report and after hearing the views of the representatives of the parties concerned—Swedes, Finns and islanders—the Council recognised Finland's sovereignty over the Islands, but made a concession to the claims of Sweden and the islanders by proposing: (1) new safeguards, under the League's guarantee, for the Swedish character of the population; (2) the conclusion of an international agreement for the neutralisation and demilitarisation of the archipelago.

This settlement was accepted by both Sweden and Finland; the Convention subsequently drawn up makes provision, in certain of its articles on nationality safeguards and observance of the neutrality of the zone, for the intervention of the Council.

The Hungarian Optants. Polish-Lithuanian Relations.

The following two cases—the so-called "Hungarian optants" case and the question of Polish-Lithuanian relations—show how the Council acts under Article 11, paragraph 2, of the Covenant. In both instances, the matter was referred to the Council, not by a third State, but by one of the two parties.

The "Hungarian optants" have been almost constantly on the Council's agenda from 1927 to 1930, and first appeared in 1923.[1] The second was an aftermath of the Polish-Lithuanian dispute over Vilna, which came before the Council as early as 1920.

Article 11 is one of the Articles under which the decision of the Council must be unanimous and include the votes of the

[1] In 1923, it was the Hungarian Government that first referred the case of the "optants" to the Council under Article 11. In 1927, the Roumanian Government decided that its arbitrator should no longer sit on the Roumano-Hungarian Mixed Tribunal when dealing with any of the agrarian cases brought by Hungarian nationals, and applied to the Council under Article 11 for leave to submit its reasons for this attitude. The Hungarian Government, on the other hand, requested the Council to proceed, in accordance with Article 239 of the Treaty of Trianon, to appoint two substitute members to enable the tribunal to continue its proceedings.

parties to the dispute—that is to say, the proposals of the Council must be agreed to by the parties and no decision can be arrived at without their consent. This circumstance was the determining factor in the procedure followed by the Council, which included public statements by the parties, examination of the question by a rapporteur in consultation with the other Members of the Council including the parties, and an attempt to reconcile or at least bring closer together the standpoints of the parties in order to establish the bases of an agreement acceptable to both; finally, the ground cleared, recommendations for direct negotiations between the parties.

The "Hungarian optants" problem was ultimately solved as part of the general financial settlement brought about by the Hague and Paris negotiations on reparations in Eastern Europe.

In the case of the relations between Poland and Lithuania, the Council declared "that a state of war between two Members of the League is incompatible with the spirit and the letter of the Covenant, by which Lithuania and Poland are bound." It noted the solemn declaration of the Lithuanian representative that "Lithuania does not consider herself in a state of war with Poland and that, in consequence, peace exists between their respective countries." It also noted the solemn declaration of the Polish representative "that the Polish Republic fully recognises and respects the political independence and territorial integrity of the Lithuanian Republic."

It recommended the two Governments to enter into direct negotiations "in order to establish such relations between the two neighbouring States as will ensure the good understanding . . . upon which peace depends."

Subsequently, the Council decided to have a very careful enquiry made, by qualified experts belonging to the Communications and Transit Organisation of the League or selected by it, into the technical difficulties (especially in communications and transit) that had resulted from the Polish-Lithuanian dispute and some of which were injuring the rights of third parties.

Cases implying a Threat of War.

The cases so far considered are those to which the Council's attention was drawn under paragraph 2 of Article 11. Of those arising under paragraph 1 of the same Article, which relates explicitly to cases where there is a war or a threat of war, the most typical and also—on account of the effect it

has had on the Council's practice—the most important, is the Greco-Bulgarian incident of 1925.

Greco-Bulgarian Dispute of 1925.

An incident occurred on the Greco-Bulgarian frontier on October 22nd, 1925, which involved firing and loss of life, and led to movements of troops and the occupation of Bulgarian territory by Greek forces.

In the theatre of operations a battle was imminent. The Greek Government had ordered its troops to launch an offensive against Petritch on October 24th at 8.30 a.m. The forces in the field were sufficiently large to make serious consequences possible.

On October 23rd, 1925, the Bulgarian Government appealed by telegram to the Secretary-General. An hour later the President of the Council despatched the following telegram from Paris [1]:

> "Acting President of the Council to the Greek and Bulgarian Governments.
>
> "The Secretary-General, acting under Article 11, has convoked a special meeting of the Council on Monday next in Paris. The Council, at that meeting, will examine the whole question with representatives of the Bulgarian and Greek Governments. Meanwhile, I know my colleagues would wish me to remind the two Governments of the solemn obligations undertaken by them as Members of the League of Nations, under Article 12 of the Covenant, not to resort to war, and of the grave consequences which have been laid down for breaches thereof. I therefore exhort the two Governments to give immediate instructions that, pending the consideration of the dispute by the Council, not only no further military movements shall be undertaken [2] but the troops shall retire behind their respective frontiers.—BRIAND."

[1] It was subsequently ascertained that the order to suspend hostilities, which was despatched from Athens on receipt of the telegram from the President of the Council, did not reach the scene of hostilities until 6.0 *a.m.—only two and a-half hours before the attack on Petritch was to have been launched.*

[2] Injunctions of this kind aiming at the maintenance of the *status quo* had on other occasions been sent to the interested parties—*e.g.*, to Poland and Lithuania on March 19th, 1925, in consequence of an alleged frontier incident. A similar procedure was followed later, in February 1926, upon a Lithuanian request regarding an alleged invasion of Lithuanian territory by Polish frontier-guards.

The message confines itself to the question of the cessation of hostilities, and does not touch, even indirectly, upon the rights and wrongs of the parties.

The Council was urgently summoned by the Secretary-General in accordance with the provisions of the Covenant and met two days later. It approved the action taken by the President. The representative of Bulgaria attempted to explain the origin of the dispute, but was interrupted by the President, who said that this must be reserved for a later stage of the proceedings.

> "At present," he declared, "what the Council requires of the parties is a reply to a simple question. The Greek and Bulgarian Governments have been invited, before anything further is done, to cease hostilities and to withdraw their troops behind their respective frontiers. I wish to know what response this intervention has received."

As it did not receive the assurances that it required, the Council proceeded to confirm the action of its President in the following terms:

> "The Council is not satisfied that military operations have ceased and that the troops have been withdrawn behind the national frontiers. It therefore requests the representatives of the two States to inform it within twenty-four hours that the Bulgarian and Greek Governments have given unconditional orders to their troops to withdraw behind their respective frontiers, and within sixty hours that all troops have been withdrawn within their national frontiers, that all hostilities have ceased, and that all troops have been warned that the resumption of firing will be visited with severe punishments.
>
> "The representatives of the two Governments are requested to arrange that instructions shall immediately be given to ensure the execution of these measures by the dates fixed for them.
>
> "In order to assist the Council and the two States, the Council requests France, Great Britain and Italy to direct officers who are within reach to repair immediately to the region where the conflict has broken out and to report direct to the Council as soon as the troops of both States have been withdrawn. . . . The two Governments are requested to

accord to the said officers all facilities that may be required for the execution of this mission."

The sequel to this resolution of the Council is best given in the actual words of the British, French and Italian military attachés who were despatched to the scene :

"Sidero Castro, October 28th, 1925, 8 p.m.

"Starting on the 27th, we were able to reach the scene of the conflict on the 28th at 2 p.m. thanks to the special trains placed at our disposal by the Yugoslav and Greek Governments. In the course of the evening we got into touch with the Greek and Bulgarian armies and notified them verbally and in writing of our decisions. Both parties formally undertook (1) to refrain from any further hostility, and (2) to warn their troops that any resumption of firing would be visited with the severest penalties.

"As regards the withdrawal of the Greek troops, which began to-day at noon and which, in the case of the artillery and cavalry, we observed ourselves, the Greek command has undertaken to complete the operation within the time-limits fixed by us—*i.e.*, by 8 a.m. to-morrow, 29th, without fail."

A further telegram, dated October 28th, announced that the Greek troops had completed the evacuation of Bulgarian territory on the previous day without incident, and that the attachés would continue to watch over the situation during the re-occupation of the territory by Bulgarian troops.

Comparison with 1914.

This may be regarded as the classic example [1] during its first decade of the League's method of action in an emergency. If it is compared with the means available when hostilities broke out in July 1914, it will be observed that, in 1925, in contrast with 1914 :

(1) Both parties were bound by treaty (Article 12 of the Covenant) not to resort to war.

(2) There was an organisation whose duty it was to remind them of this obligation.

[1] There are several other examples of experts or commissions being sent by the Council to superintend the execution of decisions or to put an end to hostilities—*e.g.*, the Polish-Lithuanian dispute about Vilna and the Mosul question.

(3) This organisation was in a position to take action. (Its permanent staff learned of the danger through ordinary news channels. Within a few hours, this was followed by the appeal from the Bulgarian Government, which was immediately transmitted by the Secretary-General to the President of the Council.)

(4) The Council concentrated on the task of securing the immediate cessation of hostilities, thus separating the determining causes of the conflict from its predisposing causes. It is hardly necessary to recall that this distinction did not clearly exist in the public mind in 1914.

(5) The Council, in its further action, maintained this distinction by despatching to the field of operations experts qualified to deal, and instructed to deal only, with the problem of securing the cessation of hostilities.

(6) When the cessation of hostilities had been assured, the circumstances of the dispute were made the subject of a further enquiry by another body of experts specially qualified for that task.

Once the danger of hostilities had been removed, the Greco-Bulgarian question became simply a political dispute of the type ordinarily submitted to the Council. A commission of enquiry was sent to the scene of the conflict. In three weeks, it established the degrees of responsibility, fixed the compensation to be paid, and recommended the Council to prescribe to the two parties a number of military and political measures designed to restrict the scope of such incidents and to prevent their recurrence. Both parties accepted the Council's decision, as they had undertaken to do at its first meeting. Subsequently, they sent regular reports to the Council on the execution of its recommendations.

Council's Report of December 1927.

One of the advantages of the settlement of the Greco-Bulgarian conflict was that it drew attention to the importance of preventive action on the part of the Council. The steps taken to ensure the rapid working of the organs of the League in an emergency [1] and the draft Treaty of Financial Assistance for States are described elsewhere. Here, it is necessary to summarise the report drawn up at the request

[1] See Chapter II: "Disarmament and the Organisation of Peace."

of the French delegation to the Preparatory Commission on Disarmament by a Committee of the Council composed of M. de Brouckère, Viscount Cecil of Chelwood and M. Titulesco. This is the "Report on methods or regulations which would enable the Council to take such decisions as may be necessary to enforce the obligations of the Covenant as expeditiously as possible."

Taking the view that there might be some difficulty in establishing fixed rules for the Council's action in the cases contemplated in Article 11, the Committee did not attempt to draft regulations or to give an interpretation of the Article. It merely indicated the steps which it thought the Council might take in various circumstances. These steps are based primarily on the resolutions adopted by the Assembly and the Council, and on precedents established in connection with disputes settled by the Council in the past, particularly the Greco-Bulgarian dispute.

The Council approved this report in December 1927 and adopted it as a valuable guide which, without restricting the Council's liberty to decide at any moment the best methods to be adopted in case of any threat to peace, summarised the results of experience, of the procedure already followed and of the studies so far carried out with a view to the best possible organisation of its activities in emergencies.

The report makes a distinction between cases "where there is no threat of war or the danger is not acute" and cases "where there is an imminent threat of war." The measures indicated in cases where there is no threat of war are as follows:

(*a*) The Council will consider the question at a meeting, to be called specially if necessary, to which the contending parties will be summoned.

(*b*) The Council may request an organisation, or even appoint a private individual, to exercise conciliatory action on the parties.

(*c*) The Council may suggest that the dispute be referred to arbitration or judicial settlement, in accordance with the provisions of Article 13 of the Covenant.

(*d*) If there is any doubt about the facts of the dispute, a League commission may be sent to the *locus in quo* to ascertain what actually happened or is likely to happen. Such a commission could not go to the territory of either

party without the consent of the State to which that territory belongs.

(*e*) If necessary, the Council may, in appropriate cases, ask for an advisory opinion from the Permanent Court of International Justice, or, in special circumstances, it may appoint a committee of jurists to advise it.

Those applicable in cases where there is imminent threat of war are :

(*a*) Everything should be done to ensure that the Council meets with the greatest promptitude.

(*b*) Even before the Council meets, it is desirable that the Acting President should send telegraphic appeals to the parties to the dispute to refrain from any hostile acts.

(*c*) As soon as the Council meets, it will no doubt verbally urge on the representatives of the nations in dispute the great importance of avoiding a breach of the peace.

(*d*) The Council may take steps to see that the *status quo ante* is not disturbed in such a way as to aggravate or extend the dispute and thus to compromise a settlement by peaceful means. It may indicate to the parties any movements of troops, mobilisation operations and other similar measures from which it recommends them to abstain.

Similar measures of an industrial, economic or financial nature may also be recommended. The Council may request the parties to notify their assent to these points within the shortest possible period of time, the length of which will, if necessary, be fixed by the Council.

The nature and details of these measures obviously depend upon the whole of the circumstances of the dispute. In certain cases with which it has dealt, the Council has fixed a neutral zone on either side from which the parties to the dispute have been called upon to withdraw their troops.

(*e*) To satisfy itself of the way in which these measures have been carried out and to keep itself informed of the course of events, the Council may consider it desirable to send representatives to the locality of the dispute.

(*f*) Should any of the parties to the dispute disregard the advice or recommendations of the Council, the Council may manifest its formal disapproval. It may recommend its Members to withdraw all their diplomatic representatives

accredited to the State in question, or certain categories of them. Or it may recommend other measures of a more serious character.

(*g*) If the State in default still persists in its hostile preparations or action, further warning measures may be taken, such as a naval demonstration. Naval demonstrations have been employed for such a purpose in the past. It is possible that air demonstrations may within reasonable limits be employed. Other measures may be found suitable according to the circumstances.

The Council's report concludes with the following observation :

> " If, despite the measures recommended, a resort to war takes place, it is probable that events would have made it possible to say which State is the aggressor and, in consequence, it would be possible to enforce more rapidly and effectively the provisions of Article 16."

A year later, the Council's resolution of June 7th, 1928, dealing with " *measures to preserve the* status quo," made another improvement in its procedure. It established the text of a resolution to which the Secretary-General will call the attention of the Governments concerned as soon as a dispute has been placed on the Council's agenda in virtue of Article 11, paragraph 2, or other Articles of the Covenant such as Articles 13 or 15 (measures designed to ensure the execution of arbitral awards, disputes likely to lead to a rupture).

Under the terms of the Council's resolution, the Secretary-General will immediately communicate with the interested parties, directing their attention to the following clause of the resolution :

> " The Council considers that, when a question has been submitted for its examination, it is extremely desirable that the Governments concerned should take whatever steps may be necessary or useful to prevent anything occurring in their respective territories which might prejudice the examination or settlement of the question by the Council."

The Secretary-General was also instructed to request the States concerned, in the name of the Council, to forward their replies to him without delay, and to inform him of the steps taken.

Draft Convention to strengthen the Means of preventing War.

As the result of a suggestion made by the German delegation to the Preparatory Commission for the Disarmament Conference and of a resolution of the Tenth Assembly, a draft General Convention "to strengthen the means of preventing war" was framed in 1930 for submission to the Eleventh Assembly. It is based on a model treaty which was communicated to all Governments in 1928, and it was on the proposal of Great Britain that it was transformed into a General Convention.

The purpose of the draft Convention is to facilitate the action of the Council under the Covenant by undertakings assumed voluntarily in advance by the contracting States. The contracting parties would undertake, in the event of a dispute between them being submitted to the Council, to comply with any proposals made by the Council to prevent action that might aggravate the dispute or prejudice its solution by the creation of accomplished facts, and generally to abstain from all measures calculated to aggravate or extend the scope of the dispute.

If hostilities had already begun, the contracting parties would undertake to comply with recommendations the Council might make concerning the cessation of hostilities, more particularly an order to withdraw any forces which had advanced into the territory of another State or into a demilitarised zone.

2. *Cases in which a Special Clause of a Treaty is applied*

The Mosul Question.

The delimitation of the Iraq frontier (the Mosul Question) was brought before the Council of the League in 1924 by the British Government, on the basis of an article in the Treaty of Lausanne which stipulated that, failing an agreement between Great Britain and Turkey, the dispute should be submitted to the Council of the League. A number of different procedures were applied by the Council during the course of settlement, which took more than a year.

The question was first examined by the Council in September 1924. Both parties joined in the first discussion (Turkey, though not a Member of the League, was represented on an equal footing in virtue of Article 17 of the Covenant), after which the Council

decided to set up a Commission of Enquiry. As both countries complained of frontier incidents, the Council asked the two Governments to exert all their authority to maintain peace on both sides of the line (the *status quo* line), in accordance with a mutual undertaking contained in the Treaty of Lausanne. The representatives of the two Governments assured the Council that they would not permit any military or other movement calculated to alter the *status quo* in the territories. Differences subsequently arose between the British and Turkish Governments over the interpretation of the passage in the Council's resolution dealing with the maintenance of the *status quo*, and a special meeting of the Council took place in October 1924, when a line was defined delimiting the areas which might be occupied and administered by either party pending the establishment of a permanent frontier.

Meanwhile, the Commission of Enquiry (a Swede as president, a Belgian and a Hungarian) had arrived on the scene, after interviewing the British Government in London and the Turkish Government at Angora. It toured the country, making enquiries and collecting information with the help of officials appointed by the two Governments.

The Commission's report was submitted to the Council in September 1925. After listening to the statements of the two parties on the findings of the report, it set up a committee of three members (the representatives of Spain, Sweden and Uruguay) to examine the data supplied by the Commission and the two Governments. Turkey raised the contention that the Council's function was to mediate and not to render a decisive award, so the Council decided to take the opinion of the Permanent Court of International Justice on whether the decision it was to take in virtue of the Treaty of Lausanne should be in the nature of an arbitral award or of a recommendation, or whether its function was mediatory only, whether the decision must be unanimous or whether it might be by majority, and whether the representatives of the interested parties could take part in the vote. At the same time, it sent a League representative to Mosul to keep it informed of the situation on the provisional frontier line.

The Permanent Court held a special session, and on November 21st gave its opinion that the decision to be taken by the Council would be binding on the parties and would finally determine the

frontier, and that it must be taken by a unanimous vote, not counting the votes of the parties. The Court further observed that, when they agreed to bring the dispute before the Council, the parties had doubtless not overlooked the fact that mediation and conciliation were an essential part of the Council's functions, and that it was only if such action failed that the Council would have to use its power to decide.

At its December session, the Council accepted the Court's opinion, the Turkish representative voting against. Through its Committee, the Council continued its efforts at conciliation and mediation for another week, but without success, and, on December 16th, 1925, the Council gave a unanimous decision based on the report of the Commission of Enquiry. The Turkish representative did not attend the meeting.

By this decision the whole territory south of the provisional frontier fixed by the Council (the so-called Brussels line) was attributed to Iraq; the British Government was invited to submit, within six months, a new treaty with Iraq, which would make the mandate run for twenty-five years, unless Iraq were admitted to the League before that date; there were guarantees by the British Government of a measure of local self-government for the Kurdish population, etc. The Council urged the two parties to come to a friendly agreement.

These requirements were subsequently fulfilled. In March 1926, the Council took note of the new treaty between Great Britain and Iraq. In June, Sir Austen Chamberlain announced to the Council that negotiations entered into, on the recommendation of the Council, by the British and Turkish Governments, had been brought to a completely successful issue. The agreement involved a very small cession of territory which he asked the Council to approve. The President, M. Scialoja, in congratulating the two Governments, said it was a further proof of the value of the League's intervention in international disputes.

In regard to the procedure followed, the Mosul question in most respects resembles a dispute submitted to the Council under Article 15. There is only one difference, but it is an essential one—the binding character of the decision given by the Council (in accordance with the opinion of the Permanent Court) after the possibilities of mediation and conciliation as provided in Article 15 of the Covenant had been exhausted.

The Italo-Greek Dispute.

In another case—that of the Italo-Greek dispute (1923) caused by the murder of Italian officers in Greek territory, and followed by the occupation of Corfu by the Italian authorities—the Greek Government had laid the matter simultaneously before the Council, under Articles 12 and 15 of the Covenant, and before another international authority, the Conference of Ambassadors. The latter had a direct interest in the conflict, because the murdered Italian officers were its agents whom it had instructed to delimit the frontier between Albania and Greece. The Council nevertheless endeavoured to act as mediator and conciliator, both by making direct representations to the parties, and through the Conference of Ambassadors. The representative of Spain, M. Quiñones de León, made a number of suggestions as a basis of settlement, and the Council, without formally adopting them, brought them to the knowledge of the Conference of Ambassadors.

3. *Intervention by the Council in virtue of its General Mission to preserve Peace*

The Dispute between Bolivia and Paraguay.

On December 8th, 1928, a Press telegram announced that an armed conflict had broken out on the frontier between Bolivia and Paraguay, in the remote Chaco region, which had been long in dispute between the two countries. The newspapers were soon publishing reports of battles and the capture and re-capture of forts. The Bolivian Government handed his passport to the Chargé d'Affaires of Paraguay. Press telegrams stated that tension was growing in both capitals, La Paz and Asunción; that Bolivia demanded material and moral reparation; and that the General Staffs on both sides were making preparations for mobilisation.

Machinery that had been provided for mediation between Latin-American States could not be set in motion owing to Bolivia's refusal to accept the mediation of the Argentine and to the withdrawal of her delegate from the Pan-American Conciliation and Arbitration Conference then sitting at Washington.

The conflict thus threatened to become acute. One way of mediation was closed, and there was a serious risk of war when

the Council of the League met at Lugano, on December 10th, for its quarterly session.

On the morning of December 11th, the Secretary-General of the League communicated to the Council the Press reports which had reached him regarding the dispute. Although the matter had not been formally referred to it by any State, the Council, conscious of its general responsibilities in the interest of peace, immediately decided to send to the two Governments a telegram signed by the President, M. Briand, expressing "its full conviction that the two States which, by signing the Covenant, had solemnly pledged themselves to seek by pacific means the solution of disputes arising between them would have recourse to such methods as would be in conformity with their international obligations and would appear in the present circumstances to be most likely to secure the maintenance of peace and the settlement of the dispute."

On December 12th, the Bolivian Foreign Minister intimated that he had submitted the Council's communication to the President of the Republic. The Paraguayan Foreign Minister sent a telegram concluding with the statement: "Paraguay does not refuse any conciliation procedure for the settlement of her dispute, still less the procedure laid down in Conventions to which she has given her solemn acceptance."

On December 14th, the Council received a telegram from the President and Foreign Minister of Bolivia stating that the Council "might rest assured that the Bolivian Republic would not depart from the principles and obligations contained in the Covenant."

This telegram also stated that, "in contradiction with the stipulations of Articles 10 and 13 of the Covenant," Paraguay "had committed an aggression which the Bolivian Government solemnly denounced to the Council. While declaring that it was its duty to demand the satisfaction due in such cases and to take military measures of a defensive character to safeguard its security, the Bolivian Government requested that the Council would take note of the declaration of its intention to act on the Council's recommendations and to observe the stipulations of the Covenant."

On December 15th, at the close of its ordinary session at Lugano, the Council sent telegrams to both Governments in which it expressed satisfaction at learning from their communications that they were attached to the principles and

obligations of the Covenant. It added that it hoped the parties would carefully abstain from any act that might aggravate the situation and render a peaceful settlement more difficult. It stated its firm conviction that the obligations of the Covenant would be respected and recalled that, "when a dispute likely to lead to a rupture arose between two States Members of the League of Nations, they could not, without failing in their obligations, and notably those contracted under Article 12, omit to resort, by some method or other, to one of the procedures of peaceful settlement provided for in the Covenant." The Council drew attention to the fact that the Covenant mentioned, among others, "disputes as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach." It added that, "in its experience, it was most important to confine all military measures of a defensive character to those which could not be regarded as aggressive against the other country, and which could not involve the danger of the armed forces coming into contact, as this would lead to an aggravation of the situation, rendering more difficult the efforts at present being made for the maintenance of peace."

The parties were notified that the Council had requested its President to follow the events with a view to any action that might be necessary, consulting, if need be, his colleagues through the Secretary-General. This telegram was communicated to all States Members of the League.

On December 16th, the President of the Council received from the Bolivian Foreign Minister a telegram despatched on the 15th, informing him of fresh incidents between Bolivian and Paraguayan troops: "In conformity with its international obligations, the Bolivian Government hastened to inform the Council of this new development."

The President of the Council immediately communicated this telegram to the Paraguayan Government. By telegrams despatched simultaneously to both Governments, he reminded them that the facts reported showed still more clearly "the dangers to peace created by the contact between the military forces belonging to the two countries on the frontier" and the urgency to which the Council had drawn their attention "of taking measures to prevent further incidents capable of com-

promising the success of any peaceful procedure." He again emphasised the suggestion made by the Council when acknowledging the solemn assurance given by both Governments that they would respect the obligations of the Covenant.

The President of the Council left Lugano on the morning of December 17th, arriving in the evening in Paris, where he was joined next morning by the Secretary-General. The President was authorised by the Council to summon, if necessary, an extraordinary session.

Replying to the President of the Council, the Bolivian Foreign Minister wired on December 17th that orders had been given to the commanders of military posts to refrain from any advance and from any attack.

By a telegram sent on the same day, the Paraguayan Government protested against the accusation of any aggression, stating that " Paraguay, keeping strictly to her international obligations, asked from the outset that an investigation should be made into the facts and had accordingly accepted without objection all the suggestions and methods of pacific procedure put before her." It added that it had just accepted the good offices of the Pan-American Conference.

During this exchange of telegrams, the President consulted the Secretary-General, notified his colleagues that he might have to summon them for an extraordinary session at the end of the week, and took other steps to secure settlement.

On December 18th, he conferred with the Bolivian and Paraguayan Ministers, with the Argentine Chargé d'Affaires (whose Government was unofficially reported to have taken steps to persuade the parties to accept mediation) and with the Chargé d'Affaires of the United States of America (a representative of whose Government was President of the Pan-American Arbitration Conference). The President of the Council explained to the Argentine and American Chargés d'Affaires that, unless the Bolivian and Paraguayan Governments agreed during the next few days to accept some form of procedure for pacific settlement of the dispute, the Council would hardly be able to avoid holding an extraordinary session to examine what steps should be taken, as war would either have broken out or would be on the point of breaking out between two League Members. He considered it essential that " all those who were endeavouring to get the matter settled peacefully should closely co-ordinate their efforts."

On the 18th, the Bolivian Government stated that, as recommended by the Council, it would also accept the good offices of the Pan-American Conference.

In these circumstances, the President, reporting on his mission on the evening of the 19th, informed his colleagues on the Council that there would be no need to summon an extraordinary session. In his telegram to Bolivia and Paraguay, he stated that the Council, which had endeavoured throughout to prevent any aggravation of the dispute and to promote a peaceful settlement by any convenient means, could not but be gratified at the cessation of a conflict between two Members of the League and trusted that the procedure to which they had agreed might lead to a prompt settlement of their dispute and to the restoration of good understanding and peaceful co-operation between them.

The Belgian, Chinese, Colombian, Netherlands, Persian, Salvador, Venezuelan and Uruguayan Governments acknowledged the receipt of M. Briand's telegram of December 15th, most of them expressing their satisfaction at what had been done by the Council.

The Council's action in the dispute between Bolivia and Paraguay did not pass unnoticed during the general debate on the year's work at the Tenth Assembly (1929). Several Latin-American delegates underlined its importance for the development of co-operation between the League and the Latin-American countries.

" The Council's action," said M. Antuna, delegate of Uruguay, " deserves to be emphasised, implying as it does a recognition of the fact that Latin America constitutes an integral part of the League. This serves to dissipate what was felt to be a very real anomaly, in that, despite the American countries' membership of the League, the latter appeared to take no action where problems affecting America were concerned. Latin America shared the costs and responsibilities devolving upon the League, but remained in practice outside its sphere of political action and could not be said to enjoy the benefits of membership.

" The frank and timely intervention of the Council at its Lugano session established a precedent of the greatest significance both for Latin America and for the League. We, who were near the two parties to the dispute, could appreciate the moral value of the Council's action. Kindly suggestions and offers of intervention poured in from every quarter of the globe, and, quite

apart from the actual solution, whether through the agency of the Committee of Investigation at Washington or through that of the Court of Arbitration of The Hague, M. Briand's telegram, based on the provisions of the Covenant—by which both parties were legally bound—and inspired by the lofty and compelling sentiments of universal brotherhood, this telegram, I say, added to these countless representations, produced a profound impression on the American continent, more particularly in the region where hostilities had broken out.

" This action, I repeat, had the effect of binding Latin America more closely to the League, now that the League's apparent hesitation in regard to American problems—due perhaps to the over-rigid interpretation of Article 21 of the Covenant—has been disproved." [1]

[1] It may not be out of place in this connection to recall that, when the Government of Costa Rica expressed a desire, on July 18th, 1928, to know the construction placed by the League on the Monroe Doctrine and the scope given to that Doctrine when included in Article 21 of the Covenant, the Council replied by a note, of which the main passages are given below :

" Article 20 stipulates that ' the Members of the League severally agree that the Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof ' . . . Article 21 gives the States parties to international engagements the guarantee that the validity of such of these engagements as secure the maintenance of peace would not be affected by accession to the Covenant of the League of Nations. In declaring that such engagements are not deemed incompatible with any of the provisions of the Covenant, the Article refers only to the relations of the Covenant with such engagements; it neither weakens nor limits any of the safeguards provided in the Covenant.

" In this connection, it may be recalled that, as appears from contemporary documents, Article 21, which had originally been proposed for insertion in another part of the Covenant, was subsequently placed after Article 20, to which it appeared preferable to attach it, first as an additional paragraph and then as a separate Article.

" In regard to the scope of the engagements to which the Article relates, it is clear that it cannot have the effect of giving them a sanction or validity which they did not previously possess. It confines itself to referring to these engagements, such as they may exist, without attempting to define them : an attempt at definition being, in fact, liable to have the effect of restricting or enlarging their sphere of application. Such a task was not one for the authors of the Covenant; it only concerns the States having accepted *inter se* engagements of this kind.

" The Government of Salvador, as you yourself pointed out, had preoccupations similar to those of your Government, and they had given rise to correspondence between San Salvador and Washington, as a result of which the Government of Salvador decided, in view of the reply made by the

This completes the analysis of a few of the political disputes that have been referred to the League during the first ten years of its existence. Important and grave as some of them have been, their principal interest to a student often lies rather in the methods by which the League has attempted to solve them and the result of its efforts than in their intrinsic character. Their history shows that the provisions of the Covenant have been applied, that the machinery has worked, and that the Council, while keeping within the limits imposed by the Covenant, has, whenever it has been appealed to, performed its duty of mediation and conciliation, and has in certain cases succeeded in preventing war. It bears witness to the range, variety and elasticity of the means at the Council's disposal for enquiry, and settlement, and for supervision over the execution of its decisions: it hears the parties; establishes and distinguishes the various factors in the problem (legal, technical, political); takes measures to prevent a dispute being aggravated or its issue prejudiced while it is *sub judice*; despatches commissions of enquiry or supervision; appoints committees of jurists, or applies to the Permanent Court of International Justice for its opinion; appeals to the technical organisations of the League; appoints special committees of members of the Council; arranges for direct negotiations between the parties under the guidance of a Council rapporteur, etc. Even the postponements to which the Council sometimes resorts contribute to the settlement of disputes. M. Scialoja observed on one occasion[1] that it was frequently thought that such postponements by the League of Nations resulted in delays. He held that, on the contrary, they were often the best means of arriving at definite and peaceful solutions.

During the ten years of the League, its machinery and resources for coping with disturbances to peace and for securing the

Department of State of the United States to its request for an interpretation of the Monroe Doctrine, to accede to the Covenant of the League of Nations

"There is another point to which the Council ventures to draw your Government's attention: the Covenant of the League forms a whole, the articles of which it is composed confer upon all the Members of the League equal obligations and equal rights, in order, as the preamble says, to promote international co-operation and to achieve international peace and security. It is further incumbent upon all the Members to work on this basis in the spirit of mutual goodwill and collaboration towards progressively increasing the effectiveness of the League's action."

[1] June 7th, 1926, on the occasion of the settlement of the Mosul question.

settlement of disputes have steadily grown, the methods of peaceful settlement have continually been developed and accepted by a wider number of States, and experience of the League's working has strengthened its authority and increased the confidence of its Members.

CHAPTER II

THE ORGANISATION OF PEACE AND DISARMAMENT

I. Foundations and Beginnings of League Action. II. Draft Treaty of Mutual Assistance. III. Arbitration, Security and Disarmament.—The 1924 Assembly and the Geneva Protocol.—The Locarno Agreements IV Preparation of the Disarmament Conference. The Committee of the Council.—The Preparatory Commission and its Programme V Arbitration and Conciliation.—The Committee on Arbitration and Security.—The General Act for the Pacific Settlement of International Disputes. VI. Security and Assistance.—The Model Guarantee Treaties.—The Prevention of War.—Financial Assistance —The Communications of the League. VII. Problems of Disarmament —Wide Differences of Opinion — Elaboration of the Draft Convention VIII. Special Questions.—The Trade in Arms and the Manufacture of Arms.—Chemical Warfare.—Investigation.

To prevent conflicts and ensure the pacific settlement of international disputes is one of the League's outstanding duties, but peace cannot be stabilised unless the underlying causes of war are removed and unless the world is organised for peace by the establishment of appropriate methods and institutions, by the development of a new international law making justice the foundation of international relations, by the spread of new habits of mind and by a growing sense of the common interests of civilisation.

The touchstone of the more general work of organising peace is success in disarmament. None of the League's activities has aroused so much interest in the world as its work for the limitation and reduction of armaments, and none has so closely or so continuously engaged the attention of the League. Every Assembly has discussed it; it has been continually before the Council; and every year there have been meetings of committees dealing with various aspects of the problem.

Although the reduction and limitation of armaments is still only in a preliminary stage,[1] a great deal has been done to put national security on a firm international basis, thanks to the obligations of the Covenant, the interpretation and practical

[1] Limitations and reductions of armaments were effected by the Washington and London Conferences. Several countries have also stated on different occasions before the Assembly and the Preparatory Commission for the Disarmament Conference that they have effected reductions of armaments.

application of the Covenant, the development of the authority and methods of the Council in settling disputes, the treaties of non-aggression and mutual assistance proposed or adopted under the League's auspices, and the extension of compulsory arbitration.

The view of the Assembly in 1928 was that these results were sufficient for the conclusion of a first general convention for the reduction and limitation of armaments. And, as M. Politis said when commenting upon the work done by the Preparatory Commission at its sixth session (from April to May 1929), the effect of its efforts has been to make disarmament a burning public issue.

I. Foundations and Beginnings of League Action

The importance of the reduction of armaments is emphasised in the Covenant.

The first Article provides that to be admitted to the League a new Member must, *inter alia*, accept "such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments."

Provisions of the Covenant. Article 8.

The obligations of States Members are stated in Article 8, which governs all that has been done in this connection during the last ten years.

The first paragraph lays down the principles:

> "The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations."

The obligations entered into by the States Members to maintain peace, the pledge contained in the Covenant to take joint action against a peace-breaker, and the development of procedure for the pacific settlement of international disputes have given the problem of disarmament quite a different character from what it had before the war, when efforts were rendered ineffective by the absence of any form of permanent international organisation capable of co-ordinating and of laying down common rules for inter-governmental action. The Covenant of the League of Nations made good this deficiency.

The second and third paragraphs of Article 8 describe the methods to be followed :

> " The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.
>
> " Such plans shall be subject to reconsideration and revision at least every ten years."

While describing the rôle of the Council, these two paragraphs revert to the principle of national security already formulated ; they define its scope by referring to the geographical situation and particular circumstances of each State, and by providing for the adjustment of the plans of reduction to new conditions.

Paragraph 4 covers aims at preventing competition in armaments :

> " After these plans have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council."

The sixth paragraph tends to eliminate secret military preparations, and states the general principle of publicity :

> " Members of the League undertake to exchange full and frank information as to the scale of their armaments, their military, naval and air programmes, and the conditions of such of their industries as are adaptable to warlike purposes."

Between these two paragraphs comes another, the fifth, which must be dealt with separately, since it has led to special action, although still connected with military preparations and the general work of disarmament :

> " The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall devise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety."

A question similar to that of manufacture, and one which has also been the subject of special action, is covered by Article 23

(*d*), under which Members "entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest."

Disarmament and the Peace Treaties.

Independently of these provisions of the Covenant, armaments questions are raised by Part V of the Peace Treaties, in the military, naval and air clauses. The Preamble of Part V recalls the intention of the signatories of the Treaties of Peace to prepare for a limitation of armaments:

> "In order to render possible the initiation of a general limitation of the armaments of all nations, . . . [name of the country on which these clauses have been imposed] undertakes to observe the military, naval and air clauses which follow."

The last Article of Part V, which is identical in all the Treaties, confers on the Council of the League a right of investigation:

> "So long as the present Treaty remains in force . . . undertakes to submit to any investigation which the Council of the League of Nations, acting, if need be, by majority vote, may consider necessary."

The Situation immediately after the War.

At its earliest meetings, the Council of the League took up the general problem on the basis of Article 8.

By 1920, when the League came into existence, the situation had already changed compared with what it was the year following the war. The end of the war had brought with it an ardent desire for lasting peace. The great conflict of 1914-1918 had only too plainly shown the dangers of excessive military preparations and of competition in armaments, and there was everywhere a hope that nations would renounce these means of destruction by common agreement. "If we had met here in October 1918," said M. Viviani later in the Temporary Mixed Commission, over whose first debates he presided, "we should not have sat long without putting forward a motion for simultaneous and general disarmament, which would certainly have met with unanimous approval."

The impulse which was manifest at the end of the war had made the problem appear simple, and easy to solve.

But difficulties soon arose. At the time the League was taking shape and starting its work, Europe was a prey to resentments and disturbances that were further aggravated by the distress suffered in many countries. Latent sources of conflict everywhere remained; peace was still imperfectly secured and, in fact, hostilities continued in the Near East for another two years. The economic and financial chaos caused serious alarm.

In these critical conditions, the alternatives were that: either the international situation would lead to a relapse involving the resumption of competition in armaments and making the Covenant a dead letter; or the nations of the world, warned by both the old dangers and the new, would gradually begin to realise that the only hope of salvation lay in pursuing the policy indicated by the Covenant.

That the latter tendency prevailed was undoubtedly due to the urgent necessity of trying to alleviate the economic and financial situation by reducing military burdens. These were considerations which inspired the appeal made by the Supreme Council to the League of Nations, on March 8th, 1920, a few weeks after the entry into force of the Covenant.

"In order to diminish the economic difficulties of Europe," it said, "armies should everywhere be reduced to a peace footing, armaments should be limited to the lowest possible figure compatible with national security, and the League of Nations should be invited to examine proposals to that end without delay."

Similar considerations were advanced a few months later by the Brussels Financial Conference, where it was stated that the maintenance of armaments and preparations for war represented approximately 20 per cent. of European budgets.

The Permanent Advisory Commission.

Meanwhile, the Council of the League had taken a first step, provided for in the Covenant, which lays down in Article 9 that:

> "A Permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8, and on military, naval and air questions generally."

The composition of the *Permanent Advisory Commission for Military, Naval and Air Questions* was settled on May 17th, 1920,

during the Council's session in Rome. The Commission consists of army, navy and air force officers of each of the countries represented on the Council; each delegation includes a naval, a military and an air representative, who are respectively members of three technical sub-commissions.

The Commission was asked to undertake certain preliminary work, and to examine the military, naval and air forces of the States applying for membership of the League.

But it was at the First Assembly of the League (November to December 1920) that the question of a reduction of armaments was for the first time approached as a whole.

The general debate revealed the intricacy of the problem and the necessity for the League's organisation of international relations if it was to have any prospect of success. The report which was adopted recognised that "a comprehensive scheme of disarmament, based on a thorough feeling of trust and security as between nation and nation, could not be looked for at once." The work must "proceed by successive stages."

The Brussels Financial Conference, which had just been held, had declared that a reduction of military burdens was a condition of financial recovery. The First Assembly concurred in this view by drawing the Council's attention to the possibility of limiting armaments budgets and by asking it to submit to Governments a proposal not to exceed for the two following financial years the sum total of expenditure for the military, naval and air services of their budgets at the time—an idea which was taken up again later as a means of preparing for general reduction of armaments.

The Temporary Mixed Commission.

The First Assembly requested the Council to press on with the technical investigations undertaken by the Advisory Commission, and asked that a special section should be established in the Secretariat. In view of the wide ramifications of the problem, with its inherent political, economic and other difficulties, it also decided on the appointment of a new Commission composed of persons "with the requisite competence for the study of the political, economic, social, historical and geographical aspects" of disarmament, which should prepare for the Council "a report and proposals for the reduction of armaments under Article 8 of the Covenant."

The *Temporary Mixed Commission*—as it was called—which was presided over by M. Viviani, former French Prime Minister, was set up on February 25th, 1921. It was composed of six recognised authorities on political, social and economic subjects, six technical experts who were members of the Permanent Advisory Commission, four members of the League Economic and Financial Committee, and six members (three employers' representatives and three workers' representatives) of the Governing Body of the International Labour Office. It was afterwards enlarged by the addition of other members specialising in the subject.

The Temporary Mixed Commission, proceeding on parallel lines with the Permanent Advisory Commission, which was dealing with the technical features of the question, continued in existence until the Assembly of 1924, and its proceedings and proposals had a decisive influence on the League's work.

II. The Draft Treaty of Mutual Assistance

The main task of the two Commissions from 1921—apart from their work on the traffic in arms and ammunition (described below)—was to explore and describe the different elements of the problem, the principles on which armaments might be reduced, the ways of measuring reduction, and the special circumstances of States Members of the League, particularly European Members.

The early work and conclusions of the Temporary Mixed Commission gave great prominence to the desire for security and emphasised the importance already attached to this factor in the Covenant.

The Second Assembly, 1921.

The general debate on disarmament in the Second Assembly (1921) was wider and more prolonged than in the First, and attracted greater attention, due partly to the discussions of the Disarmament Committee, now known as the Third Committee of the Assembly.

The Assembly asked the Council to strengthen the Temporary Mixed Commission and proposed that the Council should make a statistical enquiry into the level of national armaments in 1913 and 1921; invite the Governments to supply information on the state of their armaments, to

submit "any considerations they might wish to urge in regard to the requirements of their national security, their international obligations, their geographical situation and special circumstances"; and communicate "what police and military forces they considered indispensable for the preservation of domestic order and the expenditure on these forces."

The result of these enquiries was still further to emphasise the close connection between mutual guarantee and the reduction of armaments which had been recognised by the Second Assembly.

The complexity of the problem became increasingly evident in the course of these investigations.

Lord Esher's Scheme.

Lord Esher, a member of the Temporary Mixed Commission, attempted to deal with the question on mathematical lines. He proposed that, as had been done at Washington with naval armaments, a common measure should be fixed for the comparison of land and air forces, and that the armaments assigned to the various Powers should be represented by a ratio. He proposed that this unit should be fixed at 30,000 men.

The plan was rejected by the Permanent Advisory Commission, which considered it difficult, if not impossible, to arrive at a common measure for the comparison of peace-time forces. Lord Esher's plan took into account only the factor of effectives, whereas the other factors which constitute the unit—such as cadre, material and the budget—should also be taken account of:

> "Each of these constituent factors varies from one State to another, in number and in value, and varies within the same State in accordance with the organisation of each, and according to the purpose for which it exists.
>
> "From the point of view of national security, long-service soldiers have a greater value than conscripts. The former are able to serve as cadres, while the latter are not. From the point of view of the maintenance of internal order, on the other hand, they are of equal value. The total number of men may be temporarily increased by reservists undergoing their period of training. In consequence, there is variation in number and in value from the point of view both of peace and of war.
>
> "Similar variations exist in regard to material, which differs in character and type. This depends on the

national organisation, on the resources of industry, on man-power, etc.

"The expenditure on armaments also varies from one country to another and within the same country, according as it is concerned with volunteers or conscripts or with material, or with the difference in prices at home, or with the variations in the value of gold, etc.

"If such variations are to be found in each factor, how can it be hoped to obtain any kind of stable combination of these variable factors? It appears to be impracticable."

The Temporary Mixed Commission also rejected Lord Esher's scheme, while recognising the necessity for detailed technical studies on the methods of limitation. At the same session (July 1922), it considered the replies of the Governments to the questions put to them, and noted the real difficulties, particularly of a political nature, in the way of reduction. Its report drew attention for the first time to "the 'war potential,' which, thanks to the character of modern warfare, when the whole belligerent nation is organised and equipped for war, each State possesses in addition to its visible peacetime forces."

The Problem of Mutual Guarantee.

The Temporary Mixed Commission tried to find some way of overcoming the political difficulties to which it had alluded, and proposed to develop the system of mutual guarantees provided by the Covenant against aggression, in order to enable the Members of the League to reduce their armaments. Its discussion of this line of policy was summed up in four proposals put forward by Lord Robert Cecil (as he then was), which were adopted in the following form:

"No scheme for the reduction of armaments can be successful unless it is general. In the present state of the world, the majority of Governments could not carry out a reduction of armaments unless they received satisfactory guarantees for the safety of their respective countries; such guarantees should be of a general character. And, finally, there can be no question of providing such guarantees except in consideration of a definite undertaking to reduce armaments."

In submitting these proposals to the Council and the Assembly, the Temporary Mixed Commission stated that its

object was "to enable States to reduce their armaments, while providing them with a measure of security at least as great as that which they then enjoyed."

When the Commission set to work on these proposals, it found itself confronted with two conceptions which had been touched upon at the Second Assembly. Lord Robert Cecil had suggested that the Temporary Mixed Commission should be asked to frame "a draft general treaty, or some other equally definite plan," but others had declared their preference for regional agreements. This was the view, for example, of Mr. H. A. L. Fisher, delegate of the British Empire, who pointed to the absence of the United States and Russia, and of M. Branting, delegate of Sweden, who thought regionalism was "a valuable idea that made it possible to take into consideration the different conditions of certain groups of countries."

In framing a concrete plan, the Temporary Mixed Commission had to decide which of these alternatives it would adopt—a general treaty or regional treaties.

General Agreement or Regional Agreements?

The object of the Commission was to define, on the basis of the provisions of the Covenant, the assistance which Members of the League are pledged to give each other against a peace-breaker, so as to provide guarantees of security enabling Governments to reduce their armaments.

The principle was not in dispute, but since 1921 there had been the two different views as to how it should be applied.

On one hand, it was argued that, while a general treaty was undoubtedly in conformity with the spirit of the Covenant, there was a risk that, precisely because of its universality, it would be too wide and too indefinite to be really effective.

On the other hand, while it was acknowledged that regional agreements take greater account of the concrete factors of the problem of security, and of the historical, geographical and economic factors of each country, the argument was that the conclusion of such agreements would compete with the Covenant and weaken the League by the formation of territorial or political groups.

For the "regionalists" a general agreement would have been inoperative; it would have diminished the obligations

entered into in virtue of the Covenant to the point of rendering them useless. According to those favouring general agreements, regional agreements would inevitably lead to a renewal of the policy of military alliances which had led to the Great War.

As M. Loudon, delegate of the Netherlands, expressed it at the Third Assembly, these treaties were distrusted in many countries, and this distrust was justified by the history of the last half-century.

The Permanent Advisory Commission asserted that a "pre-established plan" of defence was absolutely necessary to make effective the international guarantees of security that were to be the condition for reducing armaments. This supported the contention of the "regionalists." Both the Temporary Mixed Commission and the Permanent Advisory Commission took the view that the main object of guarantees was to ensure prompt aid in case of war to a State that had been attacked. From this, and from the attitude of some European Continental countries that the measures which could be taken under a general treaty on behalf of countries particularly exposed to aggression would be inadequate, there arose the question of the automatic coming-into-force of sanctions and the question of the determination of the aggressor—a vast problem, which impelled the League to add to the ideas of disarmament and security that of arbitration.

Resolution XIV of the Third Assembly.

The Third Assembly (1922) carried a stage further the debate between the "universalists," including Lord Robert Cecil and the representatives of the former neutral States, and the "regionalists," whose chief spokesman was the French delegate, M. de Jouvenel.

It did not effect agreement, but prepared the ground for it by laying down the principle that reduction of armaments depends upon the sense of security. It was set out in Resolution XIV:

> "1. No scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it is general.
>
> "2. In the present state of the world, many Governments would be unable to accept the responsibility for a serious reduction of armaments unless they receive in exchange a satisfactory guarantee of the safety of their country.

"3. Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked, provided that the obligation to render assistance to a country attacked shall be limited in principle to those countries situated in the same part of the globe. In cases, however, where, for historical, geographical or other reasons, a country is in special danger of attack, detailed arrangements should be made for its defence in accordance with the above-mentioned plan.

"4. As a general reduction of armaments is the object of the three preceding statements, and the Treaty of Mutual Guarantee the means of achieving that object, previous consent to this reduction is therefore the first condition for the Treaty."

On the question of general and partial treaties, it declared that the reduction of armaments could be carried out "either by means of a general treaty, which is the most desirable plan, or by means of partial treaties designed to be extended and open to all countries. In the former case, the Treaty will carry with it a general reduction of armaments. In the latter case, the reduction should be proportionate to the guarantees afforded by the Treaty." The resolution concluded:

"The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, should further formulate and submit to the Governments for their consideration and sovereign decision the plan of the machinery, both political and military, necessary to bring them clearly into effect."

Preparation of the Treaty of Mutual Assistance.

On this resolution, the Temporary Mixed Commission prepared a draft Treaty of Mutual Assistance during the year 1922-23, working on the basis of two drafts.

The first had been submitted by Lord Robert Cecil. It aimed at the conclusion of a general treaty guaranteeing to a State that was attacked the support of all the other Members of the League; special treaties were admitted only if the Council itself, by a three-quarters majority, decided

to negotiate a supplementary defensive agreement at the request of an interested State in a particularly dangerous situation.

The second draft, presented by Colonel Requin (of France), reverted to the idea of a pre-arranged plan of defence, suggested by the officers in the Permanent Advisory Commission. The first article of this draft provided that the contracting parties should mutually undertake to furnish assistance to one of their number if it were the object of aggression, but Article 2 stipulated that, to give effect to this general assistance, " the Contracting Parties might conclude, either two by two or in larger numbers, agreements establishing groups for purely defensive purposes and settle in advance the measure of assistance which they would give to each other in accordance with Article 10 of the Covenant in the event of any case of aggression which they might consider possible against any of them."

Thus the controversy persisted. According to the military experts, the object was " to prevent war and not to bring progressively into action the forces which would carry a war to a successful conclusion " ; immediate assistance must therefore be forthcoming at the moment when it was most useful—*i.e.*, at the outset of a conflict.

According to Lord Robert Cecil's draft, in the event of hostilities, whether the States were parties to the Treaty or not, the Council of the League of Nations, within at most four days of a notification of the outbreak of hostilities addressed to the Secretary-General, must decide by a three-fourths majority which of the States had been the aggressor : the parties to the Treaty, bound by their undertaking to accept this decision, would immediately supply assistance to the victim of the aggression.

The Permanent Advisory Commission had come to the conclusion that this draft did not constitute " a solid basis for a scheme for the limitation of armaments," as assistance, to be effective, must be prepared in advance and must be given immediately ; the preparation of plans for this purpose within the scope of a general treaty would raise great difficulties.

The debate on these two drafts centred on the two essential problems of the prevention of war and of mutual guarantees. The Commission entered upon the task of fusing the Cecil and Requin drafts into one, and this resulted in the elaboration of the draft *Treaty of Mutual Assistance*, the chief clauses of which were as follows.

The Treaty of Mutual Assistance

Article 1 contained a statement that was the germ of far-reaching future developments:

> "The High Contracting Parties solemnly declare that aggressive war is an international crime, and severally undertake that no one of them will be guilty of its commission."

The Treaty was therefore a pact of non-aggression. It was also in a way an "extension of the Covenant," and was aimed at facilitating the application of Articles 10 and 16 of that instrument[1]; it laid down a series of guarantees and provided the machinery for applying them.

(a) *General Guarantees and Special Treaties.*—The Treaty maintained the principle of general assistance, but also provided for the conclusion of supplementary defensive agreements by which the signatories undertook to put into immediate execution the plans of assistance they had agreed upon in case of aggression.

These agreements were to be examined by the Council from the point of view of their compatibility with the principles of the Treaty and of the Covenant. The Council could, if necessary,

[1] It should be recalled in this connection that Articles 10 and 16 of the Covenant gave rise to repeated debates and a great deal of work during the first few years of the League of Nations.

In 1921, the Second Assembly adopted a number of resolutions constituting rules for the application of Article 16 as well as four amendments to this Article. These amendments have not come into force for lack of the necessary number of ratifications.

In 1923, a resolution interpreting Article 10 did not obtain the necessary unanimity. Its text was as follows:

> "It is in conformity with the spirit of Article 10 that, in the event of the Council considering it to be its duty to recommend the application of military measures in consequence of an aggression or danger or threat of aggression, the Council shall be bound to take account, more particularly, of the geographical situation and of the special conditions of each State.
>
> "It is for the constitutional authorities of each Member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of Members, in what degree the Member is bound to assure the execution of this obligation by employment of its military forces.
>
> "The recommendation made by the Council shall be regarded as being of the highest importance and shall be taken into consideration by all the Members of the League with the desire to execute their engagements in good faith."

suggest changes in the texts, which, with the consent of the signatories, should be open to any other party to the Treaty.

(b) *The Prevention of War and the Powers of the Council.*—The Treaty contained an important innovation. It declared that, in the event of a threat of war, it might be advisable for the Council of the League to take measures hitherto contemplated only when war had definitely broken out, namely measures for the application of economic pressure, the organisation of financial assistance and the execution of other provisions of Article 16 of the Covenant.

Article 3 provided that, if one of the contracting parties considered that the armaments of any other party were in excess of the limits fixed, or had cause to apprehend an outbreak of hostilities, it might inform the Secretary-General of the League, who would immediately summon the Council. If the Council considered there was reasonable ground for thinking that a menace of aggression had arisen, it could apply economic sanctions to the aggressor State; call upon any of the contracting parties whose military assistance was required; determine the forces which each State furnishing assistance should place at its disposal; prescribe measures for the communications and transport connected with the operations; prepare a plan for financial co-operation so as to provide for the State attacked and for the States furnishing assistance the funds they required for the operations; appoint the higher command and establish the object and nature of its duties.

(c) *Case of Aggression.*—If one or more of the contracting parties became engaged in hostilities, the Council would decide, within four days of a notification addressed to the Secretary-General, which of the parties "were the victims of aggression and whether they were entitled to the assistance provided under the Treaty." The Treaty did not attempt to define an act of aggression, but was forwarded to the Governments with a commentary on this subject. This document contained for the first time some points which were embodied in later proposals; it stated that there was no definite technical (*i.e.*, military) criterion of aggression, but that it might be advisable for the Council to fix a neutral zone which the parties would be forbidden to cross, a refusal to obey being considered a factor in deciding which was the aggressor. Or the Council might propose an armistice and invite the parties to submit their dispute to the Council or to the

Permanent Court of International Justice, this invitation being possibly accompanied by an intimation that the belligerent which refused would be considered the aggressor.

(d) *Demilitarised Zones.*—To facilitate the application of the Treaty, any party might negotiate through the agency of the Council with one or more neighbouring countries for the establishment of demilitarised zones.

(e) *Cost of Intervention.*—By Article 10, the contracting parties agree that the whole cost of any military, naval or air operations undertaken in accordance with the Treaty and the supplementary agreements, including the reparation of all material damage caused by operations of war, should be borne by the aggressor State up to the extreme limits of its financial capacity.

(f) *Disarmament.*—Articles 11, 12 and 13 contained the disarmament obligations recognised by the signatories. They were to inform the Council of the reduction or limitation of armaments which they considered proportional to the security furnished by the general treaty or by the supplementary agreements. They undertook to co-operate in the preparation of any general plan of reduction which the Council might propose and to carry out this reduction within a period of two years. The mutual assistance was to be given only to parties which had reduced their armaments.

Failure of the Scheme.

The draft Treaty of Mutual Assistance failed. The Fourth Assembly, to which it had been submitted by M. Benes, communicated it to the Governments for their comments. Twenty-nine replies were received. Eighteen acceded in principle, while suggesting slight changes and improvements. But the opposition which the draft encountered soon made it obvious that it could not be brought into force unless it were completely transformed.[1]

The British Government's reply, signed by the Prime Minister, Mr. Ramsay MacDonald, was distinctly unfavourable to the

[1] Two States not Members of the League of Nations sent replies which were also unfavourable—namely, the United States of America and the Soviet Union.

The U S.A. pointed out that the rôle assigned to the Council and the fact that they were not a Member of the League precluded them from acceding.

The Soviet Union reproached the draft with "making the limitation of armaments depend upon the solution of the extremely complicated question of an international organisation for the prevention of war" and denied that it was possible to determine the aggressor in every international conflict.

draft. It reproached it with "creating an immense complication of international relations, containing clauses of uncertain practical effect and consequently increasing the difficulty of conducting national policy." The draft Treaty held out no serious prospect of a reduction of armaments or other advantages sufficient to compensate for these difficulties. The British Government came to this conclusion for various reasons; it emphasised the "precarious" character of a general guarantee and pointed out that in such cases it was rarely possible for plans of assistance to be arranged in advance; it also pronounced against the "superimposing on a general treaty of a system of partial treaties," even under the supervision of the League of Nations, in which it saw a danger of reverting to the system of alliances.

It proposed that these difficulties should be examined eventually at a disarmament conference. Its policy was to bring about, or help to bring about, such a conference. "Whenever a favourable opportunity presents itself," it said, "the Governments of the world should meet in conference with the object of devising a scheme or schemes for the reduction of armaments. Such a conference should include the Governments of countries which are not yet Members of the League."

Other objections put forward by various Governments were that the Treaty did not lay sufficient emphasis upon the reduction of armaments, or provide definite obligations for the execution of Article 8, and that while developing Articles 10 and 16 of the Covenant it did not provide any corresponding development of the system for the renunciation of war and for the peaceful settlement of disputes.

It was further pointed out that the determination of an aggressor was uncertain, both on account of the Council's unanimity rule and of the absence of sufficient criteria. The last criticism was generally made by Governments which were in favour of the adoption of the Treaty, but desired to strengthen the guarantees of assistance.

III. Arbitration, Security, Disarmament. The Protocol of 1924

The Discussion before the Fifth Assembly.

When the Fifth Assembly met in 1924, it was certain that it would have to recognise the failure of this first attempt to frame a

comprehensive plan for giving effect to the obligations of the Covenant. But this failure was to make the problem of disarmament an international issue of first-class importance. The time and the circumstances were favourable, for important political developments had just taken place: the meeting of a Reparations Conference in London, the adoption of the Dawes Plan and the evacuation of the Ruhr had eased the situation and paved the way for closer Anglo-French co-operation. Mr. Ramsay MacDonald and M. Herriot, the British and French Prime Ministers, were at the head of their respective delegations and the Assembly opened in a promising atmosphere.

Arbitration as a Criterion of Aggression.

The work which had resulted in the draft Treaty of Mutual Assistance had not been done in vain. Even Governments which had rejected the draft were anxious that the work should be resumed. There were still wide differences of opinion, as shown in the speeches made at the opening meetings of the Assembly by the British Prime Minister, who had rejected the Treaty, and by the French Prime Minister, who accepted it.

Mr. MacDonald concluded his speech as follows:

> "Our interests for peace are far greater than our interests in creating a machinery of defence. A machinery of defence is easy to create, but beware lest in creating it you destroy the chances of peace. The League of Nations has to advance the interests of peace. The world has to be habituated to our existence; the world has to be habituated to our influence; we have to embody in the world confidence in the order and the rectitude of law, and then nations—with the League of Nations enjoying the authority, with the League of Nations looked up to, not because its arm is great, but because its mind is calm and its nature just—can pursue their destinies with a feeling of perfect security, none daring to make them afraid. . . ."

To this M. Herriot replied:

> "Arbitration is essential, but it is not sufficient. It is a means, but not an end. It does not entirely fulfil the intentions of Article 8 of the Covenant which, if I may again remind you, are security and disarmament. We in France regard these three terms—arbitration, security and

disarmament—as inseparable; and these three words would be but empty abstractions did they not stand for living realities created by our common will."

"Arbitration," he added, paraphrasing a remark of Pascal's, "is justice without passion. But although justice is passionless, it must not be powerless; force must not be the monopoly of the unjust."

Some of the replies of the Governments to the draft Treaty of Mutual Assistance had shown that to the ideas of security and disarmament, which were already recognised as inter-related, must be added a third—arbitration.[1] This was the criterion, the "only criterion" of aggression, according to Mr. MacDonald; and M. Herriot immediately accepted the idea that "the aggressor would be the one who refused arbitration." That was the origin of the formula "arbitration, security, disarmament."

The work of the preceding years made it comparatively simple to reconcile the two views, and agreement was reached on a programme implying the interdependence of arbitration, security and disarmament. The previous year, a draft treaty had been laid before the Assembly and discussed article by article. On this occasion, the Assembly itself drafted the Treaty, which was described in the following terms by the two rapporteurs MM. Benes and Politis:

> "The reduction of armaments required by the Covenant and demanded by the general situation of the world to-day led us to consider the question of security as a necessary complement to disarmament.
>
> "The support demanded from different States by other States less favourably situated had placed the former under the obligation of asking for a sort of moral and legal guarantee that the States which have to be supported would

[1] Arbitration had been mentioned at the previous Assembly in connection with the Treaty of Mutual Assistance, notably by two Scandinavian delegates, M. Branting and M. Lange. The latter had proposed that, in order to be entitled to assistance, the parties to the Treaty should previously have signed the Optional Clause of the Permanent Court of International Justice, and should have submitted the dispute which was the cause of the rupture to one of the procedures provided by the Covenant. But this amendment had been opposed by numerous delegates. "The proposal of M. Branting and M. Lange," said Lord Robert Cecil, "is an interesting one, but it would be a mistake to make it more difficult for countries to participate in this Treaty. . . Compulsory arbitration will come in its own time."

act in perfect good faith and would always endeavour to settle their disputes by pacific means.

"It became evident, however, with greater clearness and force than ever before, that, if the security and effective assistance demanded in the event of aggression was the condition *sine quâ non* of the reduction of armaments, it was at the same time the necessary complement of the pacific settlement of international disputes, since the non-execution of a sentence obtained by pacific methods of settlement would necessarily drive the world back to the system of armed force. Sentences imperatively required sanctions or the whole system would fall to the ground.

"Arbitration was therefore considered by the Fifth Assembly to be the necessary third factor, the complement of the two others, with which it must be combined in order to build up the new system set forth in the Protocol.

"Thus, after five years' hard work, we have decided to propose to the Members of the League the present system of arbitration, security and reduction of armaments—a system which we regard as being complete and sound."

The *Protocol for the Pacific Settlement of International Disputes* was the outcome of the work of the First Committee (for the question of arbitration), of the Third (for the problems of security and disarmament) and of a joint committee of twelve members.

The Protocol. Analysis of its Provisions.

The main idea of the Protocol was to ensure the interdependence of arbitration, security and disarmament by a series of provisions to complete the system provided by the Covenant for the pacific settlement of international disputes. Its authors had striven in particular to close the "gap" left by Article 15, paragraph 7, of the Covenant which, in the case of a non-unanimous report by the Council, allows the Members of the League, after an interval of three months, "to take such action as they shall consider necessary for the maintenance of right and justice."

The Protocol contained definite obligations of mutual assistance in case of aggression, endeavoured to define the obligations of Article 16 of the Covenant, and contained clauses devised to deal with threats of war.

(a) *Outlawry of War.*—The Protocol repeated the denunciation of war proclaimed by the Treaty of Mutual Assistance. In no case would a State signatory be entitled to resort to war against another signatory or non-signatory State which accepted all the obligations assumed under the Protocol.

(b) *Compulsory Arbitration supported by Sanctions.*—Arbitration was the foundation of the proposed system. The jurisdiction of the Permanent Court of International Justice was made compulsory *ipso facto* and without special agreement in cases covered by paragraph 2 of Article 36 of the Court Statute. But the general obligation to resort to arbitration was also made effective through the intervention of the Council. In no case could it be rendered nugatory by the ill-will of one of the parties and no dispute was exempt from this procedure. There was to be settlement by compulsory arbitration by agreement between the parties or at the request of one of the parties; by a unanimous decision by the Council; or by compulsory arbitration imposed by the Council.

The request of any party was sufficient for the constitution of a committee of arbitration, either by agreement between the parties or, if agreement were impossible, by a decision of the Council. If no party asked for the constitution of this committee, the Council would apply the procedure of enquiry and report and, if it reached unanimity, excluding the parties to the dispute, its decision would be binding upon the parties signatories to the Protocol. If the Council failed to reach unanimity, the dispute would be referred by the Council to a committee of arbitration without any intervention by the parties to the dispute.

This recourse to arbitration was backed by sanctions. The parties were obliged to submit either to a verdict of the Permanent Court of International Justice, to an arbitral award, or to the unanimous decision of the Council. "If they do not do so," said the rapporteur, M. Politis, "they are breaking an engagement entered into towards other signatories to the Protocol, and this breach involves consequences and sanctions according to the degree of gravity of the case." If the recalcitrant party offered passive resistance, it would first be the object of pacific pressure from the Council and then of measures calculated to ensure effect being given to the decision, economic sanctions appearing sufficient in this case. "But, if the State against which the decision has been given takes up arms in resistance

thereto," went on M. Politis, "thereby becoming an aggressor against the combined signatories, it deserves even the severe sanctions provided in Article 16 of the Covenant, interpreted in the manner indicated in the present Protocol."

(c) *Determination of an Aggressor.*—The determination of an aggressor—a fundamental feature in this system—was dealt with in Article 10, which embodied the definition agreed upon by the British and French representatives. But the question of the application of this criterion was a matter of considerable difficulty.

"While it was easy to define aggression," M. Politis had said in the First Committee, "it was extremely difficult to apply the definition in practice—to determine in a concrete case which of two countries at war was the aggressor and had begun hostilities. . . . The first idea of the sub-committee [appointed to study this question] had been that the Council, as the body best qualified for the purpose, should be left to decide whether aggression had taken place and which State was the aggressor. Then, however, an apparently almost insurmountable difficulty had at once arisen. If the Council was to decide whether aggression had taken place, by what procedure was it to decide? Was unanimity to be required, or would a majority vote be sufficient? When closely scrutinised, both these solutions were unacceptable. The rule of unanimity was unacceptable for the country attacked, which would expect the promised protection, but might see the guarantees to which it was entitled vanish if one Member of the Council refused, out of hesitation, or even treacherously, to allow that unanimity to be obtained. . . . On the other hand, the majority system was equally unacceptable to countries called upon to assist in the taking of collective sanctions by the League, if they were not themselves certain that that country which other countries proposed to call the aggressor actually was so."

Faced by this dilemma, the First Committee proposed that there should be a "presumption of aggression holding good until proof to the contrary was forthcoming in a decision of the Council" and sufficient to involve the application of sanctions when a resort to war was accompanied: (1) by a refusal to accept the procedure of pacific settlement or to submit to the decision resulting therefrom; (2) by violation of provisional measures enjoined by the Council; or (3) by disregard of a decision

recognising that the dispute arose out of a matter which lay exclusively within the domestic jurisdiction of the other party, without first submitting the question to the Council or the Assembly.

Apart from the above cases involving the automatic determination of the aggressor, the decision must be left to the Council.

"If the Council is unanimous, no difficulty arises," said the rapporteur. "If it is not, the difficulty is to be overcome by directing that the Council must enjoin upon the belligerents an armistice, the terms of which it will fix if need be by a two-thirds majority, and the party which rejects the armistice or violates it is to be held to be an aggressor. The system is therefore complete. . . . Once the fact of aggression is established . . . , it will only remain to apply the sanctions and bring into play the obligations of the guarantor States."

(d) *Security and Sanctions.*—The second part of the Protocol, dealing with security and reduction of armaments, was submitted to the Assembly by Dr. Benes.

As in the Treaty of Mutual Assistance, the signatories of the Protocol were to undertake, in the event of a dispute, to abstain from any preparations for using force and in a general way to refrain from any action likely to extend or aggravate the dispute. Should it be established that an offence had been committed against these provisions, it would be the duty of the Council, deciding by a two-thirds majority, to call upon any State guilty of the offence to put an end thereto, to decide whether there had been a refusal to comply with this request, in which case the State would be guilty of violation of Article 11 of the Covenant or of the Protocol, and to take the necessary measures to put an end to a situation dangerous to peace.

As already stated, the Protocol also aimed at settling all the controversies over the application of the sanctions laid down in Article 16 of the Covenant. After designating the aggressor, the Council would have to invite the signatory States to apply economic and military sanctions without delay.

Important additions were made in this respect to the provisions of the Covenant.

According to the Covenant, in cases where neither arbitral procedure nor judicial settlement is applied, the Council discusses the dispute and endeavours to effect a settlement by agreement or through enquiry and report. If, in the event of failure,

followed by hostilities, the Council advises States Members on the naval, military and air measures necessary to apply Article 16, the Members of the League decide for themselves whether this opinion is correct and whether their obligation to cut off relations between the peace-breaker and the rest of the world becomes operative. In acting under Article 16, the Council must be unanimous.

"According to the new system defined in the Protocol," said Dr. Benes at the Fifth Assembly, "the situation is as follows:

> "1. The dispute arises.
>
> "2. The system of peaceful settlement provided by the Protocol comes into play.
>
> "3. The Council intervenes, and if, after arbitration has been refused, war is resorted to, if the provisional preventive measures are not observed, etc., the Council decides which party is the aggressor and calls upon the signatory States to apply the sanctions.
>
> "4. This decision implies that such sanctions as the case requires—economic, financial, military, naval and air—shall be applied forthwith, and without further recommendations or decisions."

"Thus," the rapporteur added, "the great omission in the Covenant has been made good."

The Protocol differed in other ways from the Treaty of Mutual Assistance. It did not provide for any action by the Council in determining and directing operations. Each signatory State remained in control of its forces; but it was "bound to collaborate loyally and effectively in support of the Covenant of the League of Nations and in resistance to any act of aggression" in a degree compatible with its geographical position and its particular situation in regard to armaments.

The idea underlying these provisions might be summed up in the following way: each State is the judge of the way in which it will carry out its obligations, but not of the existence of those obligations.

(e) *Economic and Financial Assistance.*—In Article 11, the Protocol defined the economic and financial "mutual support" contemplated by Article 16, paragraph 3, of the Covenant (the

granting of facilities for the supply of raw materials, foodstuffs, credit, etc., transport and transit). Article 12 provided that the Council, once in possession of the necessary information, should instruct its competent organs to draw up: (1) plans for the application of the economic and financial sanctions against an aggressor State; (2) plans for economic and financial co-operation between the State attacked and the States assisting it.

(f) *Special Treaties.*—The question of special agreements, which had been so keenly debated at the time of the Treaty of Mutual Assistance, had become less acute owing to the inclusion in the Protocol of provisions for compulsory arbitration. These agreements were to be regarded as a means for the rapid application of sanctions in a particular case of aggression, and as additional guarantees giving States which felt they needed it an absolute assurance that the system of sanctions would not fail. They were to be registered and published by the Secretariat, and open for signature to any Member of the League wishing to accede to them. The Council was empowered to receive undertakings from States determining in advance the military, naval and air forces which they would be able to bring into action immediately to ensure the fulfilment of the obligations arising out of the Covenant and of the Protocol.

(g) *Reduction of Armaments.*—The main object for which the Protocol was framed was to bring about a reduction and limitation of armaments, and its coming into force was made to depend on the carrying out of a disarmament treaty.

The signatories agreed to take part in an international conference, which was to be held on June 15th, 1925, and to which all States were to be invited.

The Council was to draw up a general programme for the reduction and limitation of armaments and communicate it to the Governments at least three months before the conference.

In his report, Dr. Benes drew attention to the interdependence of the three problems raised by the Protocol—pacific settlement of disputes, application of sanctions, and reduction of armaments. To establish this connection, the chapters concerning arbitration, determination of the aggressor, the keeping of the peace and sanctions were made conditional on the adoption by the conference of a plan of reduction, and the

Protocol could be invoked only by States considered by the Council to be carrying out the plan so adopted.

The Protocol fails.

The Protocol was submitted to the Assembly on October 1st. Some of its clauses gave rise to discussions that ranged beyond the scope of this chapter. Mention may, however, be made of the attitude taken by the Japanese delegation with regard to the total condemnation of war, in its relation with Article 15, paragraph 8, of the Covenant. A solution to this controversy which involved the question of race discrimination was found in the terms of Article 11 of the Covenant.[1] There was also a debate on the application of sanctions, some delegates being opposed to any extension of the obligations of Article 16.

The Protocol was adopted by the Assembly. Immediately after the session, fourteen States signed, and several others followed their example a little later. One State, Czechoslovakia, ratified.

At its session of December 1924, the Council of the League was to have studied various points on the application of the Protocol, and to have made preparations for the Disarmament Conference. Mr. Austen Chamberlain, Minister of Foreign Affairs in Mr. Baldwin's Cabinet, which had just come into power in Great Britain, asked that the subject should be postponed to the following session, so as to enable his Government to make a thorough study of the Protocol in conjunction with the Dominions.

Three months later, during the Council's session of March 1925, the British representative read a statement explaining why

[1] The Japanese delegation proposed that, even when a dispute had been declared a matter of domestic jurisdiction under Article 15, paragraph 8, of the Covenant, the Council should still have the duty of trying to remove any danger to peace that might have arisen out of the situation. The Japanese delegation declared that, unless some such provision were made, it could not agree to a State party to a dispute being presumed the aggressor simply because it became involved in hostilities after the question at issue had been declared to be within the domestic jurisdiction of the other party. It was accordingly decided that the Council or the Assembly, under Article 11 of the Covenant, were always competent to deal with any threats to peace (under this Article, the votes of the parties to a dispute are counted in reaching unanimity) and to attempt to effect conciliation between the parties; a State party to a dispute should be presumed the aggressor if hostilities broke out only in case it had not appealed to the League under Article 11 after the substance of the dispute had been declared to be within the domestic jurisdiction of the other party.

his Government felt unable to accept the Protocol. The British Government considered that, if the framers of the Covenant had not required that every dispute should at some stage or other be submitted to arbitration, it was presumably because they felt that the objections to universal and compulsory arbitration "might easily outweigh its theoretical advantages."

It expressed the fear that, as fresh classes of disputes were to be decided by the League, fresh possibilities of defying its decisions would be created, as well as fresh occasions for the application of coercive measures. But the United States, among other countries, was not a Member of the League; in these circumstances, "surely it was most unwise to add to the liabilities already incurred without taking stock of the degree to which the machinery of the Covenant had been already weakened by the non-membership of certain great States." The statement then criticised the importance attached to sanctions. "The fresh emphasis laid upon sanctions, the new occasions discovered for their employment, the elaboration of military procedure, insensibly suggests the idea that the vital business of the League is not so much to promote friendly co-operation and reasoned harmony in the management of international affairs as to preserve peace by organising war and (it may be) war on the largest scale."

If the British Government considered that it was not by general arrangements such as closing the gaps in the system for the pacific settlement of disputes or reinforcing the provisions of the Covenant on sanctions that security could be increased and disarmament made immediately possible, it was because "the brooding fears that keep huge armies in being . . . spring from deep-lying causes of hostility . . . which divide great and powerful States. . . . What is feared in such cases is war deliberately undertaken for purposes of conquest or revenge. And if so, can there be a better way of allaying fears like these than by adopting some scheme which should prove to all the world that such a war would fail? . . .

". . . The best solution would be to supplement the Covenant, with the co-operation of the League, by making special arrangements in order to meet special needs. That these arrangements should be purely defensive in character, that they should be framed in the spirit of the Covenant, working in close harmony with the League and under its guidance, is manifest.

. . . In the opinion of His Majesty's Government, these objects can best be attained by knitting together the nations most immediately concerned, and whose differences might lead to a renewal of strife, by means of treaties framed with the sole object of maintaining as between themselves an unbroken peace. Within the limits of the Covenant, no quicker remedy for our present ills can easily be found, or any surer safeguard against future calamities."

The British statement was followed by a long debate in which all the members of the Council took part. Those whose Governments had signed the Protocol, including M. Briand (France), M. Scialoja (Italy), M. Hymans (Belgium) and Dr. Benes (Czechoslovakia), replied to the criticisms levelled against it, and proclaimed their desire to direct the policy of their respective countries on the lines indicated by the Fifth Assembly. At the same time, they approved the suggestion for special agreements concluded in the spirit of the Covenant. The British statement left no hope of a general acceptance of the Protocol, but it was the starting-point of fresh developments, including guarantees of security in the areas which had suffered most from the war and a steady improvement of the international atmosphere. Though falling short of intentions, the efforts of 1923-24 had important consequences.

Conciliation and Arbitration.

The Sixth Assembly (1925), in the report which it adopted emphasised "the fidelity and unanimity with which the Members of the League remain attached to the triple objects underlying the draft Protocol—namely, arbitration, security and disarmament—" and indicated "the methods by which they could work toward this end pending the conclusion of the general arrangements which many consider indispensable."

It asked the Council to undertake a strictly practical enquiry into the whole problem of the pacific settlement of international disputes, in the light of all the "proposals, declarations and suggestions made in the Council or the Assembly."

The way in which effect was given to this decision is described below. The Assembly concentrated its efforts on the problem of arbitration and conciliation, and adopted with some amendments a draft resolution submitted by M. Quiñones de León, delegate of Spain, which contained a passage that is noteworthy

from another point of view :

> " The Assembly :
>
> " Regards favourably the effort made by certain nations to attain those objects (restoration of mutual confidence, war of aggression considered as an international crime) by concluding arbitration conventions and treaties of mutual security conceived in the spirit of the Covenant of the League of Nations and in harmony with the principles of the Protocol (arbitration, security, disarmament).
>
> " Records the fact that such agreements need not be restricted to a limited area, but may be applied to the whole world.
>
> " Recommends that, after these conventions and treaties have been deposited with the League of Nations, the Council should examine them in order to report to the Seventh Assembly on the progress in general security brought about by such agreements."

The Locarno agreements were concluded a few weeks later. They were initialled on October 16th, signed in London on December 1st, 1925, and deposited with the Secretariat of the League during the session of the Council held in the same month.

The Locarno Agreements.

Although the Locarno agreements were negotiated outside the League of Nations, they cannot be ignored in this chapter, because they put into application certain ideas evolved during the previous years by the organs of the League, they are likely, as stated in the final Protocol of the Conference, " effectively to hasten the disarmament contemplated in Article 8 of the Covenant " by increasing the sense of security in Europe, and they depend largely for their effectiveness on the existence of the League. Their object, say the signatories, is " to provide for the peaceful settlement of disputes of every description which may eventually arise between them " and " to give these Powers supplementary guarantees within the framework of the Covenant and the treaties in force."

The Treaty between Germany, Belgium, France, Great Britain and Italy was a treaty of security with detailed provisions for the intervention of the Council in certain contingencies. The agreements between France and Poland and France

and Czechoslovakia are directed to making effective the obligations of the contracting parties under Article 10 of the Covenant.

The four arbitration conventions between Germany and Belgium, France, Poland and Czechoslovakia are inspired by the previous work done on arbitration and conciliation. They provide for the constitution between the contracting parties of permanent conciliation commissions, to which may be submitted, by agreement, disputes between the signatories. These commissions are to be constituted in the way recommended by the Third Assembly in 1922. Article 16 of the four conventions provides for reference, in certain cases, to the Permanent Court of International Justice.

These agreements came into force on Germany's admission to the League, and are to remain in force until the Council, by at least a two-thirds majority, decides that the League of Nations ensures sufficient protection to the parties.

The Locarno Agreements were a new departure in that they combined some of the main features of treaties previously concluded on arbitration, conciliation, non-aggression and guarantees—features which were already represented in the Covenant—and resembled certain points in the Protocol. In giving a brief analysis of their legal aspect at a meeting of the Council when the Agreements were deposited with the League, M. Sciajola said:

> "We have established an organisation at Locarno which at first sight may appear complicated, but which is in fact very simple. The questions which can be settled by a legal procedure are submitted to arbitration or to the Permanent Court of International Justice. Other questions are sent to conciliation committees which have a wider competence—or rather an unlimited competence. As a final resort, if the conciliation committees are unable to achieve agreement, though we hope that they will always be able to find a way to eliminate causes of dispute, the questions are submitted to the Council, which is specially qualified and established to deal with such matters by the Covenant of the League, but which may perhaps have needed the preparatory organisations which we created at Locarno."

Another striking innovation in the Locarno Treaties was that they knit together States which had been enemies in the war and had since the war been in opposite political camps. In this respect, too, they were a regional agreement of a new type, and this feature was emphasised by making the Locarno settlement depend upon Germany's entry into the League.

These agreements, therefore, come completely within the framework of the League, and correspond with the spirit which has animated the work of the League. It is not surprising that the actual terms of the Protocol appear in the letter which the other signatories addressed to the German Government describing the obligations contained in Article 16 of the Covenant:

> "The obligations arising out of the said article for the Members of the League must be understood as meaning that each of the States Members of the League of Nations is bound to collaborate loyally and effectively in support of the Covenant and in resistance to any act of aggression in the degree which its particular situation as regards armaments and its geographical position allow."

IV. Preparation of the Disarmament Conference

Committee of the Council and Co-ordination Commission.

The 1924 Assembly left the Council with some important work, including principally the preparation of the plan for the reduction of armaments to be submitted to the General Disarmament Conference provided for in the Protocol.

The rapporteur, Dr. Benes, pointed out that this imposed upon the Council "a number of duties and responsibilities which made it necessary constantly to exercise its particular duty of directing and co-ordinating the work of the various organisations of the League." Accordingly, it was decided to create *a Committee of the Council*, to the meetings of which the titular representatives of the States Members of the Council might send deputies if they could not themselves be present.

To assist the Committee in directing and centralising the work, the Council reconstituted the Temporary Mixed Commission under the name of the *Co-ordination Commission* which

was composed as follows :

(*a*) The Committee of the Council assisted by :

(*b*) The Chairman and one or two members of the Economic and Financial Organisation and of the Transit Organisation;

(*c*) Six members appointed by the Permanent Advisory Commission ;

(*d*) Two members of the Employers' Group, and two members of the Workers' Group of the Governing Body of the International Labour Office ;

(*e*) If considered advisable, a certain number of experts, jurists and others.

As the Protocol did not come into force, the conditions governing a Disarmament Conference no longer remained. The Sixth Assembly (1925) had to consider the situation and decide upon the action to be taken. The discussion revealed two currents of opinion—one that it would be preferable to await the results of the negotiations which were to lead to the Locarno Agreements before the Council committed itself too definitely to preparatory studies for the reduction and limitation of armaments ; the other that, while deferring until the most suitable moment the summoning of the proposed International Conference, it was essential that the preliminary work should be put in hand without delay.

These two points of view were not felt to be irreconcilable, and to meet this situation was the aim of M. Quiñones de León's resolution alluded to above. Its last paragraph invited the Council to engage in preparatory studies for the organisation of a conference so that it might be summoned " as soon as satisfactory conditions had been assured from the point of view of general security as provided in resolution XIV of the Third Assembly."

Constitution of the Preparatory Commission.

It was under this resolution that, in December 1925, the Council set up the *Preparatory Commission for the Disarmament Conference*, which is still in existence. It consists :

(*a*) Of representatives of the States Members of the Council ;

(*b*) Of representatives of States which are in a special position as regards disarmament by reason of their geographical situation, and not otherwise represented on the Commission.

Three States that are not Members of the League also sit on the Commission: the United States of America (since the beginning); the Union of Socialist Soviet Republics (since November 1927) and Turkey (since March 1928). Before Germany was a Member of the League, she was invited to take part and she co-operated in the Committee's work from the outset.

Any State not represented on the Commission is entitled to submit memoranda and to be heard in support of them. The Commission may invite any State to co-operate on special questions; and it may hear any persons whose special qualifications are likely to be of assistance on a particular subject.

The Commission, which is now the main body for the preparation of the Disarmament Conference, may request the help and advice of the competent organs of the League, of the Permanent Advisory Commission and of committees of experts. It has two Sub-Committees:

(1) *Sub-Commission A* (military questions), composed of military, naval and air experts for each of the countries represented on the Commission;

(2) *Sub-Commission B* (economic questions), composed of representatives of each delegation to the Preparatory Commission.

Programme of Work of the Commission.

At the same session of December 1925, a programme of work for the Preparatory Commission was submitted to the Council, together with a report by M. Paul-Boncour. This programme had been discussed in detail by the Committee of the Council, which had had before it three lists of questions proposed respectively by Lord Robert Cecil, M. Paul-Boncour, and M. Cobian, the Spanish representative.

Lord Robert Cecil's draft contained six points covering the nature of armaments, the standards of comparison of the armaments of different countries, the estimate of national requirements and of the degree of security, and the use of civil aviation for military purposes.

M. Paul-Boncour's memorandum introduced new factors which were to be the subject of prolonged discussion. He had endeavoured to analyse the different elements of which national armaments are composed, both in peace and war, and to take

into account the different circumstances and resources of States when passing from a peace to a war footing, and, on this basis, proposed the "consideration of the prospects . . . of re-establishing a relative equilibrium between the different countries as regards their means of industrial and economic mobilisation and the rapidity of such mobilisation"; he also asked for the "examination of the principle according to which no Power should have the right to maintain armaments susceptible, in the event of its committing an act of aggression, of placing at its disposal forces superior to those which the State which was the victim of the aggression together with the League of Nations could unite in opposition to it, either by virtue of Article 16 of the Covenant or through the application of the regional agreements provided for in Article 21 of the Covenant."

The Spanish memorandum was less technical and more general in character. It took the view that the problem of disarmament was the resultant of a balance of natural forces which constantly varied, so that, "even if it may be taken for granted that it is the common wish of all countries to preserve this balance, constant effort will clearly have to be made to take account of the varying forces at play and to restore the balance at any moment."

The combined questionnaire which the Committee of the Council had asked the authors of the three drafts to prepare embodied the two French proposals in an abbreviated form. They raised the question of "potential war strength," often discussed at previous meetings of the League, and of the best way of making good the differences in these "war potentials" by mutual assistance and the application of sanctions, so that any State guilty of aggression should not be capable of resisting the whole of the forces which the Members of the League could collectively bring against it.

Another important element raised in the Committee was that of the international control of the limitation of armaments.

The Questionnaire submitted to the Preparatory Commission.

Out of these proposals and the discussions to which they had given rise, a list of the questions was adopted by the Council for submission to the Preparatory Commission. It comprised the main ideas of the British and French drafts, and became the starting point of the Commission's preparatory work. The full

text is appended :

"*Question I.*

"What is to be understood by the expression 'armaments'?

"(*a*) Definition of the various factors—military, economic, geographical, etc.—upon which the power of a country in time of war depends.

"(*b*) Definition and special characteristics of the various factors which constitute the armaments of a country in time of peace; the different categories of armaments—military, naval and air—the methods of recruiting, training, organisations capable of immediate military employment, etc.

"*Question II.*

"(*a*) Is it practicable to limit the ultimate war strength of a country, or must any measures of disarmament be confined to the peace strength?

"(*b*) What is to be understood by the expression 'reduction and limitation of armaments'?

"The various forms which reduction or limitation may take in the case of land, sea and air forces; the relative advantages or disadvantages of each of the different forms or methods; for example, the reduction of the larger peace-time units or of their establishment and their equipment, or of any immediately mobilisable forces: the reduction of the length of active service, the reduction of the quantity of military equipment, the reduction of expenditure on national defence, etc.

"*Question III.*

"By what standards is it possible to measure the armaments of one country against the armaments of another—*e.g.*, numbers, equipment, expenditure, etc.?

"*Question IV.*

"Can there be said to be 'offensive' and 'defensive' armaments?

"Is there any method of ascertaining whether a certain force is organised for purely defensive purposes (no matter what use may be made of it in time of war), or whether, on the contrary, it is established in a spirit of aggression?

Question V.

"(*a*) On what principle will it be possible to draw up a scale of armaments permissible to the various countries taking into account particularly:

"Population;

"Resources;

"Geographical situation;

"Length and nature of maritime communications;

"Density and character of railways;

"Vulnerability of the frontiers and of the important vital centres near the frontiers;

"The time required, varying with different States, to transform peace armaments into war armaments;

"The degree of security which, in the event of aggression, a State could receive under the provisions of the Covenant or of separate engagements contracted towards that State?

"(*b*) Can the reduction of armaments be promoted by examining possible means for ensuring that the mutual assistance, economic and military, contemplated in Article 16 of the Covenant shall be brought quickly into operation as soon as an act of aggression has been committed?

"*Question VI.*

"(*a*) Is there any device by which civil and military aircraft can be distinguished for purposes of disarmament? If this is not practicable, how can the value of civil aircraft be computed in estimating the air strength of any country?

"(*b*) Is it possible or desirable to apply the conclusions arrived at in (*a*) above to parts of aircraft and aircraft engines?

"(*c*) Is it possible to attach military value to commercial fleets in estimating the naval armaments of a country?

Question VII.

"Admitting that disarmament depends on security, to what extent is regional disarmament possible in return for regional security? Or is any scheme of disarmament impracticable unless it is general? If regional disarmament is practicable, would it promote or lead up to general disarmament?"

The debates of the Commission bore on the three factors: arbitration, security and disarmament. These will be dealt with in turn.

V. Arbitration and Conciliation

Before the Council had decided to proceed with the preparation of the Disarmament Conference, the 1925 Assembly, it will be remembered, had drawn its attention to the procedures of arbitration and conciliation, and had asked the Council to arrange for a practical study of the whole problem of the pacific settlement of international disputes.

Treaties of Arbitration and Conciliation.

This methodical study, prepared by the Secretariat during 1926, dealt first with treaties of arbitration proper such as those concluded after the Second Hague Conference (1907), which applied this procedure only to a limited number of disputes, and then with treaties extending compulsory arbitration to a wider sphere and sometimes to disputes of every kind.

Another part of the report was devoted to treaties of conciliation, differing from treaties of arbitration in that, even if the parties had recourse to this procedure, they were not bound to accept the result. The volume showed that a large number of these treaties had been concluded after the Third Assembly's recommendation of this method and that in these treaties conciliation and arbitration were regarded as of equal importance.

The third class of treaties dealt with in this report were those which provided both for conciliation and arbitration.

In transmitting the report to the Assembly, the Council noted the marked progress to which it bore witness, stated that "it was happy to note the striking evidence of the spirit of conciliation which exists in international relations," and ended with an allusion to the Locarno Agreements.

It was on the extension of the Locarno agreements to other regions that the debate of the Seventh Assembly (1926) was mainly centred. It adopted a resolution drawing attention to the general ideas embodied in the Locarno Treaties as of a kind likely to establish confidence and security, and so to facilitate the reduction and limitation of the armaments of all States. With a view to the extension of these principles,

the Assembly called upon the Council to offer its good offices for the conclusion of suitable agreements.

Creation of the Committee on Arbitration and Security.

The Eighth Assembly (1927) went a step farther. The difficulties encountered in the preparation of the Disarmament Conference led to several suggestions that they should be solved by the development of compulsory arbitration.

One of them, submitted by M. Beelaerts van Blokland, Netherlands Minister for Foreign Affairs, proposed the study of the principles of disarmament, security and arbitration underlying the 1924 Protocol. Two other suggestions were put forward, one on behalf of the French delegation by M. Paul-Boncour and the other on behalf of the German delegation by Count Bernstorff. In the name of the Norwegian delegation, Dr. Nansen proposed the preparation of an international convention for the compulsory arbitration of disputes, and suggested a plan similar to the Optional Clause of the Permanent Court of International Justice: "An optional arbitration treaty," he said, "would permit of the building up of a system of universal arbitration, which might be erected piece by piece according to when each group of countries reached a political situation enabling it to sign treaties of arbitration *inter se*."

The Polish delegation, also, made a proposal pointing to compulsory arbitration, which it intended to cover the "gap" in the Covenant that allowed States in certain circumstances to have recourse to "private war." This proposal consisted of two articles:

> "(1) All wars of aggression are and shall always be prohibited.
>
> "(2) Every pacific means must be employed to settle disputes of every description which may arise between States.
>
> "The Assembly declares that the States Members of the League are under an obligation to conform to these principles."

This outlawry of war, adopted by the Assembly on September 24th, was soon afterwards to be prescribed in similar terms in the "Treaty for the Renunciation of War" (also known as the Paris Pact or the Briand-Kellogg Pact).

During the discussion, there were some advocates of a return to the system of the Protocol; but this was regarded with some scepticism by others—for instance, M. Politis, who said that the obstacles which had appeared after 1924 still subsisted and that "the extension of compulsory arbitration would encounter the same objections with the same force and the same consequences as before."

M. de Brouckere, delegate of Belgium, protested strongly against any policy of procrastination. Even if it were "impossible to undertake ambitious plans and to conclude a new Protocol or any substitute for it, we can [he said] always undertake a systematic work of exploration and not allow ourselves to be the sport of circumstance."

The Assembly adopted a long resolution recommending:

> "the progressive extension of arbitration by means of special or collective agreements including agreements between States Members and non-members of the League of Nations so as to extend to all countries the mutual confidence essential to the complete success of the Conference on the Limitation and Reduction of Armaments."

The resolution also provided for the constitution of a *Committee of Arbitration and Security* which was to be an emanation of the Preparatory Commission; its programme was fixed by the resolution itself in the following terms:

> "The Assembly . . . requests the Council to give the Preparatory Commission, whose task will not be confined to the preparation of an initial Conference on the Limitation and Reduction of Armaments and whose work must continue until the final goal has been achieved, the necessary instructions for the creation without delay of a Committee consisting of representatives of all the States which have seats on the Commission and are Members of the League of Nations, other States represented on the Commission being invited to sit on it if they so desire.
>
> "This Committee would be placed at the Commission's disposal and its duty would be to consider, on the lines indicated by the Commission, the measures capable of giving all States the guarantees of arbitration and security necessary to enable them to fix the level of their

armaments at the lowest possible figures in an international disarmament agreement.

"The Assembly considers that these measures should be sought:

"In action by the League of Nations with a view to promoting, generalising and co-ordinating special or collective agreements on arbitration and security;

"In the systematic preparation of the machinery to be employed by the organs of the League of Nations with a view to enabling the Members of the League to perform their obligations under the various articles of the Covenant;

"In agreements which the States Members of the League may conclude among themselves, irrespective of their obligations under the Covenant, with a view to making their commitments proportionate to the degree of solidarity of a geographical or other nature existing between them and other States;

"And, further, in an invitation from the Council to the several States to inform it of the measures which they would be prepared to take, irrespective of their obligations under the Covenant, to support the Council's decisions or recommendations in the event of a conflict breaking out in a given region, each State indicating that, in a particular case, either all its forces, or a certain part of its military, naval or air forces, could forthwith intervene in the conflict to support the Council's decisions or recommendations."

Adoption of the General Act.

The Committee on Arbitration and Security was formed on November 30th, 1927, in the course of a short session held by the Preparatory Commission, and it met immediately. M. Benes was elected Chairman, and the programme was divided into three parts: (*a*) arbitration and conciliation; (*b*) security agreements; (*c*) study of articles of the Covenant. The respective rapporteurs were M. Holsti (Finland), M. Politis (Greece) and M. Rutgers (Netherlands).

In two sessions, held before the 1928 Assembly, the Committee prepared a series of model conventions and treaties giving to States which regarded the degree of security provided by the Covenant as inadequate the possibility of obtaining supplementary guarantees.

These texts, representing one of the most considerable efforts so far made to organise peace, were presented to the Ninth Assembly (1928), which submitted and, in some cases, recommended them to the Governments. The Assembly's principal decision was the adoption of a "General Act for the Pacific Settlement of International Disputes."

Of the three model conventions drafted by the Committee, the first provided exclusively for conciliation precedure. The second, in addition to conciliation, provided for the compulsory jurisdiction of the Permanent Court of International Justice in all disputes that were conflicts of rights, unless the parties agreed to have recourse to an arbitral tribunal. The third and most complete extended judicial or arbitral settlement to all disputes without distinction, and provided for the jurisdiction of the Permanent Court for conflicts of right; for other disputes, the parties were to constitute a special arbitral tribunal. Ample provision was made for reservations to the conventions; the scope of such reservations was defined so as to avoid uncertainty or abuse, and they were made subject to interpretation by the Permanent Court of International Justice, instead of being left to interpretation at the discretion of the parties.

The Assembly resolved to combine these three texts in what is known as the *General Act*, which reproduces their provisions in the four chapters of which it is composed: I.—Conciliation; II.—Judicial settlement; III.—Arbitral settlement; IV.—General provisions, combining the clauses which figured, mostly in identical form, in the Committee's three texts. Any State can limit as it pleases its commitments under the terms of the General Act, by acceding either to the Act as a whole or to Chapters I, II and IV, or simply to Chapters I and IV; the contracting parties may benefit by the accession of other parties only in so far as they have themselves assumed the same obligations.

To meet the wishes of the delegations which preferred individual undertakings, the Ninth Assembly accepted the three model *bilateral conventions* which the Committee had drawn up. These texts were submitted to the States under the same conditions as the General Act. The Assembly passed a resolution inviting:

> ". . . all States, whether Members of the League of Nations or not, and in so far as their existing agreements

did not already achieve this end, to become parties to the General Act, or to conclude bilateral conventions."

Another resolution, known as the Resolution concerning the Good Offices of the Council, invited the Council:

> ". . . to inform all States Members of the League that, should States feel the need of reinforcing the general security conferred by the Covenant and of contracting for this purpose undertakings concerning the pacific settlement of any disputes which may arise between them, and should negotiations in connection therewith meet with difficulties, the Council would, if requested to do so by one of the parties—after it has examined the political situation and taken account of the general interests of peace, be prepared to place at the disposal of the States concerned its good offices, which, being voluntarily accepted by them, would be calculated to bring the negotiations to a happy issue."

In the same general connection, the Assembly drew the attention of States which had not acceded to the Optional Clause of the Statute of the Court of International Justice to the possibility of doing so with reservations limiting the duration or the extent of their undertakings; it recommended that States which had not yet accepted the compulsory jurisdiction of the Court should consider whether they could accede with reservations, failing accession pure and simple.

The Movement in Favour of Arbitration.

This set of decisions soon had consequences of considerable significance.

The Ninth Assembly (1928) decided that the General Act would come into force as soon as it had been acceded to by two States. This took place as a result of the accession of Belgium and Norway, who were soon followed by Denmark, the Netherlands and Sweden, and at the Assembly of 1929, the delegates of Czechoslovakia, Finland, France, Greece, the Irish Free State and Latvia announced the intention of these countries to accede.

The general movement in favour of arbitration, which was so pronounced during the tenth year of the League, was further exemplified by the additional accessions to the compulsory jurisdiction clause of the Permanent Court of International Justice. This recent progress may be measured by the fact that

by the end of the First Assembly only three States had acceded to the Optional Clause; after that only fifteen countries, which included Germany, had acceded up to the time of the 1929 Assembly. During this Tenth Assembly, in response to an appeal by Mr. Ramsay MacDonald, fifteen additional States signed. It is true that their signatures were subject to ratification, but among them were three Great Powers—France, Great Britain[1] (with India and all the Dominions) and Italy.

The year 1929, which also saw the entry into force of the Briand-Kellogg Pact, was therefore marked by a considerable extension of arbitration in the most general sense of the term—*i.e.*, as a method for the final pacific settlement of disputes.

VI. Security and Assistance

Immediately after the 1924 Assembly and its adoption of the Protocol, M. Benes, in his report to the Council on October 3rd, said that security would only be complete if the proposed Disarmament Conference succeeded. The effect of the subsequent failure of the Protocol was to modify the terms of this proposition; to prepare for a successful issue to the Conference the Members of the League had to consider how to increase the sense of security already afforded by the Covenant.

Work was undertaken in four directions:

(1) Investigation of practical measures for strengthening the war-preventing action of the Council under Article 11 of the Covenant;

(2) Conclusion of treaties similar to those of Locarno;

(3) Financial assistance to States in case of war or threat of war;

(4) Determination of methods to ensure the rapid working of the League in times of emergency.

Certain of these enquiries relating to the interpretation of articles of the Covenant were connected with the measures taken to provide for the settlement of disputes. It is only necessary here to make passing reference to the Council's work on the application of Article 11 of the Covenant, which led to a definition

[1] Great Britain, with the Dominions and India, ratified her accession in 1903. For further details see Chapter III: "International Justice."

of League practice in this respect. The League's efforts have since been devoted to reinforcing the guarantees and practical facilities at its disposal either in the case of war or threat of war.

It may also be mentioned that the incident which occurred on January 1st, 1928, at the Hungarian station of Szent Gotthard, where a clandestine consignment of war material was discovered, was the occasion for the adoption of a resolution by the Council of the League relating to "measures to preserve the *status quo*" in the pacific settlement of disputes.

Treaties of Guarantee and Security.

As already stated, the report submitted by the Council to the 1926 Assembly laid emphasis on treaties of mutual guarantee of the type concluded the previous year at Locarno. It noted that the latter might be said to contain in varying degrees all the ideas already embodied in arbitration and conciliation conventions "with the addition in certain well-known cases of the idea of military guarantees or sanctions which already figured in the Treaty of Mutual Guarantee of 1923 and the Protocol of 1924." It recalled that agreements on the same general lines were recommended for other areas where strife was most to be apprehended.

The Eighth Assembly (1927) appointed the Committee on Arbitration and Security to give effect to its resolution, and this Committee drew up three model treaties of non-aggression and mutual assistance:

(1) The first, collective in form, was the most far-reaching, embodying three of the main features of the Locarno Rhineland Agreement: (*a*) an undertaking in regard to non-aggression; (*b*) procedure for pacific settlement whereby conflicts of right were submitted to arbitration, and other disputes referred to conciliation or, in the event of failure, to the Council under the terms of Article 15 of the Covenant (and Article 17 if a non-member State was involved); (*c*) an undertaking in regard to mutual assistance, should one of the contracting parties be the victim of aggression by another contracting party, after the Council had established the aggression and designated the aggressor.

(2) The second model treaty, also collective in form, contained the same clauses as the first, with the exception of those relating to mutual assistance.

(3) The third treaty was similar to the second, except that it was bilateral in form. It is a special treaty of non-aggression, also containing clauses for the pacific settlement of disputes.

The Assembly made practically no changes in these model treaties, passed a resolution declaring its conviction that "their adoption . . . would contribute to strengthening the guarantees of security," recommended them for consideration by States Members or non-members of the League of Nations, and expressed the hope that they might serve as a basis for those who wished to conclude treaties of this sort.

Another resolution was adopted similar to the one on the "good offices" of the Council in regard to arbitration.

Prevention of War.

At a meeting of the Arbitration and Security Committee, the German delegation had advocated the conclusion of a treaty by which the parties would undertake in advance to accept certain recommendations of the Council in the event of a crisis.

This led to a "model treaty for strengthening the means to prevent war" which was framed by the Committee. The contracting parties undertake voluntarily and in advance that in the event of any dispute between them being submitted to the Council, they will carry out such provisional recommendations as the Council may make in regard to the subject of the dispute with the object of preventing action which might prejudice the settlement subsequently proposed by the Council. They also undertake to abstain from all measures calculated to aggravate or extend the scope of the dispute.

If fighting has already begun, the contracting parties undertake to comply with recommendations of the Council concerning the cessation of hostilities, more particularly an order to withdraw forces which have advanced into the territory of another State or into a demilitarised zone.

The Ninth Assembly (1928), to which this text was submitted, recommended it to the consideration of Governments. On the initiative of the British delegation, the Tenth Assembly asked the Committee on Arbitration and Security to frame a draft general convention on the lines of the model treaty, for submission to the Eleventh Assembly. The draft was accordingly prepared and submitted.[1]

[1] See Chapter I: "The Peaceful Settlement of Disputes."

Financial Assistance in Case of War.

The proposal made to the 1926 Assembly by the Finnish delegation for a scheme of financial assistance to States victims of aggression was discussed by a "Mixed Committee" consisting of the League Financial Committee and of the Committee on Arbitration and Security.

The latter requested the Ninth Assembly to settle certain preliminary legal or political difficulties. It was then able, with the assistance of the Financial Committee, to prepare a draft treaty, which was submitted to the Tenth Assembly.

The object of the treaty was to provide machinery by which the Council might, as a measure to restore or safeguard peace, authorise financial assistance to Members of the League victimised by war or threatened by war. The Government concerned would itself raise a loan, but it would have the moral and material support of an international guarantee provided under the ægis of the League by the other signatories. In addition to this general guarantee, special guarantees would be furnished by a few financially strong States. The loan would thus be guaranteed by the borrowing Government itself on the general security of its revenues, by the signatories to the treaty, and by certain financially strong signatories.

The Tenth Assembly's discussion of the machinery indicated the necessity for settling certain further questions, which the Assembly left to the Financial Committee, and to the Committee on Arbitration. A revised text was prepared for submission to the Eleventh Assembly.

League Communications in an Emergency.

The settlement of the Greco-Bulgarian dispute had shown that rapidity of action was essential in emergencies; the Commission of Enquiry despatched to the spot had recommended that, in future, "Governments and the League Secretariat should be given special transmission and transit facilities in the event of war." A study of the requisite measures was entrusted by the Council to the Committee for Communications and Transit, which examined the whole question of the speed and security of League communications in emergencies. The measures proposed, which are described in the chapter on communications and transit, related to communications by rail, air, telegraph, telephone and wireless telegraphy. They were approved by the Committee of the

Council and by the Council itself, which invited Governments to facilitate their application.

The Tenth Assembly also considered facilities for aircraft engaged in transport of importance to the work of the League.

The Present Conditions of Security.

In a speech at the end of the second session of the Committee on Arbitration and Security (March 7th, 1928), the Chairman (M. Benes) summed up the results as follows :

> "We have adopted a certain number of resolutions accompanied by texts of model treaties on arbitration, conciliation, mutual assistance and non-aggression. These decisions will indicate the path to be followed by the Members of the League of Nations in endeavouring to achieve the final consolidation of Europe and in securing pacification and a durable peace. Here we have a kind of general policy of the League of Nations which we have endeavoured to outline. That policy is based on one or two essential principles :
>
> "1. It is essential that we should undertake not to make war.
>
> "2. It is essential to complete this undertaking with another undertaking to settle all disputes by pacific means.
>
> "3. This arrangement can be still further completed by an undertaking of mutual assistance embodied in a treaty which we have called a Treaty of Mutual Assistance and Non-Aggression.
>
> "4. We leave to the States which cannot immediately adopt these principles as a whole the option of voluntarily and progressively bringing their policy into accord with these principles by following the evolution which is taking place in the general position and in their special situation.
>
> "5. We are asking the Council of the League of Nations in practice to follow this path and to help States to achieve this object, while respecting the wishes and desires of the various Members of the League.
>
> "While, however, we absolutely respect the freedom of everyone concerned, it must not be forgotten that the path we have traced is recommended as a possible and the most practical means of achieving our object, and that in all cases States should be governed by the spirit underlying

this policy. This policy is bound up with the future work which will be done for the Conference on the Reduction and Limitation of Armaments, and we believe that it will enable that work to be more easily conducted to a successful conclusion."

After examining the work thus done, the Ninth Assembly adopted a resolution, which, in the introductory passages, not only emphasised again the connection between disarmament and a sense of security, but also described the solid guarantees of peace which already exist thanks to the existence and efforts of the League :

"Whereas a close connection exists between international security and the reduction and limitation of armaments ;

"And whereas the present conditions of security set up by the Covenant of the League of Nations, by the Treaties of Peace, and in particular by the reductions in the armaments of certain countries under these Treaties, and also by the Locarno Agreements, would allow of the conclusion at the present time of a first General Convention for the Reduction and Limitation of Armaments ;

"And whereas those Governments which consider that their security is not sufficiently assured are now, thanks to the work of the Committee on Arbitration and Security, in possession of fresh means for strengthening their security, of which it is to be hoped that they will make use at need, by having recourse to the good offices of the Council ;

"And whereas the Convention for the Reduction and Limitation of Armaments will increase international security ;

"And whereas it is desirable that the work of the Preparatory Commission for the Disarmament Conference and of the Committee on Arbitration and Security shall be pursued so that, by further steps, armaments may be progressively reduced as the increase of security allows ;

"Declares, etc. . . ."

It is against this background that the subject of disarmament must now be discussed. Though it may not be possible to record decisive progress, the delay in complying with the obligations contained in Article 8 of the Covenant should not be allowed to obscure the magnitude and promise of the results

obtained on arbitration and security, or the importance of what has been done to overcome the difficulties in preparing for the General Conference.

VII. Problems of Disarmament

While it was endeavouring to establish conditions that would promote a sense of security and mutual trust and so make the reduction of armaments possible, the League continued to prepare for the General Conference itself. It proceeded with the drafting of a convention to fix the general principles and methods of limitation, leaving it to the Conference to insert in the annexed tables the armaments figures which the contracting parties would undertake not to exceed while the convention was in force.

In the first stage of the work, all phases of disarmament were thoroughly explored by sub-commissions, by sub-committees of experts, and by the Preparatory Commission itself. The reports thus obtained form an encyclopædia on armaments which M. Loudon, Chairman of the Preparatory Commission, declared to be—

> " of inestimable value as representing the opinion of first-class technical experts ; they have thrown into prominence the points upon which there is disagreement, without a knowledge of which no agreement would be possible."

The second stage, still in progress, is an attempt to reconcile these disagreements ; agreement has been reached on some points, and the issues have been more narrowly circumscribed on others.

Wide Differences of Opinion.

The brunt of the work fell on Sub-Commission A, composed of military, naval and air officers of the countries represented on the Preparatory Commission. After three sessions held between May 28th and November 5th, 1926, under the successive chairmanship of M. Cobián (Spain), M. Buero (Uruguay) and M. de Brouckère (Belgium) and with abundant material at its disposal, this body submitted a technical and detailed report disclosing differences of views which largely explain why progress has not been so great as was hoped.

1. *Land Armaments.*—In Sub-Commission A, there were conflicting theories about the kind of armaments to be limited

or reduced, similar to those advanced when the Treaty of Mutual Assistance was drawn up.

One view was that reduction or limitation should apply to all national forces available on mobilisation (*i.e.*, to peace-time armaments and armaments prepared in peace-time for immediate use in war, and consequently to stocks of material) and to "trained reserves" (*i.e.*, to men who had actually done military service and could be called up on mobilisation). The advocates of this method were the American, British, Dutch, Finnish, German, Spanish and Swedish delegations, who pointed out the advantage held in war-time by the army first ready or by the State whose possession of reserves and stocks of material enabled it to put at once into the field a larger number of units.

The Argentine, Belgian, Czechoslovak, French, Italian, Japanese, Polish, Roumanian and Yugoslav delegations, on the other hand, maintained that, in such an event, victory would depend, not on the initial advantage of rapid mobilisation, but on the possession of resources enabling a larger army to remain in the field for some time. Limitation should therefore be applied to peace-time armaments that could be immediately used for a surprise attack before the League could intervene. They emphasised the importance of the industrial factor, of the "war potential" and the impossibility of any but an arbitrary distinction between armaments in reserve and those prepared after mobilisation.

By peace-time armaments they understood forces and materials in service in peace-time, the forces organised on a permanent footing and with their material and equipment capable of use without preliminary measures of mobilisation; they accordingly did not wish to limit "trained reserves," mobilisation material in stock or capable of being requisitioned or any other personnel and material which the general resources of a country made it ultimately possible to bring into action.

2. *Naval Armaments.*—The Sub-Commission recognised that only ships of war should be limited. The question seemed to be simpler than that of land armaments, yet differences of opinion were to give rise to a controversy that lasted for years.

One side maintained that limitation should apply to the total tonnage, and that each country should be left free to arrange its naval armaments within these limits as necessity required.

The other desired limitation by categories. Those who favoured limitation by categories instanced the success of the Washington Naval Treaty on *capital ships and aircraft carriers*, while those who favoured total tonnage limitation instanced the special conference held in 1924 at Rome under League auspices, which had tried unsuccessfully to extend the principles of the Washington Naval Treaty to all States.

3. *Air Armaments.*—Opinions differed also on air armaments. Some delegations wanted limitation to cover civil aviation also; others deprecated this on the ground that it would hamper the development of commercial aviation.

At about this time, a committee of experts studying the problem of civil aviation declared in favour of developing it in such a way as to increase the differences between commercial and military aircraft; it recommended that the national civil aviation enterprises should co-operate internationally to this end.[1]

4. *Interdependence of Armaments.*—Numerous delegations considered it impossible to limit one class of armaments (land, sea or air) without at the same time limiting the other two; all armaments were interdependent, and limitation must be general.

Other delegations (British Empire, Chile, United States of America) considered it might be advisable to draw up separate conventions; they held that in any case it would be impossible to ask the great naval Powers to reduce their naval armaments unless such reduction were based on a reduction of the naval armaments of other countries and not on the reduction of the land armaments of great military Powers.

5. *Budgetary Limitation of Expenditure.*—This question, which had been raised at the First Assembly, was also discussed in Sub-Commission A.

Certain delegations favoured it as being an effective way of covering armaments difficult to limit directly (various classes of material) and of controlling indirectly and within each country the execution of the direct limitation established by international treaty. Others thought that expenditure neither constituted a real standard for measurement nor provided an equitable basis for limitation; the reduction of army expenditure would be the automatic result of a limitation of various kinds of armaments.

[1] See Chapter VI: "Communications and Transit."

The Joint Commission (an organ of Sub-Commission B) favoured the limitation of military budgets, pointing out that "such limitation cannot be efficacious unless it is the outcome of a limitation of military factors such as material and effectives." A committee of experts on budgetary questions subsequently drew up a uniform model statement showing the lines on which Governments could submit their annual military budgets, so as to be sure that the returns of all Governments represented roughly the same items of expenditure.

6. *Supervision.*—Supervision of the execution of the proposed Convention was a subject of much discussion. The Sub-Commission unanimously advised the continuation and improvement of the *Military Yearbook*, published by the League Secretariat in connection with the provision of Article 8 of the Covenant for exchange of information. But there were several delegations who insisted that more effective supervision would be necessary, as a convention without supervision would defeat its own end.

Other delegations, holding a contrary opinion, contended that a disarmament convention must depend only on international good faith.

Sub-Commission A had to examine a kindred question raised in the Preparatory Commission by M. de Brouckère, who had suggested the possibility of investigation if there were complaints over the execution of the Convention; he proposed, in the event of such complaints, to adopt procedure similar to that contemplated by Section XIII of the Peace Treaties for the International Labour Organisation.[1] Some delegations opposed this as ineffective and tending only to give rise to international mistrust.

On the question of the economic consequences of supervision, Sub-Commission B declared that such procedure "can only serve to enhance the feeling of security, by reason of the stricter—because more closely supervised—application of the Convention."

Preparation of the Draft Convention.

These differences of opinion appeared in two general draft schemes submitted to the Preparatory Commission, one by Viscount Cecil of Chelwood, the British delegate, and the other by M. Paul-Boncour, the French delegate.

[1] *I.e.*, the obligation to receive a commission of enquiry and eventually to appear before the Court.

The Commission examined them with the hope of establishing a single text to serve as a basis of discussion for an international conference, but the two drafts differed widely.

(a) *British Draft.*—The Cecil draft made a distinction between land, sea and air armaments, and proposed a method of limitation for each category. For land armaments, limitation was to apply to effectives, defined as troops available during a certain period after the opening of hostilities, the exact length of such period being left blank. The draft provided for limiting the number of officers and non-commissioned officers in a definite ratio to the number of men.

For naval armaments, limitation was to be on the tonnage of vessels by categories, the method adopted in the Washington Agreement. Eleven categories were recognised, in each of which the number, the separate tonnage of ships and the calibre of guns and torpedoes would be limited. For air armaments, limitation was to be effected by restricting the number of shore-based aircraft of service types.

On budgetary limitation, the Cecil draft contemplated only measures of publicity, for, in Lord Cecil's opinion, there would be grave practical difficulties in going farther.

On supervision, Article 12 of the document provided in certain circumstances for investigation; no investigation, however, could take place within the territory of a contracting Power without its consent.

(b) *French Draft.*—The basic idea of the Paul-Boncour draft was the interdependence of the three major categories of armaments. Limitations could apply only "to permanent peace armaments whether we are dealing with effectives, material or expenditure."

For the limitation of land armaments, the draft limited effectives and the period of military service; it understood effectives to mean troops immediately available on the opening of hostilities. Trained reserves were not included.

Limitation of naval material was to apply to total tonnage, "each contracting party being free to distribute and allocate this total tonnage as may be best for the purposes of security and the defence of its national interests." A maximum was fixed for the tonnage of vessels and the calibre of guns, and provision made for limitation of peace-time naval effectives.

The chapter on air material provided only for the limitation of material in service, as represented by the engine power of all kinds of aircraft, and the volume of dirigibles; there were various provisions concerning the interdependence of civil and military aviation.

With regard to the limitation of expenditure, the contracting parties were to undertake not to exceed a certain figure for their military budgets.

The draft contemplated the establishment of a permanent disarmament commission to follow the execution of the Convention, with powers, in certain circumstances, to decide that an enquiry should be made either on the basis of documents or on the spot.

First Reading of the Draft Convention.

At its third session (March–April 1927) the Preparatory Commission made an attempt to amalgamate the British and French drafts. Unanimity was reached on a number of articles, though with reservations by various delegations. But on many other points the Commission could only submit alternatives and the texts were rather in the nature of a number of suggestions for study. This stage of the proceedings was considered as a first reading of the draft Convention, without prejudice to the attitude which delegations might adopt at a second reading.

The first chapter, on effectives, contains a single text for all of its seven articles, the first providing that the contracting parties shall limit "the effectives in service in their armed forces or land, sea and air formations organised on a military basis and which may for that reason be immediately employed without having to be mobilised, to the effectives determined in the tables annexed to the Convention." There are no alternative texts in this chapter, but reservations were made, mainly on the omission to include limitation of "reserves given military training."

The second chapter concerns material. On land armaments, it embodies the text of the French draft, with a parallel text submitted by Count Bernstorff regarding limitation of the maximum material in service and in stock. The German delegate said each State should know what other States possessed in the amount and kinds of war material, of which it must take account in its own estimates.

On naval armaments, apart from several provisions unanimously accepted, three drafts were, after prolonged discussions, reserved for the second reading :

(*a*) A British draft on limitation by categories ;

(*b*) A French draft which was in the nature of a compromise ; without abandoning the total tonnage formula for each country, the French delegation agreed to division into " total tonnage by groups " applicable to four major categories—capital ships, aircraft carriers, service vessels under 10,000 tons and submarines. Each contracting party would fix a maximum tonnage for each of these categories ; but, within the limits of the total tonnage settled, each party could alter its division, subject to notification to the League Secretariat at least one year before laying down the portion of the tonnage to be transferred.

(*c*) An Italian draft which followed the principle of total tonnage, each contracting party being free to arrange such tonnage according to its requirements, subject to notification to the League Secretariat, six months before laying down the keel, of the characteristics of each vessel to be constructed.

Section 3 of the chapter on material deals with air armaments. The first article limits air material by the number of aeroplanes in service and their total horse-power. The Commission was able to adopt a unanimous text, as certain delegations were content to submit reservations in view of the second reading.

Another article, adopted unanimously with three reservations, stipulates that the limitations are to be accepted by each contracting party on the basis of the present state of civil aviation in other countries.

The whole section on air armaments was adopted in first reading with reservations. In the final article, the contracting parties undertake to encourage as far as possible the conclusion of international economic agreements between civil aviation undertakings.

Chapter three on annual budget expenditure contains the article proposed in the French draft and the observations of the delegations who disagreed.

Chapter four on chemical warfare consists of a proposal by the Belgian, Polish, Roumanian, Czechoslovak and Yugoslav delegations. Discussion of this was adjourned to the second reading.

Chapter five contains miscellaneous provisions. It adopts the French proposal for the constitution of a permanent disarmament commission, and provides for the yearly publication and despatch to the League Secretariat of complete tables concerning effectives, and—on a Dutch proposal—for the publication by each of the contracting parties of annual statements on war material. This is followed by articles on the publicity of military, naval and air expenditure. The texts regarding exceptions, and the procedure for complaints and revision consist mainly of the alternative proposals in the British and French drafts.

The Naval Armaments Problem.

It has not yet been possible to frame an agreed text on all points. The Preparatory Commission could not embark on this final stage of its work unless there seemed to be a prospect that the differences of opinion would be reconciled. This depended mainly on the Governments, especially those which had been the principal advocates of the opposing theories.

As already stated, the disagreements on limitation of naval armaments did not appear to be complicated. And agreement on methods in this respect was a condition of agreement on the draft Convention as a whole.

Most of what was done or attempted by way of reduction and limitation of naval armaments had taken place in conferences outside the League, though followed by the League with the closest attention and sympathy. The Washington Conference (1921) had brought together the five great Naval Powers (France, Great Britain, Italy, Japan and the United States of America), all of them Members of the League except the United States. In 1927, on the invitation of President Coolidge, a fresh Naval Conference was held at Geneva, at the League's headquarters and with some assistance from the League Secretariat. Only Great Britain, Japan and the United States of America took part in this Conference, as France and Italy had agreed to send observers only. Differences arose between the three Powers, and the Conference did not achieve the desired results, a fact which did not fail to have its influence on the work of the League.

However, at the invitation of the Preparatory Commission, negotiations on naval armaments were opened between the French and British Governments, the two main protagonists

of the conflicting policies with which the Commission was confronted. During 1928, the negotiations resulted in an understanding which these Governments communicated, in the first place, to the other chief Naval Powers, with a view to presenting it ultimately to the Preparatory Commission. The scheme failed to secure the assent of the other chief Naval Powers and was abandoned.

This was the situation when the Preparatory Commission held its session of April 15th–May 6th, 1929. Alluding to the conclusion of the Briand-Kellogg Pact, and speaking on behalf of President Hoover, the American delegate raised fresh hopes by declaring in substance that the American Government, while not modifying its view that the "simplest, fairest and most practical" method of limitation was that by categories, had tried to find, "in the various methods presented, some solution which might offer the possibility of compromise and general acceptance." "During the third session of the Preparatory Commission," he said, "the French delegation brought forward a method which was an attempt to combine its original total tonnage proposals with the method of tonnage limitation by categories. In the hope of facilitating general agreement as to naval armaments, my Government is disposed to accept the French proposal as a basis of discussion." This statement was followed by declarations from the British, Japanese, French and Italian representatives, who acknowledged the stimulus which it was likely to give to the work of the Commission.

Some months later, following on Mr. MacDonald's visit to the United States, the British and American Governments decided to summon a new Naval Conference in London, to which France, Italy and Japan were invited. This is not the place to enlarge on the results of the Conference, but it is reasonable to conclude that they will greatly facilitate the task of the League. A Secretariat official attended the Conference by invitation.

The Soviet Proposals.

A delegation from the Union of Socialist Soviet Republics took part, for the first time, in the session of the Preparatory Commission held in November 1927. M. Litvinoff, the chief delegate, read a statement criticising the work of the League and proposing a scheme for absolute and universal disarmament within a maximum period of four years.

The Commission adjourned examination of this proposal till its next session, which was held in March 1928 and at which a Turkish delegation participated for the first time. The Soviet scheme, which had meanwhile been put into the form of a draft convention, was discussed and rejected (the German and Soviet delegates dissenting); the Commission found it unacceptable as a basis for its work, which must "be pursued along the lines already mapped out."

M. Litvinoff then submitted a new draft convention for the gradual reduction of armaments, which the Commission decided to bring to the notice of the various Governments and to study at its next session. It was finally rejected owing to the difficulties which its application would involve: it took no account of the connection established by the Covenant between security and disarmament, it was founded on principles which had been rejected by the League organs some time before, it would necessitate a change of methods, and it encroached upon the prerogatives of the future Disarmament Conference. Count Bernstorff (Germany) and Tewfik Rouchdy Bey (Turkey) declared, however, that the Soviet draft contained very interesting principles which would tend to stimulate the work of the Commission.

At the same session, the Commission also decided not to adopt a proposal of General Tsiang Tsoping (China), for the abolition of compulsory military service, which he regarded as the fundamental solution of the question of the reduction of effectives. Count Bernstorff said he had withdrawn his proposal to this effect because he realised that the majority could not accept it and he desired to make a concession, but he associated himself entirely with the arguments advanced by the Chinese delegation.

The Question of Trained Reserves.

The Chinese proposal had arisen in the discussion on effectives, which revived the problem whether "trained reserves" should be included in the effectives to be limited. This question, which, in the view of some States, involved the problem of conscription as opposed to voluntary recruiting, had not been settled, and the Preparatory Commission was still faced with the two alternative drafts, British and French. A declaration by Mr. Gibson did something to clear up this situation. While maintaining the opinion expressed in 1927, he stated that he would support the view of the majority

of countries whose land forces were their chief military interest. He did not make this "fundamental concession" (he said) in the spirit of bargaining, but because he considered that the method of "laying cards on the table" should create a feeling of candour and harmony that would be conducive to success.

The three great military Powers which retain the system of conscription hastened to emphasise the significance of this declaration. M. Massigli (France) said the declaration was certainly calculated to advance the work of the Commission, while in the opinion of M. Sato (Japan), it opened "an entirely new prospect to countries in which the conscript system was still in existence"; the difficulties encountered at the first reading over trained reserves were now (he said) removed. General de Marinis (Italy) associated himself with these observations.

Count Bernstorff said Germany could not consider the proposed Convention unless it provided for an appreciable reduction of armaments. "How could any appreciable reduction of armaments be made at all if no change whatever were made in the sphere of land armaments? In this matter—that is to say, the question of an appreciable reduction of armaments—Germany, who is herself completely disarmed, has no concessions to make. The important point for us is to know whether the other States which are interested in land armaments are prepared, in execution of the Treaties and of the Covenant, to contemplate an appreciable reduction of armaments for themselves also. Accordingly, Germany can be asked only for concessions as regards the method by which an appreciable reduction of the armaments of States which are not disarmed may be brought about." Concessions had already been made by the German Government, which had not asked for any general abolition of compulsory military service. That was a fundamental concession. "The German Government has—if I may venture to say so—made two successive concessions: first, it refrained from asking for the general abolition of the conscript system in favour of the voluntary system—which amounts to recognising the existence of trained reserves—and, secondly, it proposed that the value of trained reserves should be estimated, not by their numbers, but by a scale of military values—a point on which agreement will have to be reached. A disarmament convention which neglected the question of trained

reserves might be conceivable if all the signatory States had a free choice between a system of military service which enabled them to form trained reserves and some other system which did not enable them to do so. But here you have a group of signatory States some of whom do not possess this freedom of choice, but who are obliged, under the existing treaties, to give up the formation of trained reserves, and a disarmament Convention which neglected so important a consideration could not be regarded as equitable."

M. Rutgers (Netherlands) and M. Westman (Sweden) explained why their delegations had decided to make concessions. Mr. Westman, however, said that limitation which extended only to troops serving with the colours would bear very hardly on "countries which only maintain professional armies . . . and on countries which have a conscript system with a very short period of military service." M. Litvinoff considered "the reduction of reserves as an essential and integral part of disarmament." M. Sokal (Poland) said that countries with compulsory military service had already made concessions.

Lord Cushendun stated that the British delegation had not changed its views on the limitation of trained reserves, but, like the American and other delegations, it would be ready to make a concession. "Let me add," he said, "that this is not, we hope and believe, the final work which will be undertaken in the direction of disarmament. Let us recognise that all we are doing now is laying the foundations. We are taking the first step in the direction of disarmament—an enormous movement—a movement that twenty or thirty years ago no one would have believed possible, in that all the nations of the world should be simultaneously gathered together to determine upon a system of disarmament."

The Chinese delegate said his country could not admit a draft convention which failed to take account of trained reserves. Following these discussions, the President noted that a large majority of the Commission agreed that the convention should not include this question.

Home and Overseas Forces.

Another matter vigorously debated, particularly between the French and Italian delegations, was whether a distinction should be made, as regards limitation, between a country's home and overseas forces. No decision has yet been taken.

The Turkish and Soviet delegations contended that the Convention should mention the apportionment of forces in the various parts of a State's territory. Others, including the Italian delegation, considered that the distance of overseas territories from their own home country, as well as their distance from the principal territory of other countries, must be taken into account. The Italian delegation, with the support of the German delegation, made a general reservation to the effect that a contracting party, when establishing figures for its home forces, should be entitled to consider the overseas forces of another country as part of that country's home forces, when this seemed justified by the geographical situation and, more especially, it should be entitled to consider the distance of the overseas territory from the home territories of its own and other countries.

Other delegations agreed on the desirability of limiting home forces in order to prevent a sudden increase of armaments in home territories by countries drawing upon their overseas forces, but thought that it should be left to the countries concerned to study separately their requirements for overseas armaments. The French delegation drew attention to the fact that it was often necessary to have larger forces for policing overseas territories and for measures of internal security than for external safety, and that the numerical importance of an overseas force depended upon the extent to which the country concerned enjoyed the freedom of the seas. While agreeing that the distance should be taken into consideration, it was of opinion that this proposal was part of the general question of reduction criteria which would be dealt with by the Conference.

Limitation of Land Material.

The texts drawn up on the first reading in 1927 on the limitation of land material took the form of two separate proposals, one submitted by the German delegation and the other by the French delegation. Reservations of a general character had been submitted by the American, Japanese and Italian delegations. At the sixth session, the Soviet delegation submitted a proposal of wider scope than the German proposal.

In 1929, Mr. Gibson announced that, in this matter, as in that of trained reserves, the American delegation, while maintaining its convictions, was ready to defer to the majority of those Powers whose defence was primarily military.

Two arguments were then put forward; one, mainly supported by the German delegation, provided for direct limitation by the establishment of maximum numerical limits for each category of material; the other, submitted by the French delegation and approved by those of Italy and Japan, provided for the indirect limitation of material by limiting expenditure on upkeep, purchase and manufacture.

The partisans of *direct* limitation regarded this as a perfectly feasible method, because it had already been applied to certain countries in the provisions of the Peace Treaties, would enable States to know precisely what were the armaments of their neighbours and would prevent States compensating for the limitation of man-power by unlimited stocks of material. Its opponents declared that it would restrict the freedom of internal organisation of individual armies, that it would be illusory owing to the difficulty of defining and limiting the manufacture of spare parts, that it would operate unfairly against small States obliged to buy war material from abroad, that it was calculated to arouse suspicion and distrust and implied international supervision which most countries did not seem able to accept for the moment.

The supporters of the *indirect method* through budget limitation observed that this system was extremely elastic, enabled account to be taken of general economic conditions or any special conditions in each country and created no difficulties in regard to control. The reply of its opponents was that this system would not cover material in existence at the date of the coming into force of the Convention, and that, while it furnished information on the commercial value, it failed to do so on the military value of armaments and was not a suitable basis of comparison for purposes of reduction.

The American delegation stated that it could not accept the system of budget limitation, which would raise insuperable obstacles in the United States, some of them constitutional, and recommended a system of publicity for expenditure. This proposal was adopted by 22 votes to 2 (China and U.S.S.R.), but it was recognised that its adoption did not prejudge the ultimate decision to be taken by the Commission on the general system of publicity. Count Bernstorff, who had abstained from voting, made a general statement in which he said that his Government could not accept, " even as a first stage, a solution

which would not include all the forms of armaments, and which would not bring about an appreciable reduction in the excessive armaments of the present day, as such a solution would not correspond to the principles either of the Treaties or of the Covenant." He therefore left the majority with the sole responsibility for the preparation of the Conference "as its course is being shaped at the present moment."

Question of Supervision.

These serious differences of opinion on supervision, which, in the 1927 text, was dealt with only by provisions taken from the French preliminary draft, led M. Massigli, on behalf of the French delegation, to announce that the delegation had decided to substitute for its original proposals, "certain simpler and more general proposals governing the essential points for which provision must be made in the draft Convention: exchange and centralisation of information, settlement of disputes concerning the interpretation and application of the Convention, steps to be taken in the case of any infringement of the same, having regard more particularly to the special position of States non-members of the League—naturally without prejudice to the procedure which States Members may be bound to follow."

Mr. Gibson thanked the French delegate for this concession, adding that it brought the Commission nearer to its goal—the completion of a single text of a draft Convention.

Resolution of the Tenth Assembly.

At its session of April-May 1929, the Preparatory Commission had no precise agenda, but considered its precedure in regard to the draft Convention of 1927, the German proposal concerning the exchange of information, "observations" submitted by Count Bernstorff and the draft convention presented by the delegation of the Union of Socialist Soviet Republics. The Soviet proposal was not accepted, as already explained, and the Commission, thanks mainly to Mr. Gibson's statement on trained reserves, was able to give the 1927 draft a partial second reading, and to suggest a basis for reconciling the differences that had persisted for so long. Some other points were reserved for a later session: naval material, budgetary expenditure, general provisions.

Replying to M. Litvinoff, who had declared that the results of the session had been entirely negative, and had asked that a

Conference should be summoned promptly, when Governments "would be forced to take up . . . a position much more in correspondence with the desires and demands of the nations," M. Politis emphasised the results achieved:

> "The chief impression which we shall carry away with us is that the question of the limitation and reduction of armaments has now ripened both in the minds of peoples and of Governments.
>
> "If national security is not yet sufficient to make it possible to effect a very large reduction of armaments, nevertheless, after the League Covenant, after the various regional agreements, and after the extensive system of treaties of conciliation, arbitration, and judicial settlement, the Paris Pact has now introduced a new element, the value of which is enhanced by the fact that it can be added to later, while it also makes it possible to take the first step towards disarmament immediately.
>
> "Whatever may be the scope of this first stage, it will assuredly constitute a very important advance.
>
> "Bilateral or collective agreements providing for the general or particular limitation of armaments already exist, but our Covention will possess one essential characteristic which has never obtained before—that is, by reason of its scope and of the number of contracting States, it will be both general and universal.
>
> "For the first time in the history of the world, the problem of national armaments will have changed its character. It has hitherto been, and still is, an essentially domestic concern—a matter coming exclusively under the sovereign rights of each State. Henceforth it will become an international question governed by laws which the States will have freely accepted."

The Tenth Assembly (1929) reviewed the progress made, and the general development in the international situation which the entry into force of the Briand-Kellogg Pact and the prospects of the London Naval Conference (1930) had effected.

The British delegation, representing the new British Government after the 1928 election, gave notice that it proposed to raise at the next meeting of the Preparatory Commission, the question of limiting war material either directly or indirectly by

budget limitation, or by both methods at once; in its opinion, limitation of material was essential to any effective disarmament plan. It expressed the hope that the Preparatory Commission would soon finish its work, and moved a resolution. After considerable discussion in the Third Committee, the following resolution was adopted by the Assembly:

> "The Assembly,
>
> "Cordially welcoming the prospect of an early agreement between the naval Powers with a view to the reduction and limitation of naval armaments, which agreement may enable the Preparatory Commission to secure general agreement on the methods to be adopted for the reduction and limitation of naval armaments;
>
> "Taking note of the statements made in the Third Committee with regard to the principles on which, in the opinion of various delegations, the final work of the Preparatory Commission should be based;
>
> "Noting that the solution of the disarmament problem can be attained only through mutual concessions by Governments in regard to the proposals they prefer;
>
> "Urging, in accordance with its resolution of 1928, 'the necessity for accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible':
>
> "Confidently hopes that the Preparatory Commission will shortly be able to resume the work interrupted at its last session, with a view to framing a preliminary draft Convention as soon as possible for the reduction and limitation of land, naval and air armaments."

This is the last decision so far taken by the League on the subject of disarmament.

VIII. Special Questions

There remain certain special matters that are part of the League's disarmament work, though perhaps more incidental to it than what has just been described. They concern international trade in and private manufacture of arms and ammunition, chemical warfare, military statistics and investigation procedure.

International Trade in Arms.

Article 22 (*d*) of the Covenant entrusts the League with "the general supervision of the trade in arms and ammunition with countries in which the control of this traffic is necessary to the common interest."

At the Peace Conference, it was considered that earlier agreements, like the Brussels Act (1890), no longer met present requirements, and a Convention was concluded at Saint-Germain on September 10th, 1919. It prohibited the export of arms and munitions of war, save for certain exceptions to be allowed by the contracting parties in regard to "export licences to meet the requirements of their Governments or those of the Governments of any of the High Contracting Parties"; it provided for a Central International Office, under the control of the League of Nations, for the purpose of collecting documentation on the trade in arms; and established certain prohibited zones and zones under maritime supervision.

It soon became evident that the St. Germain Convention would not come into force, chiefly because of the decision of the United States of America not to ratify. A fresh start had to be made, and the Fourth Assembly (1923) asked the Temporary Mixed Commission to prepare a draft convention to replace that of 1919. Two preliminary drafts were submitted, one by the Marquis de Magaz (Spain), the other by M. Jouhaux on behalf of the labour group of the International Labour Office; the Permanent Advisory Commission was also approached for technical assistance.

A draft Convention prepared in 1924 was presented to the Assembly and to the Council, and, after communicating the text to Governments, the Council summoned a General Conference, which met at Geneva on May 4th, 1925. Forty-four States were represented, including Germany, which was not yet a member of the League, the United States of America, Egypt and Turkey. The Conference adopted a Convention for the institution of a general system of supervision and publicity for the international trade in arms and a special system for certain parts of the world in which special measures were considered necessary.

The arms, ammunition and implements of war which come under the Convention are divided into five categories.

They are:

(1) Those exclusively designed and intended for land, sea or aerial warfare. Governments only are entitled to export or import arms of this category; certain exceptions are provided for, which apply, in particular, to manufacturers of war material and duly authorised rifle associations; every exported consignment must be accompanied by a licence or declaration issued by the importing Government.

(2) Those capable of use both for military and other purposes. They come under the system of export licences.

For both these categories, the Convention provides for publicity in the form of a statistical return of the foreign trade in arms.

(3) and (4) Vessels of war and their armament; aircraft assembled or dismantled and aircraft engines; for these items, publicity alone is provided.

(5) Arms and ammunition not falling within the first two categories. Trade in these is unrestricted.

The special zones comprise the African continent (with the exception of the Mediterranean countries,[1] Abyssinia, South Africa and Southern Rhodesia), the mandated territories of Asia Minor, the Arabian Peninsula, Gwadar, and a "maritime zone" including the Red Sea, the Gulf of Aden, the Persian Gulf and the Gulf of Oman. To these zones the export of all arms except warships is generally forbidden; it may, however, be authorised, under conditions, in particular if the contracting parties exercising sovereignty, jurisdiction, protection or tutelage over the territory to which the export is consigned, are willing to admit them and if these arms are intended for purposes compatible with the Convention. Special provisions are laid down regarding Abyssinia, possible reservations of countries bordering on Russia and countries possessing extra-territorial jurisdiction in the territory of another State.

The Convention does not apply to arms forwarded to the armed forces of the exporting country outside the national territory; and, in the event of war, the application to belligerents of the provisions on supervision and publicity are to be suspended.

[1] Morocco, except for Spanish territory in North Africa, is in the special zone.

The Convention comes into force after ratification by fourteen countries. This condition has not yet been quite fulfilled. The delay may be attributed to the fact that the Governments are awaiting the institution of another system of international regulation in regard to the manufacture of arms, ammunition and implements of war, a system to which reference was made in the Final Act of the Conference.

The Private Manufacture of Arms and Ammunition.

The problem of private manufacture has not yet been solved, despite a series of efforts which began with a decision of the 1920 Assembly, inviting the Council to have the matter studied by its competent commissions. At the beginning of this chapter, it was noted that the fifth paragraph of Article 8 of the Covenant, after stating "that the manufacture by private enterprise of munitions and implements of war is open to grave objections," asks the Council to "advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety."

The Temporary Mixed Commission to which this work was entrusted had two proposals before it. One, advocated by the Labour representatives of the Governing Body of the International Labour Office who were members of the Commission, aimed at the absolute prohibition of private manufacture; it was rejected as contrary to the interests of States which did not produce war material themselves. The other contemplated supervision. The Commission proposed a series of measures to that end and, at the request of the Assembly, prepared a draft International Convention in 1924. It provided for the national supervision of private manufacture by a system of licences and for official publication by the Governments of the information given on the licences; a minority report, signed by the three Labour members and a Roumanian member, urged the adoption of more stringent measures, including the internationalisation of control.

This disclosed a difficulty which was also apparent at the Conference on the Trade in Arms, where the non-producing countries, whose armaments would be known by the published statistics, desired a form of control over manufacture, which, from the point of view of publicity, would place them

on a footing of equality with producing countries.

The whole problem was then referred to the Disarmament Committee of the Council which, after consultation with the Governments, endeavoured to solve the main difficulties—namely, those on State manufacture and those on national versus international control. The Council Committee hoped at least to diminish the extent of the divergencies by confining the licence system to private manufacture, defined as "all manufacture taking place in establishments of which the State is not the sole proprietor," but extending the publicity to all manufacture, whether by private or State enterprise.

At the 1926 Assembly, attention was drawn to the close connection of supervision of private manufacture and of the arms trade with the general problem of the reduction of armaments. The Assembly felt, however, that the work on private manufacture, if it led to a Convention, would be a valuable contribution to the preliminary work for the Conference on the Reduction of Armaments; and, at its invitation, the Council set up a special commission which prepared a draft Convention with alternative texts.

Under this draft, the categories of arms would be the same as in the Convention on the Supervision of the Trade in Arms. The signatories would undertake not to permit, in the territory under their jurisdiction, the private manufacture of arms falling within the first four categories, unless the manufacturers were licensed by the Government; to transmit to the Secretary-General of the League, or to publish periodically, a list of the licences granted, specifying the purpose for which, and the persons to whom, they had been issued; and to transmit to the Secretary-General, or to publish, the text of the provisions of all statutes, orders or regulations in force within their territory dealing with the manufacture of the articles covered by Categories 1, 2 and 4.

Certain other provisions on publicity or on Category 3 (war vessels) did not obtain agreement, and the principal difficulty—*i.e.*, the inclusion or exclusion of State manufacture—also remained.

Some progress was made during the year 1928 by the Special Commission's acceptance of the principle of publicity for State manufacture, but agreement was not reached in regard to its extent. As the Ninth Assembly deemed it essential to arrive at an agreed text, the Council of the League made an appeal on

those lines to the Governments concerned. At its 1929 session, the Special Commission adopted a draft Convention by a majority vote, but the differences continue, and several Governments have declared their inability to form a definite opinion on the methods of publicity for State manufacture before they are acquainted with the conclusions of the Preparatory Commission for the Disarmament Conference on publicity for war material. The Tenth Assembly requested the Council to consider the desirability, after the Preparatory Commission has concluded its work on publicity for implements of war, of calling a further meeting of the Special Commission to complete the text of a preliminary draft Convention.

Prohibition of Chemical Warfare.

The League of Nations has given its attention from the beginning to chemical warfare, which, although considered contrary to the law of nations, was conducted on an extensive scale during the war of 1914–1918. The problem is complicated by the fact that the factories which can furnish the substances for such warfare are those which, in peace-time, normally supply materials for industrial purposes.

The military experts of the Permanent Advisory Commission, instructed by the Council to consider this question, gave it as their opinion that the use of these substances in war could not be restricted by prohibiting or limiting their manufacture in peace-time. The Council then proposed that Governments should consider the penalties to be imposed upon any nation using asphyxiating gases in war-time.

The Temporary Mixed Commission, in order that importance of this problem might be generally understood, asked a committee to report on the probable effects of the chemical weapon in the event of war. This committee's report (1923) explains the effect of the substances which are now known, examines the possibility of fresh discoveries, studies means of protection and describes the special danger of chemical warfare to the unprotected. The 1924 Assembly requested the Council to publish this report, if such action seemed desirable, and to encourage efforts to make information on the subject generally accessible to the public. Its resolution added that the attention of public opinion throughout the world should " be drawn to the necessity of endeavouring to remove the causes of war by the pacific settlement of disputes and by the solution of the problem of security, so that nations

might no longer be tempted to utilise their economic, industrial or scientific power as weapons of war."

The League has also sought to induce Governments to pledge themselves not to engage in chemical warfare. In 1922, the Assembly recommended that States-Members of the League and other nations should accede to the Treaty concluded at Washington on February 6th of that year; Article 5 of that treaty provides for a mutual understanding between the signatories that they will not use in war asphyxiating, poisonous or other gases, nor any analogous liquid, material or device.

The discussion of the question was resumed by the International Conference for the Supervision of the Trade in Arms (1925). Senator Burton (United States of America) proposed to prohibit the export of asphyxiating gases and other poisonous substances for warlike operations. The Polish delegation asked that the prohibition should include bacteriological weapons.

The Conference considered that this prohibition would not prevent the chemical weapon from being used by States possessing suitable chemical industries and that it would anyhow be very difficult to enforce, as chemical war products are very similar to those used for industrial or pharmaceutical purposes. The simplest solution would be to ask all States to give a formal undertaking not to resort to chemical warfare. A Protocol was drawn up in the following terms:

> "Whereas the use of asphyxiating, poisonous or other gases, and of analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and
>
> "Whereas the prohibition of such use has been declared in treaties to which the majority of the Powers of the world are parties; and
>
> "To the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and the practice of nations:
>
> "Declare that the High Contracting Parties, so far as they are not already parties to treaties prohibiting its use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this Declaration."

This Protocol is now in force, and has been ratified or acceded to by the following twenty-six countries:

Australia, Austria, Belgium, Canada, China, Denmark, Egypt, Finland, France, Germany, Great Britain, India, Italy, Liberia, New Zealand, Persia, Poland, Portugal, Roumania, South Africa, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

A desire to strengthen further the undertaking not to resort to chemical or bacteriological warfare was manifested in the course of the preparatory work for the Disarmament Conference, and Sub-Commission A (Military) and the Joint Commission of the Preparatory Commission have proceeded to study measures to prevent the adaptation of chemical factories for the manufacture of poisonous war gases, the use of civil or military aircraft for chemical warfare, the effect of the distribution of poisonous gas over closely populated districts, and the penalties which might be inflicted on a State resorting to chemical warfare. Various proposals, which the Preparatory Commission was unable to study, were included, as Chapter IV, in the preliminary draft Disarmament Convention.

Statistics.

The League Secretariat publishes the *Armaments Yearbook* and the *Yearbook on the Traffic in Arms, Ammunition and War Material.*

The former, which is to supply the information required by the last paragraph of Article 8 of the Covenant,[1] contains information on the naval, military and air forces and organisation of the different countries, their armaments budgets and trade, manufacture and raw materials of interest from the point of view of national defence.

The latter gives tables of the exports and imports of arms, ammunition and war material of the different countries.

Both are based on official sources.

The Right of Investigation

The treaties of 1919 contain, at the end of the chapter on military, naval and air clauses, an article by which Germany, Austria, Bulgaria and Hungary consent to any investigation which the Council of the League, by a majority vote, may consider necessary.[2]

[1] See text above in this chapter.

[2] Articles 213 of the Treaty of Versailles, 159 of the Treaty of St. Germain, 104 of the Treaty of Neuilly and 143 of the Treaty of Trianon.

In 1924, "rules" were adopted defining the right of initiating such investigations, their nature and extent, and the composition and functions of the commissions. Certain provisions of these "rules" were modified or further elaborated in December 1926, at the request of the German Government.

Rôle of the Council.

Without prejudice to the right of an individual Member of the Council to bring any matter to the direct notice of the Council, any Government Member of the League may communicate to the Council anything which in its opinion calls for the exercise of the Council's right of investigation.

If investigation is decided upon, the Council notifies the Government concerned, without giving the details of such investigation, which may concern the demilitarisation of territories provided for by the treaties, or the military, naval and air clauses of the treaties.

The programme of the investigation and the lists of experts are drawn up by the Council, which settles the composition of the commissions and appoints the presidents, who receive their instructions from the Council and are responsible to it. The Council fixes the period of the investigations and receives all reports and information.

Rôle of the Permanent Advisory Commission.

The Permanent Advisory Commission is responsible to the Council for the preparation of any investigation upon which the Council may decide.

Any State not a member of the Council but a neighbour of a State by which it has been given undertakings through one of the Peace Treaties to submit to investigations is entitled to be represented on the Permanent Advisory Commission for all questions concerning investigations connected with that State.

The Permanent Advisory Commission submits to the Council proposals on the exact composition of the commissions of investigation. It supplies the presidents with all necessary information, and the presidents address to it copies of their reports upon which the Commission forwards to the Council its reasoned opinion.

Members of the Permanent Advisory Commission cannot be members of a commission of investigation.

Composition and Functions of the Commissions of Investigation.

The members of these commissions are chosen from a list of experts qualified in the various matters which may form the subject of investigations. These lists are kept by the Governments of States represented on the Council.

The exact composition of a commission varies according to the nature and importance of the investigation. It may be fixed by a majority vote of the Council. With the exception of States subject to investigation, the States represented on the Council when an investigation is decided upon will be represented in principle on every commission of investigation. Every local investigation is to be carried out by at least three experts of different nationalities.

The presidents of the commissions are not to reside in a State subject to investigation except during the time of investigation. For a period fixed by the Council and with its approval, they can detach groups to remain at points in demilitarised zones where continuity of investigation is required.[1]

Provisions governing the Conduct of Investigations.

The rules were completed by a report in two chapters—one on the powers of the commissions, the other on the facilities to be granted by the Governments subject to the right of investigation.

It is the duty of such Governments, on receipt of a notification from the Council, to take all measures to ensure that the commission may do its work in complete freedom and without resistances, active or passive, on the part of any authority or of the local population. Such Governments must also ensure that the commission has the legal means for carrying out its task.

The Council forwarded these rules to the four countries concerned so that they might take the necessary measures for the proper carrying out of the system. It observed that, in its opinion, the essential fact was that the States concerned were formally bound by treaty to submit to these operations.

The Demilitarised Rhine Zone.

In 1925, at the Council's request, the Permanent Advisory Commission studied the application of the rules on demilitarised zones to the demilitarised Rhine Zone. These rules

[1] See below, amendments to Rules of Investigation.

provided that, with the approval of the Council, the president of a commission of investigation could detach groups to remain at points in demilitarised zones where continuity of investigation was required.

The Permanent Advisory Commission submitted a report which was not unanimous and the question was not settled until December 1926 when the rules of investigation were revised to take account of the objections of the German Government.

Interpretation of the 1924 Regulations.

The German Government, in reply to the communications which had been addressed to it, sent a letter to the Council, in January 1926, giving its views on the rules adopted. While expressing its readiness to facilitate the investigations which it considered as offering to some extent a guarantee against unjustified allegations, the German Government said the rules might be interpreted as intending to transform into a permanent control the investigation contemplated in Article 213 of the Treaty of Versailles, which could apply only to specific cases. The provisions concerning detached groups and demilitarised zones could not apply to the Rhine Zone, and an investigation in that zone could only bear on the general clauses of the treaty concerning armaments (Part V of the Treaty of Versailles), and not on the special Articles (42, 43, 44 of the Treaty of Versailles) concerning the zone. Finally, the German Government was willing to grant the commissions all necessary facilities, but the powers requested in regard to German authorities and individuals were in some measure inconsistent with the German constitution. It hoped, nevertheless, that it would be easy to reach an agreement on the subject.

The Council discussed these objections when, after the Locarno Agreements, Germany entered the League and became a permanent Member of the Council. It adopted the following text as interpreting the Rules of Investigation:

> "1. The Council of the League of Nations, acting by a majority vote, shall decide, in conformity with Article 213 of the Treaty of Versailles, whether it is necessary, in any particular case, to hold an investigation, and it shall then specify the object and the limits of such investigation. The commissions of investigation shall act under the authority and on the instructions of the Council; the

Council's decisions shall be taken by a majority vote.

"2. To render an effective investigation possible, the commission shall apply to the representative appointed by the German Government or to his delegates, who will procure without delay the assistance of the administrative, judicial or military authority competent under German law. Such investigations shall then be carried out and findings reached as the commission, acting within the limits of its instructions, may consider advisable, the interested party being given a hearing.

"3. The prohibition laid down that the nationals of a State subjected to the right of investigation shall not form part of commissions of investigation shall be understood in the sense that the nationals of the State in the territory of which an investigation is undertaken shall never form part of a commission holding such investigation.

"4. It is understood that the provisions of Article 213 of the Peace Treaty with Germany, relating to investigations, shall be applicable to the demilitarised Rhine Zone as to other parts of Germany. These provisions do not provide in this zone, any more than elsewhere, for any special control by local standing and permanent groups. In the demilitarised Rhine Zone, such special groups, not provided for in Article 213, shall not be set up except by convention between the Governments concerned.

"5. The explanations given in Articles 1, 2 and 3 above naturally apply to cases under Articles 159 or the Treaty of St. Germain, Article 143 of the Treaty of Trianon, and Article 104 of the Treaty of Neuilly."

CHAPTER III

INTERNATIONAL JUSTICE[1]

I. *Organisation of the Permanent Court of International Justice:* Origin of the Court—Statutes and Rules—States entitled to appear before the Court—The United States of America and the Court. II. *Jurisdiction of the Court:* (1) Voluntary Jurisdiction; (2) Compulsory Jurisdiction; (3) The Court's Advisory Function. III. *Work of the Court: Disputed Cases*—(1) Applications; (2) Special Agreements; (3) Orders. *Advisory Opinions*—(1) Applications originating within the Council; (2) Applications transmitted to the Council at the Instance of a Third Party.

I. ORGANISATION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

ARTICLE 14 of the Covenant reads:

> "The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly."

At its second session, which was held in London in February 1920, the Council appointed a Committee of internationally recognised legal authorities to examine the chief questions arising out of the instructions contained in this article.[2]

The Committee of Jurists.

The Advisory Committee of Jurists met on June 16th, 1920, at The Hague, where it was welcomed by M. Léon Bourgeois on behalf of the Council of the League. M. Bourgeois drew attention to the very important and complex task with which the

[1] This chapter was prepared by the Registry of the Court.

[2] These jurists were: M. Mineitirô ADATCI, Japanese Envoy Extraordinary and Minister Plenipotentiary to Belgium; M. Rafael ALTAMIRA, Senator and Professor at the Faculty of Law of the University of Madrid; M. Clovis BEVILAQUA, Legal Adviser to the Brazilian Ministry for Foreign Affairs, who was replaced, at first *de facto* and subsequently in due form, by M. Raoul FERNANDES, ex-Brazilian

Committee was confronted. It had to consider the organisation of the Court, the method of appointing its members, their number and status, the place to be chosen as the seat of the Court and rules of procedure. The Committee elected as Chairman Baron DESCAMPS, as Vice-Chairman Dr. B. C. J. LODER, and as Rapporteur M. A. DE LAPRADELLE, and, after about six weeks of work, it was able, on July 24th, to agree unanimously upon a detailed draft, which covered the organisation, jurisdiction and procedure of the future Court. This draft, accompanied by the report prepared on behalf of the Committee by M. de Lapradelle, was submitted to the Council at St. Sebastian in August 1920. The Council transmitted both the draft and report to all States Members of the League, and asked M. Léon Bourgeois to prepare a report which would serve as a basis upon which the Council could reach its final conclusions.

The Brussels Session of the Council.

This report, to which were appended documents drawn up by other members of the Council on certain points, took into account the comments made on the draft by various Governments. It was laid before the Council at its Brussels session in October 1920. The Council made certain amendments to the draft, considering in particular that the Articles (34 and 35) on the Court's jurisdiction went beyond the scope of Article 14 of the Covenant in the direction of compulsory jurisdiction. Without prejudging the question, the Council preferred to substitute for the proposed text a reference to the relevant Articles of the Covenant and to the terms of treaties in force.

The Assembly of 1920.

Thus amended, the Committee's report was submitted to the first League Assembly (1920). It was referred to the Third Committee, which, under the chairmanship of M. Léon Bourgeois, appointed a Sub-Committee with instructions to examine in

delegate at the Conference of Paris; Baron DESCAMPS, Belgian Senator and Minister of State; M. Francis HAGERUP, Norwegian Envoy Extraordinary and Minister Plenipotentiary to Sweden; M. Albert DE LAPRADELLE, Professor at the Faculty of Law of Paris; Dr. LODER, Member of the Supreme Court of the Netherlands; LORD PHILLIMORE, Privy Councillor to His Britannic Majesty; M. Arturo RICCI-BUSATTI, Legal Adviser to the Italian Ministry for Foreign Affairs; Mr. ELIHU ROOT, ex-Secretary of State of the United States of America, accompanied by Dr. James Brown SCOTT as legal adviser.

detail the draft submitted by the Council, and various other drafts, reports and amendments presented to the Assembly.

On December 8th, 1920, the Sub-Committee,[1] after an exhaustive study, submitted a revised draft which the full Committee finally completed. This was approved by the Committee on December 11th, 1920, submitted to the Assembly two days later and, after a memorable discussion, unanimously adopted. The text of the Court's Statute was thus determined.

On account of the different constructions which could be placed on Article 14 of the Covenant, the Assembly concluded that a vote alone would not be sufficient to establish the Court and that the individual States must formally ratify the Court's Statute. Accordingly, it adopted on *December 13th*, 1920, the following resolution:

> "(1) The Assembly unanimously declares its approval of the draft Statute of the Permanent Court of International Justice—as amended by the Assembly—which was prepared by the Council under Article 14 of the Covenant and submitted to the Assembly for its approval.
>
> "(2) In view of the special wording of Article 14, the Statute of the Court shall be submitted within the shortest possible time to the Members of the League of Nations for adoption in the form of a Protocol duly ratified and declaring their recognition of this Statute. It shall be the duty of the Council to submit the Statute to the Members.
>
> "(3) As soon as this Protocol has been ratified by the majority of the Members of the League, the Statute of the Court shall come into force and the Court shall be called upon to sit in conformity with the said Statute in all disputes between the Members or States which have ratified, as well as between the other States to which the Court is open under Article 35, paragraph 2, of the said Statute.

[1] This Sub-Committee consisted of M. ADATCI, M. FERNANDES, M. HAGERUP, M. LODER and M. RICCI-BUSATTI, who had already been members of the Advisory Committee of Jurists, and M. DOHERTY, M. FROMAGEOT, M. HUBER, Sir Cecil HURST and M. POLITIS.

"(4) The said Protocol shall likewise remain open for signature by the States mentioned in the Annex to the Covenant." [1]

The Protocol of Signature of the Court's Statute.

The Court's Statute, therefore, is both an internal League instrument and an international treaty.

The Protocol was opened for signature by Members of the League and by the States mentioned in the Annex to the Covenant on December 16th, 1920. Under this instrument, signatory States declare that they "accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned Statute." The Protocol indicates the procedure for ratification, referring to the Assembly resolution as regards the entry into force of the Statute.

The Optional Clause.

Simultaneously with the Protocol of the Statute, a Protocol relating to the so-called Optional Clause was opened for the signature of States signing the former Protocol.

This clause was the outcome of a compromise between the partisans and opponents of "compulsory jurisdiction" [2]; the Additional Protocol concerning it reads:

> "The undersigned, being duly authorised thereto, further declare, on behalf of their Government, that, from this date, they accept as compulsory, *ipso facto* and without special convention, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, under the following conditions."

In May 1930, forty-two States had ratified the Protocol of the Statute, and twenty-nine were bound by the Protocol concerning the Optional Clause.

The Statute.

The Court Statute contains sixty-four articles: the first, a kind of preamble, states that "a Permanent Court of International Justice is hereby established in accordance with Article 14 of the Covenant of the League of Nations," and that this Court is in addition to the Court of Arbitration organised by the Hague Conventions and to special tribunals of arbitration; the others are grouped

[1] See page 125 above.

[2] See page 126 above.

under three Chapters entitled Organisation of the Court, Competence of the Court and Procedure.

The Chapter "Organisation" (Articles 2–33), after giving a definition of the Court and stating the qualifications required of judges, minutely describes the procedure for the election of members of the Court. This procedure, which solves the main difficulty which had obstructed previous attempts to create a really permanent Court of Justice, contains every safeguard to ensure the impartiality and independence of the fifteen judges (eleven ordinary and four deputy-judges), who are elected concurrently by the Council and by the Assembly from lists of candidates nominated by the national groups of members of the Permanent Court of Arbitration. A special clause (Article 9) is designed to ensure that "the whole body should represent the main forms of civilisation and the principal legal systems of the world."

The following articles fix the period of appointment of judges (nine years), the procedure for filling vacancies, the functions which are incompatible with those of a judge, the privileges, immunities and the method of remuneration of the judges, the seat of the Court, the number and nature of its sessions, the "quorum" required; other provisions deal with the special Chambers, the appointment of national judges by parties who have no national upon the Bench, the election of the President, Vice-President and Registrar, and their place of residence. Finally, Article 30 states that "the Court shall frame rules for regulating its procedure."

The Chapter on "Competence" explains who may be parties before the Court and what cases are within its jurisdiction, and enumerates the sources from which the Court is to derive the law it applies.

The last Chapter describes the procedure in contentious cases, and the forms and conditions in which the Court's award is to be rendered, and indicates the nature of this award. Certain Articles deal with applications for the revision or interpretation of judgments.

When the Assembly met in 1921, the Statute had been ratified by the majority of the Members of the League and had entered into force as contemplated by the Council resolution of December 13th, 1920. By September 2nd, twenty-seven ratifications had been received.

Election of the Members of the Court.

It was therefore possible to proceed to the actual constitution of the Court and to elect its members. These elections were conducted concurrently but separately in the Council and Assembly on September 14th, 1921, with the following results:

Ordinary Judges: M. ALTAMIRA (Spain); M. ANZILOTTI (Italy); M. BARBOSA (Brazil)[1]; M. DE BUSTAMANTE (Cuba); LORD FINLAY (Great Britain)[2]; M. LODER (Netherlands); Mr. MOORE (United States of America)[3]; M. ODA (Japan); M. WEISS (France).[4]

Deputy-Judges: M. BEICHMANN (Norway); M. NEGULESCO (Roumania); M. WANG (China); M. YOVANOVITCH (Yugoslavia).

Seat of the Court.

The Advisory Committee of Jurists, at the instance of its President, Baron DESCAMPS, unanimously proposed that The Hague should be selected as the seat of the Court, and this decision was inserted in an article of the draft Statute.

After the coming into force of the Statute and the election of judges, negotiations were entered into between the Secretary-General and Jonkheer van Karnebeek, President of the Board of Directors responsible for the administration of the Carnegie bequest, which had served to construct the Peace Palace at The Hague. As a result of these negotiations, a formal invitation to establish itself in the Peace Palace, based upon an interpretation of the Carnegie bequest, was extended to the Court and, on January 30th, 1922, the Court held a preliminary session for the purpose of drawing up its Rules.

The Rules of Court.

This work was completed in rather more than two months. The Rules were adopted on March 24th, 1922, and came into force on the same day. The points on which the Rules supplement and complete the Statute may be summarised as

[1] Died on March 1st, 1923, without ever having taken his seat; replaced by M. Epitacio DA SILVA PESSÔA (Brazil), elected in September 1923.

[2] Died in 1929; replaced by Sir Cecil HURST (Great Britain), elected in September 1929.

[3] Resigned in 1928; replaced by Mr. Charles Evans HUGHES (United States of America), elected in September 1928, who also resigned in 1930.

[4] Died in 1928, replaced by M. FROMAGEOT (France), elected in September 1929.

follows: the Articles of the Statute come under the three main heads of Organisation, Competence and Procedure. On competence, the sources and limits of the Court's jurisdiction were defined by the Statute itself. Accordingly, the Rules comprise two main chapters only, dealing respectively with the Court and its procedure, which are intended to supplement the necessarily general provisions of the Statute. The first thirty-seven Articles deal with the constitution of the Court (judges, assessors, the President, Chambers, Registrar's office) and its working, whilst forty-four are devoted to procedure (contentious procedure, advisory procedure, errors). The Rules fill an important gap intentionally left in the Statute—namely, with regard to advisory procedure.

Advisory Procedure.

Article 14 of the Covenant explicitly states that the Court "may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly." Accordingly, the draft Statute prepared by the Advisory Committee of Jurists contained an Article (36), the first paragraph of which was as follows:

> "The Court shall give an advisory opinion upon any question or dispute of an international nature referred to it by the Council or Assembly."

But the Sub-Committee of the Third Committee of the Assembly, in December 1920, recommended the deletion of this Article and, in its report—confirmed by the Assembly—based its proposal on the ground that "the draft here entered into details which concerned rather the rules of procedure of the Court."

The Rules, however, contain a special heading (Advisory Procedure, Articles 71–74) on the advisory function of the Court, which has subsequently proved to be one of its most important duties.

Revision of the Rules (1926).

The system instituted by these first Rules continued, unmodified, until 1926. In that year, the Court, which had already given seven judgments and twelve advisory opinions, thought it well to reconsider its rules in the light of its experience and a number of suggestions made by various judges. Amended rules were adopted on July 31st, 1926, and came into force on

the same day. Except for certain innovations, the modifications constituted, for the most part, the codification of the Court's practice during the first four years of its existence. They also showed a tendency, already established by practice, more and more to assimilate the rules followed in advisory cases to those applied in contested cases. The same tendency became still more apparent when, in the following year (September 7th, 1927), the Court decided to make a further amendment to Article 71.[1]

Revision of the Statute.

Thus, in the space of five years, two series of amendments were made in the Rules of the Court. Subsequently, the Ninth Assembly suggested that the Statute be examined in order to ascertain whether the experience gained warranted further amendments. The Council, on December 14th, 1928, appointed a small committee of jurists[2] to make a preliminary investigation. The Committee's terms of reference were very wide; it might consider any suggestions from authorised sources, and it was instructed to ascertain the opinions of the Permanent Court, as regards its own working. The Council invited to take part in the work M. Anzilotti and M. Huber, President and Vice-President of the Court, who, after consulting their colleagues, accepted the Council's invitation, but in an individual capacity only.

At the beginning of the Committee's proceedings (March 11th, 1929), the President of the Court expressed the opinion that most of the imperfections which experience might have shown could be overcome within the scope of the Statute as drafted in 1920, and stated that the members of the Court attached great importance to the sentence inserted in the report adopted

[1] This amendment, like the provision contained in the Statute with reference to contentious procedure, gives a State which has no national upon the Bench the right to appoint a national judge in advisory proceedings when the question concerns an existing dispute.

[2] It included M. VAN EYSINGA (Netherlands), M. FROMAGEOT (France), M. GAUS (Germany), Sir Cecil HURST (Great Britain), M. ITO (Japan), M POLITIS (Greece), M. RAESTAD (Norway), M. RUNDSTEIN (Poland), M. SCIALOJA (Italy), M. URRUTIA (Colombia). Mr. Elihu ROOT (United States of America) was subsequently appointed, on the proposal of the President and Rapporteur of the Council. Further, the Committee, on March 9th, 1929, was completed by the addition of M. PILOTTI (Italy). M. OSUSKY (Chairman of the Supervisory Commission) was also invited to take part in its work.

by the Council on December 13th, 1928, to the effect that it was for the Committee to ascertain the opinion of the Court in so far as the working of that body was concerned.

The Committee, however, considered that its terms of reference did not involve an obligation to submit to the Court the proposed amendments.

It sat from March 11th to March 19th, 1929, and the chief amendments suggested in its report [1] were: (1) that the Court should be composed of fifteen ordinary judges, the deputy-judges being abolished, and (2) that its character of permanency should be re-enforced by a provision that it should sit continuously save for fixed vacations. The Committee also proposed that new Articles (65 and 68) should be inserted in the Statute dealing with advisory procedure and transferring into the Statute the essential features of the corresponding provisions of the Rules of the Court.

On June 13th, 1929, the Council instructed the Secretary-General to communicate the Committee's report to the Members of the League and to the States mentioned in the Annex to the Covenant, and to summon in September 1929 a Conference of the States parties to the Protocol of Signature to the Court Statute for the purpose of considering the recommendations of the Committee. The Conference met from September 4th to 12th. Fifty-three Members of the League and Brazil were represented by plenipotentiaries, most of whom declared that they were authorised to sign the instruments drawn up by the Conference as soon as they had received the approval of the Assembly. The Conference adopted, with slight modifications, the recommendations of the Committee. The Assembly, after a short debate, adopted, on September 14th, 1929, a resolution approving "the amendments to the Statute of the Permanent Court of International Justice and the draft Protocol which the Conference convened by the Council of the League of Nations has drawn up after consideration of the reports of the Committee of Jurists," and expressed the hope that all Governments concerned would use "their utmost efforts to secure the entry into force of the amendments to the Statute of the Court before the opening of the next session of the Assembly."

[1] The Committee was also entrusted by the Council with another task which is dealt with later.

A Protocol embodying the recommendations and amendments was opened for signature and ratification by the States represented at the Conference and by the United States. On May 1st, 1930, it had been signed by fifty-two States and ratified by eight.

States entitled to appear before the Court

Article 34 of the Statute lays down that only States can be parties in cases before the Court. In the next Article, the Statute establishes a distinction between the Members of the League and the States mentioned in the Annex to the Covenant, and "other States." To the former the Court is open as of right, and they are entitled to sign the Protocol of December 16th, 1920, to which is attached the Court Statute, and the "optional clause concerning its compulsory jurisdiction"; to the latter (that is to say the "other States") the Court is open upon conditions fixed by the Council, subject to special provisions of treaties in force and provided that in no case shall the parties be placed in a position of inequality before the Court.

At its preliminary session, the Court, which was then drafting its Rules, enquired of the President of the Council what use that body intended to make of the powers conferred upon it by Article 35 of the Statute and, in particular, whether it intended to draw up a general regulation applying to all cases or to settle each case separately. In this note the Court set out the two principles which, in its view, must govern the exercise by the Council of its right to regulate the conditions of admission: (*a*) that any State is entitled to have recourse to the Court; and (*b*) that parties allowed to appear are entitled to be placed on a footing of absolute legal equality.

On receipt of this request, the Council, on May 17th, 1922, decided that any State which is not a Member of the League or is not mentioned in the Annex to the Covenant must, before appearing before the Court, deposit with the Registrar of the Court a declaration by which it accepts the Court's jurisdiction and undertakes to carry out in good faith its decisions and not to resort to war against a State complying therewith.

Under this declaration, a State may accept the Court's jurisdiction for existing disputes, for all disputes, existing or subsequently arising, or for one or more categories of such disputes (in this last case, it may at the same time accept the Court's compulsory jurisdiction).

This resolution was transmitted to the Registrar on May 23rd, 1922, by the Secretary-General of the League, who at the same time stated that it was for the Court, should it so desire, to communicate the Council's resolution to non-members of the League. The Court decided, on June 28th, 1922, to communicate the Council's resolution (*a*) to States not Members of the League, but mentioned in the Annex to the Covenant, and (*b*) to a certain number of other States, the list of which, as drawn up on that date, was amended in 1925.[1] The Court thus recognises that these States also are entitled to appear before it.

Article 40 of the Statute, after distinguishing between the two ways of bringing a case before the Court (Application or Special Agreement), lays down that the Registry "shall forthwith communicate the application to all concerned" and shall also "notify the Members of the League of Nations through the Secretary-General."

As early as 1922, clauses (Articles 36 and 73) were inserted in the Rules of Court providing for the immediate communication of special agreements and applications notified to the Court and of requests for advisory opinions to all Members of the Court, to Members of the League (through the Secretary-General), to States mentioned in the Annex to the Covenant and to international organisations likely to be able to furnish information on the questions submitted. The Court had from the first made it a practice to communicate applications for judgment or requests for opinions to all States entitled to appear before it, whether Members of the League or not. Account was taken of this practice in the revision of the Rules in 1926, when Articles 36 and 73 were completed by clauses providing for the communication of the documents in question on the widest possible scale.

These communications establish the right of all States receiving them to intervene in cases before the Court.

The United States of America and the Court

As a State mentioned in the Annex to the Covenant, the United States are entitled at any time to sign the 1920 Protocol

[1] This list, since the entry of Germany and Hungary into the League of Nations, now includes the following States: Afghanistan, the Free City of Danzig (through the intermediary of Poland), Egypt, Georgia, Iceland, Liechtenstein, Mexico, Monaco, Russia, San Marino, Turkey.

to which the Court's Statute is attached. In January 1926, the American Senate, in response to a Presidential message requesting authority to exercise this right, passed a resolution which, in addition to certain general considerations, formulated five "reservations" as a condition of the adherence of the United States to the Court's Statute.[1] This resolution was communicated to the Governments of Powers signatory to the Protocol of the Court's Statute by the American Secretary of State, who asked them to inform him whether they accepted the reservations as a condition of the adherence of the United States to the Statute; it was also communicated to the League. The Council, when it met in March 1926, observed that the rights created by a duly ratified instrument could hardly be modified by a mere exchange of notes and, also, that an agreement as to the interpretation of the fifth reservation (see footnote) was necessary. It invited the States parties to the Protocol of 1920 to send representatives to a diplomatic Conference and requested the United States to appoint a delegate to take part in the discussions and in the drawing up of an agreement.

The United States Government did not feel able to accept this invitation. The Conference, nevertheless, met at Geneva in September 1926, but confined itself, in these circumstances, to formulating conclusions designed to serve as a basis for replies to the communication of the American Government.

It was several years later, in February 1929, that the Secretary of State of the United States, Mr. Kellogg, sent to the Governments of the States signatory to the Protocol of the Statute and to the Secretary-General of the League a note, suggesting that an exchange of views might lead to an agreement in regard to the reservations formulated by the Senate in 1926. The Council instructed the Committee of Jurists on the revision of the Statute to examine at the same time the possibilities of an agreement with the United States. The Committee, which included the American jurist, Mr. Elihu Root, adopted a draft

[1] The fifth of these reservations was as follows:

"5. That the Court shall not render any advisory opinion except publicly after due notice to all States adhering to the Court and to all interested States and after public hearing or opportunity for hearing given to any States concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest."

Protocol containing provisions which might be accepted by the signatories of the Court Statute and also by the United States. In particular, the provision concerning requests for advisory opinions seemed calculated to facilitate agreement, as it overcame the difficulties to which the fifth reservation had given rise.

This provision provides machinery by which the United States will be informed of any proposal before the Council or the Assembly for obtaining an advisory opinion, and will have the opportunity of indicating whether their interests are affected, so that the Council or the Assembly may decide its course of action with full knowledge of the position. The Committee considered that it might confidently be hoped that the exchange of views so provided for would be sufficient to ensure understanding and agreement. Should this not be so, and should the United States not be prepared to forgo its objection, it may withdraw from the Court without any imputation of unfriendliness or unwillingness to co-operate generally in efforts for peace and good-will.

The system adopted may be divided into four main propositions:

(1) The United States would take part in the elections of judges of the Court through delegates to the Assembly and the Council;

(2) The consent of the United States would be requested, on a footing of equality with the other States, for an amendment of the Statute;

(3) The existing provisions of the Court's Rules of Procedure in respect of advisory opinions would become contractual in character;

(4) The United States would take part on a footing of equality with the States Members represented in the Assembly and the Council in any decision taken with a view to asking the Court for an advisory opinion in all cases in which the interests of the United States were involved.

When adopting the draft Protocol of the Committee of Jurists, the Council, in June 1929, instructed the Secretary-General to reply to Mr. Kellogg's note by sending him the text of the draft Protocol and report prepared by the Committee. On August 31st, the Council invited the Conference meeting at the

beginning of September to consider the revision of the Statute, also to deal with the question of the adherence of the United States to the Statute.

The draft Protocol was unanimously adopted *in toto* by the Conference and was approved by the League Assembly on September 14th, 1929. Between that date and May 1st, 1930, the Protocol was signed by fifty-one States, including the United States, and ratified by seven.

II. Jurisdiction of the Court

Jurisdiction —ratione materiae.

Whatever may be the final outcome of the efforts made to enable the United States to ratify the Protocol of the Court's Statute, it is certain that, in virtue of the Protocol itself, the Court is already open to the United States as it is to Members of the League, to States mentioned in the Annex to the Covenant, and to other States whose right to appear before the Court has been implicitly recognised by it. The principle of the universality of the Court is definitely affirmed. This is a feature which distinguishes it from other international tribunals constituted by international agreement.

Permanency of the Court.

But the Court's most notable characteristic is its permanency, which rests in its constitution, in its procedure and in the law it applies. For, except when parties which have no national on the Court Bench appoint a judge to sit in a given case, the composition of the Court does not vary. The right to appoint judges *ad hoc* does not affect the nucleus of the Court, which is always composed of nine to eleven permanent members.

In regard to procedure, a special decision of the Court, which may be taken on proposals made jointly by the parties, is necessary before the rules in the Court's constitutional documents can be departed from.

Lastly, unless the parties empower the Court to give judgment *ex æquo et bono* in a particular case, it applies law drawn from sources laid down by the Statute itself.

It is this threefold permanency which enables the Court—more than any other past or present international tribunal—to contribute to the codification of international law, by estab-

lishing a logical and consistent jurisprudence. It is true that the Court's judgments are only binding upon the parties concerned and in the particular case decided, but it is also true that a court with an unchanging composition is not likely—though always free to do so—to reverse its previous decisions except on very good grounds, which it will be careful to explain. Similarly, it is the permanent character of the Court that has made it possible to confer on it, in certain defined conditions, the right to hear disputes brought before it by the application of one only of the parties concerned—a right which is generally known by the term "compulsory jurisdiction."

Application or Special Agreement.

Cases may be brought before the Court either by Application or by Special Agreement—that is to say, either by a request from one party only or by agreement between the various parties to submit to the Court a particular dispute. The agreement may be notified to the Court by one or more of the parties.

These two methods correspond to two different aspects of the Court's jurisdiction. Under Article 36 of the Statute, this jurisdiction "comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force." On the first part of this clause is based the right of parties to submit a case by Special Agreement; whilst the second enables suits to be brought by Unilateral Application. This clause is the principal new departure as regards arbitration—an innovation which led in 1921 to the insertion in Articles 12, 13 and 15 of the Covenant, side by side with the original reference to "arbitration," of a reference to "judicial settlement" or "decision"; for, at that time, it was not felt to be certain that the expression "arbitration" covered proceedings instituted by unilateral application before a permanent tribunal.

(1) *Voluntary Jurisdiction*

The Court's jurisdiction as derived from Special Agreements between the parties—known as "voluntary jurisdiction"—is virtually unlimited. Article 14 of the Covenant, laying down that the Court will be competent to hear and determine any disputes submitted to it, provides as sole limitation that disputes must be of an international character; Article 36 of the Statute

goes still further, for it makes the Court's jurisdiction cover "all cases" submitted by the parties. The decisions of the Court itself in this respect have by no means been restrictive in their effect. Though recognising that, under Article 34 of the Statute, only States or Members of the League may appear before it, the Court has, in practice, allowed disputes between a State and private persons belonging to another State to be brought forward under an agreement between the two States concerned. As regards the condition that disputes dealt with by the Court must be international, the Court has recognised as such the disputes referred to it by two States but relating in fact to the interpretation of contracts between one of these States and private persons belonging to the other—contracts governed by the municipal law of one or other of the States in question.

Lastly, as regards the form of agreement bringing disputes before the Court, such agreement has been held to exist even when embodied in an oral declaration made before the Court, or when a State proceeded against before the Court has undertaken to reply on the merits without making any reservation.

(2) *Compulsory Jurisdiction*

The Court's compulsory jurisdiction, on the other hand, sometimes covers wide categories of future disputes, and sometimes merely disputes which may arise concerning the application, interpretation or execution of a particular international agreement.

Optional Clause.

The most typical example of the former is afforded by the obligations resulting from the acceptance by States of the so-called "Optional Clause." This is effected by means of the signature, with or without reservations, of a clause providing that the Court's jurisdiction shall be compulsory for disputes of a legal nature concerning the interpretation of a treaty, or any question of international law, or the existence of any fact which, if established, would constitute a breach of an international obligation, or, lastly, the nature or extent of the reparation to be made for the breach of an international obligation. It creates between signatories obligations which are governed by the terms of the clause, qualified by the reservations made by the signatories. At the present time, forty-three States have signed the clause, which is operative between twenty-nine of them;

this is equivalent to 406 bilateral treaties conferring, generally speaking, compulsory jurisdiction on the Court for any dispute falling within one or other of the categories of legal disputes mentioned above.

Arbitration Treaties.

A considerable number of bilateral treaties of arbitration or judicial settlement also give the Court compulsory jurisdiction over large categories of disputes, more especially of a legal nature. Since the establishment in 1928 of the "General Act of Conciliation, Judicial Settlement and Arbitration," the group under consideration should include this plurilateral treaty, which in some respects resembles the Optional Clause; it is open for signature and ratification by States and creates between States accepting it obligations whose extent is determined by the contents of the Act, having regard to any reservations by which a State may have qualified its ratification.

It is not unusual for arbitration treaties bestowing compulsory jurisdiction on the Court to afford the parties the possibility of resort to other tribunals, either as a first or second choice, or as a simple alternative. The principle of this mode of procedure is already established in Article 13, paragraph 3, of the Covenant, which reads ". . . the Court to which the case is referred shall be the Permanent Court of International Justice . . . or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them." This situation makes indispensable the establishment of a procedure which, in the event of a difference of opinion as to the tribunal to which recourse is to be had in a particular case, will enable this question of jurisdiction to be finally decided.

Conflicts of Jurisdiction.

Generally speaking, the procedure adopted in this respect consists in allowing States to have recourse to the Permanent Court of International Justice by unilateral application. The General Act for the Pacific Settlement of Disputes contains a typical example of this kind of clause in Article 41, which prescribes that disputes as to the interpretation and application of the Act itself, "including those concerning the classification of disputes and the scope of reservations," shall be submitted to the Court.

This arrangement is characteristic of the situation which has developed in recent years in the relations between the Court

of Justice and other tribunals. It should be noted that, as these "other" tribunals have usually to be formed by the parties for a particular case, it is sometimes provided that, failing agreement between them, it will be for the Court or its President to make the necessary appointments. Secondly, there is a tendency—which has received concrete expression in a resolution of the Tenth Assembly—to enable parties to a case before "other" tribunals to appeal to the Court of Justice against decisions given, for instance, on questions of jurisdiction or decisions regarded as *ultra vires*.

Arbitration Clauses.

Arbitration clauses are clauses inserted in conventions of any kind giving an arbitral tribunal or the Court jurisdiction over disputes regarding the interpretation, application or execution of the agreement. Such clauses have in recent years been inserted in numerous treaties, bilateral and plurilateral. It is not the number of such treaties that is important, but the number of bilateral relationships thus created; this, after the first ten years of the League's existence, is now approximately 20,000.

These treaties may be grouped, according to their object, in several categories—international agreements regarding the protection of minorities; mandates; treaties of commerce and frontier treaties of defensive alliance—in general, conventions of a political nature; the important plurilateral conventions on transit and communications concluded under the auspices of the League, and agreements between two States for the regulation of some particular channel of communication. Finally, there are the agreements concluded at the suggestion of the League on various subjects such as Customs formalities, opium, prohibition of exports and imports, counterfeit currency, etc. Quite recently, an arbitration clause referring to the Court was inserted in a treaty dealing with certain questions of nationality.

(3) *The Court's Advisory Function*

In addition to the right to hear and determine disputes of an international character, the Covenant empowers the Court to give advisory opinions upon any dispute or question referred to it by the Council or Assembly.

In practice, the Council alone has availed itself of the right to ask the Court for opinions. It has done so more especially in cases where legal points have arisen requiring decision by

judicial procedure. But it has also adopted and forwarded to the Court requests for opinions on points which have arisen outside its own proceedings; for instance, in the course of the discussions of the Conference of Ambassadors [1] and of certain mixed commissions, or of diplomatic conversations between certain States.

Cases in which the request for the Court's opinion originates outside the League—that is to say, with an organisation, or with States wishing to obtain an independent legal opinion on a given question—have many points of resemblance with cases in which a definite dispute is referred to the Court by Special Agreement. On the other hand, when a request for an opinion originates in the Council itself, it may happen that it resembles an Application brought before the Court in virtue of its so-called compulsory jurisdiction. For this reason, and since the fundamental principle upon which the Court's jurisdiction is in all circumstances based is the consent of the parties, the Court must sometimes, to avoid violating this vital principle, consider whether the consent of States which may be interested can be held to have been given. The necessity for this, however, can hardly arise except when the question is such that a reply would inevitably prejudice the rights of States which, though not members of the League, are interested parties in a dispute which has led the Council to seek the Court's opinion. This—in any case—would seem to follow from the precedent established in the case of Eastern Carelia, which will be dealt with later. Certain new articles and amendments [2] which it is proposed to introduce into the Statute tend to confirm this theory.

Nature of an Advisory Opinion.

It has already been observed that the Court's judgments are binding only on the parties and in respect only of the particular case. Advisory opinions, on the other hand, do not even create *res judicata* to this limited extent. But this does not alter the fact that an opinion given by the Court is generally regarded as constituting the final legal decision on the point submitted. In other words, though the Council and Assembly retain an absolutely free hand to settle, having regard to all the circumstances of the case and in accordance with their own judgment, disputes submitted to them, they regard an opinion given by the Court upon a particular legal point arising in such

[1] See below, page 159.

[2] See page 133 above.

disputes as definitely settling that point and incapable of modification by them, though they can, should they see fit, give precedence to special considerations of a non-legal character.

Again, when a request for an opinion does not originate with the Council, the experience of the first ten years has shown that the Court's decision, though not constituting *res judicata*, is regarded as binding upon the organisation or States at whose instance it has been obtained: the contrary would be incompatible with the authority of the Court and of the League.

These matters have given rise to the following question:

> Must the Council be unanimous when deciding to seek the Advisory Opinion of the Court? Or can it take decisions of this kind by a majority vote, and if so in what circumstances?

The Ninth Assembly recommended that the Council should consider this question.

No action has as yet been taken, but the Committee appointed under a resolution of the Tenth Assembly to report on the relation between the Covenant and the Paris Pact has proposed that, under certain conditions, the Council should be bound to seek the Court's opinion, if a majority of its members so decide.

III. Work of the Court

Disputed Cases

From 1922 to 1929, the Court held eighteen sessions [1] giving sixteen Judgments [2] and sixteen Advisory Opinions and making Orders. In considering this work, it is necessary to take account of the methods whereby cases or questions have been brought before the Court.

In contentious procedure, as has been observed, a case may come before the Court either by unilateral application or by notice of a special agreement previously concluded between the parties concerned.

[1] Preliminary session in 1922—one session in 1922—three in 1923—one in 1924—four in 1925—two in 1926—one in 1927—three in 1928 and two in 1929; also two sessions of the Chamber of Summary Procedure in 1924 and 1925 respectively.

[2] Of which two given by the Chamber of Summary Procedure.

(1) *Applications*

The first method has been used in the following eleven cases: the S.S. *Wimbledon*,[1] the three Mavrommatis concession cases,[2] the series of cases concerning German interests in Upper Silesia and more particularly the Chorzow factory,[3] the case regarding the rights of minorities in Polish Upper Silesia[4] and the denunciation of the Sino-Belgian Treaty of 1865.[5]

The "Wimbledon" case concerned the refusal of the Director of Traffic on the Kiel Canal to allow the passage through the Canal of the British steamship *Wimbledon*, chartered by a French company and loaded with munitions consigned to Poland. The British, French, Italian and Japanese Governments, relying on Article 380 of the Treaty of Versailles relating to the Kiel Canal, brought a suit against Germany, asking the Court to decide that this refusal was unlawful. Poland, as a signatory of the Treaty of Versailles, availed herself of her right to intervene and her claim was recognised as founded in a preliminary judgment. The Court gave judgment in accordance with the submission of the four Governments above mentioned.

Of the three judgments given by the Court on the *Mavrommatis concessions*, two relate to objections to the Court's jurisdiction taken by the respondent (in this case, the British Government as Mandatory for Palestine).

M. Mavrommatis, a Greek subject, had before the war obtained from the Ottoman authorities certain concessions for works of public utility at Jerusalem and Jaffa. After the war, the British authorities in Palestine refused to recognise these concessions. Greece took up the case on behalf of her national and filed an application quoting a clause of the Mandate for Palestine which, under certain conditions, gave the Court compulsory jurisdiction. The Court upheld its own jurisdiction, which was disputed by Great Britain. In its subsequent judgment on the merits and in accordance with the terms of the Treaty of Lausanne, the Court ordered the "re-adaptation" of the Mavrommatis concessions to the new economic conditions in Palestine. A second dispute having subsequently arisen

[1] Judgment No. 1 in 1923.
[2] Judgments Nos. 2 (1924), 5 (1925) and 10 (1927).
[3] Judgments Nos. 6 (1925), 7 (1926), 8 (1927), 11 (1927) and 13 (1928).
[4] Judgment No. 12 (1928).
[5] See below, pages 147 and 152

between Greece and Great Britain over the method of this re-adaptation, Greece filed a new application with the Court, also based on the Palestine Mandate, and submitted a claim for compensation. Great Britain again disputed the Court's jurisdiction, and this time the objection was upheld by the Court, which considered that the conditions governing its jurisdiction for the interpretation and application of the Mandate were not fulfilled.

The five judgments [1] given by the Court respecting *German interests in Upper Silesia* and the factory at Chorzow, vary both as regards nature and subject. Poland took over a nitrate factory at Chorzow in Polish Upper Silesia (this factory had been constructed during the war under a contract between the German Government and a German private company) and gave notice to the German owners of eleven large estates in Polish Upper Silesia of her intention to expropriate their lands. In 1929, Germany filed with the Court an application based on the German-Polish Convention on Upper Silesia, asking the Court, *inter alia*, for judgment that, on the one hand, the attitude of the Polish Government with regard to the companies owning the factory at Chorzow and, on the other, the liquidation of the rural estates enumerated in the application, were not in conformity with the provisions of the Convention. Poland filed an objection to the jurisdiction of the Court, which was overruled by a first judgment (1925). The Court reserved the cases for judgment on the merits, and (in 1926) decided that the seizure of the Chorzow factory by Poland was not in conformity with the Geneva Convention and that, as regards five of the rural estates, the German Government's claim was founded. The latter group of cases was finally disposed of by the Court's judgment.

As regards the Chorzow factory, negotiations were entered into by Germany and Poland for the restitution of the factory or, if this should be impossible, for the payment of suitable compensation. The negotiations proved unsuccessful and, in 1927, Germany filed a new application, asking for judgment that the Polish Government must make reparation. The amount and method of payment being set out in the application, Poland once more filed an objection to the jurisdiction, which the Court overruled (1927). When giving judgment in the following year (1928) on the method of reparation sought by Germany, the

[1] To which are to be added two Orders which will be dealt with later.

Court, relying on an expert enquiry, laid down certain principles for the supply of data which it required to determine the amount of the indemnity. This enquiry, however, was not completed, as the parties had in the meantime come to an agreement, and the Court was able, in 1929, to make an Order [1] recording the termination of the proceedings instituted by the German Government.

In the course of these lengthy proceedings, two other applications were made by Germany (in 1927), one of which concerned the indication of interim measures of protection and the other the interpretation of the judgments in the case previously given by the Court. On the former, the Court made an Order, rejecting the request of the German Government, which, in its opinion, did not properly relate to the indication of measures of protection within the meaning of the relevant clauses of the Statute and Rules; on the latter, it rendered a judgment which stated that, contrary to the contention of the Polish Government, the latter could not, on the basis of a passage in the above-mentioned decisions, rely on a decision given in the interval by a Polish municipal tribunal in the case pending before the Court.

The case of the *Minority Schools in Upper Silesia* was brought before the Court by an application filed by the German Government, which, relying on the Geneva Convention of 1922, denied Poland's right to verify the declarations made with a view to the admission of certain children to the Minority Schools in Upper Silesia, and claimed that any person was free to declare whether or not he or she belonged to the minority. The Court overruled certain objections on procedure raised by the respondent, and gave judgment to the effect that the declaration of membership of the minority was to be subjected to no verification, dispute, pressure or hindrance on the part of the competent authorities, but that this declaration, which related to a situation of fact, did not, however, imply an unrestricted right on the part of the persons responsible to choose the school and language of instruction of the child on behalf of whom it was their duty to make the declaration.

The case between Belgium and China, brought before the Court in 1926 by unilateral application, was finally removed from its list in 1929, the parties having come to an agreement. The proceedings were terminated by an Order. This case is interesting

[1] See below, page 152.

because it was the only one brought before the Court under the "Optional Clause" and also because the Court's right to indicate interim measures of protection was exercised. Belgium, relying on the fact that China, like herself, had accepted the Optional Clause of the Court's Statute, brought before the Court a dispute concerning the unilateral denunciation by China of the Treaty concluded between them on November 2nd, 1865. The case filed on behalf of the Belgian Government asked, *inter alia*, for the indication of interim measures of protection. China took no proceedings whatever. The first Order made by the President (January 1927)—the Court not being in session at the time—dealt with Belgium's request for the indication of measures for the protection of the interests of her nationals pending the Court's judgment. This Order granted protection for all interests covered by the Treaty where violation could not be made good by material compensation. At the request of the applicant, based on considerations of fact and submitted as being in accordance with the views of the respondent, this first Order was, however, revoked by a subsequent Order of the President (the Court still not being in session). Finally, a preliminary treaty having been concluded between the parties, Belgium announced her intention of breaking off proceedings and requested that the case should be removed from the list. The Court assented.

(2) *Special Agreements*

The first case submitted to the Court by special agreement came before the Chamber of Summary Procedure.[1] It related to the *interpretation of the Treaty of Neuilly*; a second case, also submitted to that Chamber, concerned the interpretation of the judgment given in the first case.

It arose over claims made for "acts committed" by Bulgaria during the Great War and the jurisdiction of an arbitrator appointed under the Treaty of Neuilly to decide on any indemnities due in consequence of these acts. The Court, sitting as a Chamber of Summary Procedure, decided in 1924 that, under the relevant clause of the Treaty of Neuilly, claims in respect of acts committed even outside Bulgarian pre-war territory were in order, as were also claims in respect, not only of damage to property, but also of personal damages sustained by interested

[1] Judgments Nos. 3 and 4 (1924 and 1925).

persons. The indemnities due on these grounds were, however, to be included in the total of the sums due by Bulgaria as reparations. This judgment, having led to a request by the Greek Government for an interpretation, the Chamber in the following year (1925) came to the conclusion that it could not give such interpretation which would have amounted to a new judgment, since the arguments invoked in support of the request went beyond the scope of the first special agreement.

The first case brought before the *full* Court by special agreement was the "*Lotus*" *case*[1] submitted by France and Turkey as the outcome of a collision on the high seas between a French mail-steamer—the *Lotus*—and a Turkish collier—the *Boz-Kourt*—resulting in loss of life. When the *Lotus* reached Constantinople, the Turkish authorities arrested the officer of the watch of the *Lotus* and instituted criminal proceedings against him. The special agreement, amongst other things, asked the Court to say whether Turkey, contrary to the Convention of Lausanne of July 24th, 1923, had, by prosecuting the officer of the watch of the French mail-steamer, "acted in conflict with the principles of international law, and if so what principles." The French Government argued that Turkey had so acted. The Court, however, held that the arguments of the French Government and the precedents which it cited did not prove the existence of a restrictive principle of international law "common to civilised nations" which prohibited Turkey from proceeding as she did; further, it was of opinion that certain circumstances definitely pointed to the Turkish Courts having jurisdiction. The Court accordingly rejected the contentions of the French Government.

The other cases submitted by special agreement were dealt with in 1929. Two of them related to the payment of certain loans—Serbian and Brazilian—issued in France before the war[2]; the third to the territorial jurisdiction of the International Commission of the Oder.[3] To these must be added the case of the Franco-Swiss "Free Zones"; a preliminary decision was taken on certain points in 1929, but the case as a whole is still before the Court.[4]

With regard to the *Serbian loans*, and the *Brazilian Federal loans*, the French Government took up the cases on behalf of the French bondholders, who claimed from the Serbian and Brazilian

[1] Judgment No. 9 (1927).
[2] Judgments Nos. 14 and 15
[3] Judgment No. 16.
[4] See below, page 151.

Governments a right to payment of interest and repayment of principal at gold value. This right was denied by the borrowing Governments, which—arguing on the basis of the contracts and of French legislation, which was held by them to be the law applicable—considered that they were only bound to pay on the basis of the current value of French paper-money.

As to the Serbian loans, the Court, under the terms of the special agreement, had only to decide the legal question of principle, the actual settlement being left to negotiation and, if necessary, to subsequent arbitration. In the case of the Brazilian loans, the Court's judgment was to settle the whole matter.

In both cases the Court, after examining the obligations created by the loan contracts, came to the conclusion that there was in fact a promise of payment in gold which referred to a standard of gold value; at the time of the contracts this was the French 20-franc gold piece. It also held, contrary to the contentions of the Yugoslav and Brazilian Governments, that, as to the principal of the debt at all events, the contracts were governed by the law of the borrowing country, and that French legislation and jurisprudence, though treating gold clauses as null and void in domestic transactions, made an express exception with regard to international transactions.

Like the *Wimbledon* case, that concerning the *territorial jurisdiction of the International Commission of the Oder* brought into play one country against a group of countries (in the *Wimbledon* case, Germany *v.* France, Great Britain, Italy and Japan; in the Oder case, Poland *v.* Denmark, Czechoslovakia, France, Germany, Great Britain and Sweden). It was a question of interpretation of the rules regarding the international regime of the Oder under the relevant provisions of the Treaty of Versailles and also, in the contention of the six Governments in the same interest, under the Convention of Barcelona concluded in 1921 under the auspices of the League. By the terms of these instruments, did the powers of the International Commission established to administer the river and its system cover not only the main stream of the river but also the navigable sections of tributaries situated exclusively in Polish territory? The six Governments maintained that such was the case. Poland disputed it; she also denied that the Barcelona Convention, which she had not ratified, could be invoked against her. On

this last point, the Court upheld the Polish contention. It gave judgment, however, in favour of the claim of the six Governments in so far as it was based on the Treaty of Versailles; it founded its decision more especially on the great traditional principles of river law which the Treaty of Versailles had merely developed.

Although it is still pending, mention should be made here of the *case of the Free Zones of Upper Savoy and the District of Gex* submitted in 1928 by a special agreement concluded in 1924 between France and Switzerland. The purport of this instrument (including the explanatory notes attached thereto) was somewhat unusual; for it contemplated, before the pronouncement of any judgment, the unofficial communication to the parties of the result of the Court's deliberation upon the point of law at issue between France and Switzerland: namely, whether, under the terms of Article 435 of the Treaty of Versailles, the Free Zones, the creation of which dated back to the Treaties of 1815 and 1816, were maintained or abrogated. At the same time, the Court was to grant the parties time to come to an agreement on the future regime of the Zones. Failing an agreement within the time allowed, the Court would, by a subsequent judgment, decide with binding effect the question of law referred to and determine the regime to be established.

Since the unofficial communication to the parties of the result of its deliberations upon a question submitted to it for decision is not allowed by the Statute, the Court confined itself, in the grounds of the Order fixing the time which it had been asked to allow, to giving all desirable indications as to the meaning of the disputed passage (Article 435 of the Treaty of Versailles); without these indications the fixing of the time would have been useless. The purport of these indications was that the Treaty of Versailles had neither abrogated nor intended to abrogate the Free Zones. No agreement between the parties having been reached on this basis, the case is once more before the Court.

(3) *Orders*

The Orders made by the Court under Article 48 of the Statute are, generally speaking, designed to settle points of procedure and have not the binding effect of a judgment, but practice has shown that, even within these limits, their role may be very considerable.

There has already been a reference[1] to the Orders made in the case of the Chorzow factory, the first of which dealt with a request for the indication of measures of protection submitted by Germany, and the second with the details of an expert enquiry instituted by the Court. There was a third Order (May 23rd, 1929) which terminated these very long proceedings. The two parties having concluded an agreement for the settlement of the dispute, the Court, duly notified, placed this agreement on record and declared that the proceedings instituted by the German Government were terminated.

Reference has also been made to the important Orders made by the Court in the Sino-Belgian case, and in the case of the Free Zones. To these examples it may be of interest to add the Order whereby the President, in 1928, closed the fifteenth session. At that session, which was to have been devoted to the Serbian loan case, only nine judges, members of the Court, were able to attend. The illness of one of them having deprived the Court of the quorum necessary to make its proceedings valid (Statute 25), the session had to be declared closed and the case adjourned to a subsequent session: this was done by Order.

Advisory Opinions Classification

For the purposes of the present publication, it seems preferable to group Advisory Opinions, in the same way as the disputed cases, according to the manner in which they were brought before the Court. The requests may be divided into two categories: those really originating with the Council and those—more numerous—which the Council has sent to the Court at the request or instigation of a State or international organisation.

The first category includes the question of German settlers in Poland,[2] the question of the acquisition of Polish nationality,[3] two questions concerning the Free City of Danzig (Polish Postal Service at Danzig,[4] and jurisdiction of the Courts of the Free City[5]), the Mosul question,[6] and that of the expulsion from Constantinople of the Œcumenical Patriarch (subsequently withdrawn).

The second category includes four questions concerning the International Labour Organisation (appointment of the Dutch

[1] See pages 146 and 147.
[2] Advisory Opinion No. 6, 1923.
[3] *Ibid.* No. 7, 1923.
[4] *Ibid.* No. 11, 1925.
[5] *Ibid.* No. 15, 1928.
[6] *Ibid.* No. 12, 1925.

Workers' delegate to the third session of the International Labour Conference, the competence of the International Labour Organisation in regard to agriculture, its competence in regard to agricultural production,[1] and its competence incidentally to regulate the personal work of the employer[2]; the question of the Nationality Decrees in Tunis and Morocco[3]; the status of Eastern Carelia[4]; the Jaworzina and Monastery of St. Naoum questions[5]; the exchange of Greek and Turkish populations[6]; the interpretation of the Greco-Turkish Agreement of December 1st, 1926[7]; and the jurisdiction of the European Commission of the Danube between Galatz and Braila.[8]

At the present time, the Court has before it two new questions belonging to this category: a request for an interpretation of the term "community" in the Greco-Bulgarian Convention of Reciprocal Emigration of November 27th, 1919 (this request was transmitted by the Council at the instance of the Greco-Bulgarian Mixed Commission) and a request (transmitted to the Council by the Governing Body of the International Labour Office) for the Court's opinion whether the legal status of the Free City of Danzig is such as to enable the Free City to become a Member of the International Labour Organisation.

(1) *Requests originating with the Council itself*

The *questions of German colonists in Poland and the acquisition of Polish nationality* both concerned the German minorities in Poland.

The first began with the expulsion by the Polish Government of a category of German settlers who, in territories ceded to Poland, occupied landed property under contracts of a special nature obtained from the German authorities. A petition from the German Association for the Protection of the Rights of Minorities in Poland having been received, the Council sought the Court's opinion whether, under the Polish Minorities Treaty, the League was competent for this matter (this was denied by Poland) and, if so, whether the attitude of the Polish Government was in conformity with its international obligations.

[1] Advisory Opinions Nos 1, 2, 3, 1922.
[2] Advisory Opinion No. 13, 1926.
[3] *Ibid.* No. 4, 1923.
[4] *Ibid.* No. 5, 1923.
[5] Advisory Opinions No. 8, 1923 and No. 9, 1924.
[6] Advisory Opinion No. 10, 1925.
[7] *Ibid.* No. 16, 1928.
[8] *Ibid.* No. 14, 1927.

The Court considered that the question had been duly brought to the notice of the Council in accordance with the terms of the Minorities Treaty and in conformity with the procedure established by the Council itself in minority matters; the Council was therefore competent. After analysing the contracts constituting the titles of the expelled colonists, the Court held that rights validly acquired could not be affected by the change of sovereignty and that the Minorities Treaty guaranteed their maintenance and enjoyment. Poland, by enacting legislative measures which contravened this principle, had therefore adopted an attitude which was not in conformity with her international obligations. The Court's opinion paved the way for a settlement which the Council placed on record in June 1924.

The second question also related to the clauses of the Treaty of Minorities of 1920. It came before the Council in consequence of the refusal of the Polish Government to recognise the Polish nationality of former German nationals whose parents had not been habitually resident in present Polish territory both at the time of the birth of the person concerned and at the date of the entry into force of the Minorities Treaty. On receiving a complaint from the German Association for the Protection of the Rights of Minorities in Poland, the Council first of all referred the question to a Committee composed of certain of its members; but, the interpretation placed by this Committee upon the relevant article of the Minorities Treaty having been rejected by Poland, the Council decided to ask for the Court's opinion on its own competence and, in the event of an affirmative reply on this point, on the question whether the relevant article of the Minorities Treaty referred solely to the habitual residence of the parents at the time of birth of the individual or whether it also required the parents to have been habitually resident at the date of the entry into force of the Treaty.

The Court decided that the Council was competent; adopting a broad conception of the term "minorities" as used in the provisions of the Treaty, the Court held, on the main issue, that the persons in question could avail themselves of the right to Polish nationality accorded to members of a minority by the Treaty, which was, moreover, placed under the guarantee of the League. Here, again, the Court's opinion served as a starting-point for negotiations which were successful and, in 1925, the Council was able to record their conclusion.

The *questions concerning the Free City of Danzig* came before it in 1925 and 1928. The first in order of date related to the right of Poland under the Treaty of Versailles to establish a Polish postal service in the territory of the port of the Free City. Certain conclusions drawn by Poland from the recognition of this right—especially her right to place letter-boxes outside the post office building—were disputed by the Free City, which, relying on certain subsequent agreements or negotiations and on decisions of the League High Commissioner, argued that the question had already been decided in her favour. The Council asked the Court whether there was in force a decision settling the matter and, if not, what sphere of action was reserved for the Polish postal service. After reviewing the relevant decisions, the Court replied to the first question in the negative. As regards the second, a study of the constitutional documents of the Free City and of the subsequent agreements led the Court to the conclusion that the postal service which Poland was allowed to establish in the Port of Danzig was to be understood as comprising the normal functions of a postal service in so far as it concerned the collection and distribution of postal matter, outside the post-office building, without any limitations or restrictions in this respect.

The Court drew attention to the importance of defining the limits of the Port of Danzig within the meaning of the Treaty. This opinion was followed by the Council; and the difference of opinion between the Free City and the Polish Government was duly adjusted.

The other question concerning Danzig related to the jurisdiction of the Courts of the Free City to deal with pecuniary claims brought before them by Danzig officials transferred to the Polish Railways Administration, when such claims were based on certain agreements between the Free City and Poland. A decision of the League High Commissioner, partly rejecting the jurisdiction of the Danzig Courts, was disputed by the Danzig Senate. The Council therefore asked the Court whether this part of the decision was legally well founded. The Court came to the conclusion that the High Commissioner's decision was not legally well founded in so far as it did not give satisfaction to the views of the Senate of the Free City. Poland and Danzig had undertaken beforehand to accept the Court's decision, which enabled them to settle their dispute.

A question on the interpretation of the Treaty of Lausanne—arising out of the *Mosul question*—is worthy of special notice owing both to its intrinsic importance and to the great interest of the points which it raised in connection with the Council's procedure.

The Treaty of Lausanne (1923) left the fixing of the frontiers between Turkey and Iraq to subsequent negotiations between Great Britain and Turkey. The negotiations having lasted more than a year without any conclusion being reached, the British Government asked that the question should, in accordance with a treaty clause, be placed on the Council's agenda. In the course of the Council's proceedings, differences of opinion appeared on the nature of the decision to be given by the Council, Great Britain holding that it was an arbitral decision based on a general examination of the question, while Turkey considered that it was only a question of reaching a solution with the consent of the parties through the good offices of the Council. The Council decided to consult the Court as to the nature of the decision (arbitral award, recommendation or simple mediation), whether it was to be taken unanimously or by a majority; and whether the interested parties might take part in the vote. Only the British Government was heard by the Court; the Turkish Government, though it had replied to certain questions of the Court, refused to submit a statement either orally or in writing. The Court, after a detailed examination of the Treaty of Lausanne and the Covenant, arrived at the conclusion that the Council's decision, in conformity with Article 15 of the Covenant, was to be a recommendation, but this recommendation, accepted in advance by the parties, would be binding upon them and would constitute a final determination of the frontier between Turkey and Iraq. The decision was to be unanimous, the parties' representatives voting, but their votes not counting for the purpose of establishing unanimity. The Court's opinion was adopted by the Council and, subsequently, a Treaty concluded between Great Britain and Turkey finally settled the frontier problem.

The questions so far considered arose in connection with disputes submitted to the Council for settlement, and they concerned, in the main, matters of procedure or of jurisdiction either of the Council or of some agent responsible to it (High Commissioner at Danzig).

The following cases are of an entirely different nature.

(2) *Requests transmitted by the Council at the Instance of Third Parties*

Three questions concerning the International Labour Organisation submitted to the Court in 1922 relate to the legal interpretation of certain clauses of that part of the Treaty of Versailles which deals with this Organisation. The first concerned the composition of the delegations to the International Labour Conference and the role to be played by the trades-union organisations in the selection of the workers' members of these delegations.

Various opinions were put forward as to the way in which the responsible Government should make this selection. The Court, to which the question was referred by the Council at the request of the International Labour Conference and of the Governing Body of the International Labour Office, recognised that the ideal state of affairs would be agreement with all the competent organisations, but held that, if this proved impossible, the Government should make every effort to make an appointment which, in the particular case, could be regarded as assuring in the most satisfactory manner the representation of the workers of the country; but its obligations ended there.

The second question, which might be of considerable importance from the point of view of the subsequent development of the International Labour Organisation, was whether the competence of the Organisation extended to the international regulation of the conditions of labour of persons employed in agriculture. The French Government denied this, and it was at its request that the question was put to the Court, through the Governing Body of the International Labour Office and the Council of the League. The Court replied in the affirmative, after a detailed analysis of the relevant provisions of the Treaty of Versailles.

The third question, indirectly connected with the second, was whether the International Labour Organisation could also concern itself with questions relating to agricultural production. The Court, to which the question was referred through the same channels, replied in the negative, but added that the International Labour Organisation had absolute latitude to deal with the matters specifically committed to it by the "Labour" part of the Treaty of Versailles, even though, in so doing, it must incidentally touch upon questions not specifically falling within that field.

Subsequently (1926), the Court had before it a fourth question concerning the competence of the International Labour Organisation; this also reached it through the same channel. It related to the Convention on Night-work in Bakeries and the competence of the International Labour Organisation to draw up and propose labour legislation which, in protecting certain classes of workers, also regulated, incidentally, the same work when performed by the employer himself. The Court decided in favour of the competence of the International Labour Organisation and, at the same time, indicated how a possible dispute might be resolved, in the event of controversy arising as to whether in a particular case the proposed regulation of the work of the employer was really incidental.

The *Nationality Decrees in Tunis and Morocco* were a subject of dispute between the British and the French Governments. It was of special interest owing to the fact that these Governments, in asking the Council to submit their dispute to the Court, undertook beforehand to accept the Court's opinion. The decrees were promulgated by the French Government and by the native sovereigns in Tunis and Morocco in November 1921. They conferred French nationality on a large number of Maltese who, under British law, were and remained subjects of Great Britain. The dispute assumed a more acute form when the individuals concerned were called upon to perform their military service. Diplomatic negotiations between France and Great Britain led to no result, and a proposal for arbitration made by Great Britain was rejected. In these circumstances, the question was brought before the Council and, under its auspices, the two Governments agreed to ask for the advisory opinion of the Court whether the dispute was a matter solely within the domestic jurisdiction of the French Government, as maintained by France. On this point the Court replied in the negative, and the two Governments, abandoning their first intention of also submitting the merits of their dispute to the Court, concluded, on the basis of the opinion, a friendly agreement, bringing the dispute to an end.

The *case concerning the status of Eastern Carelia* arose from a difference between Finland and Russia over the interpretation of certain articles relating to the autonomy of Eastern Carelia in the Peace Treaty signed at Dorpat in 1920 between those two countries, and also of a declaration by the Soviet Government

on the same subject. The Finnish Government held that the provisions of the Treaty and Declaration had not been respected. The Soviet Government contended that the question of the administration of the district was a purely domestic matter. The point before the Court was whether the Articles of the Treaty and the Declaration constituted international engagements placing Russia under an obligation to Finland to carry out the provisions contained therein. The Soviet Government refused to take part in the proceedings, the regularity of which it denied. The Court decided that it had no competence to give an opinion, as the question submitted to it formed the subject of a dispute and an answer would be equivalent to a judicial decision of the dispute. The Court, having regard to the principles of the independence of States, held that it could not undertake this, since one of the Governments concerned, which was not a Member of the League, had refused its consent.

This opinion occupies a special place in the decisions of the Court: it is in fact the only occasion on which the Court has not felt able to reply to a question referred to it for an advisory opinion. By this action it has shown that there are circumstances which in advisory procedure may prevent it from replying to questions put to it.

The *questions of Jaworzina and St. Naoum*, both frontier matters, were referred to the Court by the Council in 1923 and 1924 respectively, following upon requests to that effect from the Conference of Ambassadors.

The first concerned a dispute between Poland and Czechoslovakia over the frontier between the two States in the territory of Spisz. The Polish and Czechoslovak Governments asked the Supreme Council to fix this frontier. The Conference of Ambassadors, empowered by the Supreme Council, adopted a frontier which did not dispose of the matter, at all events as regards the Jaworzina district, for Poland held that it was still possible to modify the frontier according to her wishes. The Court arrived at the conclusion that the decision of the Council of Ambassadors was definitive and only permitted such minor adjustments as might, under the terms of that decision, be proposed by the Commission entrusted with the tracing of the new frontier. This opinion served as the basis of an agreement between the two States both over the frontier itself and over frontier traffic.

The question of the Monastery of St. Naoum related to a small sector of the frontier between Albania and Yugoslavia which did not appear to have been included in the 1914 demarcation subsequent to the second Balkan war. The Monastery of St. Naoum was claimed by both States. Albania, in 1920, had been admitted to the League subject to the final demarcation of her frontiers; these were subsequently fixed by the Conference of Ambassadors, which, taking as a basis the line adopted when the Albanian State was created in 1913, allotted the Monastery of St. Naoum to Albania. Difficulties developed similar to those occasioned by the Jaworzina question, and the point arose whether the Conference, in allotting St. Naoum to Albania, had finally fulfilled its mission. The Conference applied to the Council, which in turn approached the Court. The Court, whilst admitting that the frontier, at the point in dispute, had perhaps not been clearly fixed in 1913, nevertheless held that the decision of the Conference of Ambassadors was final and could not be revised.

As in the preceding case, the Court's opinion served as a basis for settlement: the Monastery of St. Naoum, however, was subsequently handed over to Yugoslavia, under an agreement between the two Governments, based on new documents which had not been produced before the Court.

The *questions concerning the exchange of Greek and Turkish populations* and the interpretation of the Final Protocol of the Greco-Turkish Agreement relating thereto dated December 1st, 1926, are in some respects similar. The Governments were the same, and both cases relate to the interpretation of instruments governing the activities of the Mixed Commission established at Constantinople.

The first, arising out of the Lausanne decision concerning the compulsory exchange of Greek and Turkish populations, especially in Western Thrace, centred on the word "established" used in the Lausanne Convention, which exempted from exchange the Greeks of Constantinople *established* before a certain date. Greece and Turkey, who were represented on the Mixed Commission of Exchange, were unable to agree on the definition of this word and, at the request of the Mixed Commission, the Council sought the opinion of the Court. The Court gave a definition of "establishment" as used in the Convention of Lausanne and indicated certain criteria for estimating

liability to exchange; subsequently, a solution was reached on this basis.

The second question related to the power (provided for in a Protocol attached to the Greco-Turkish Agreement of Athens of 1926—a collateral to the Convention on the Exchange of Populations of 1923) of referring to an arbitrator, under certain conditions, some questions arising in the Mixed Exchange Commission. The point was whether it rested with the Commission itself or with this arbitrator to say if the conditions contemplated by the Agreement of Athens for the submission of a question to arbitration existed; there was a further difference of opinion as to whether, if the contingency arose, it lay with the Commission or with the Governments to refer the matter to the arbitrator. The Court came to the conclusion that it was for the Mixed Commission alone to decide whether the conditions for submission to arbitration were fulfilled and that it alone could refer a question to the arbitrator.

The *question concerning the jurisdiction of the European Commission of the Danube between Galatz and Braila* presents one unusual feature: namely, that the request for an opinion addressed by the Council to the Court was preceded by an arrangement between the Governments concerned (Great Britain, France and Italy on the one hand, and Roumania on the other), which, whilst asking the Council to refer the question to the Court, left open the possibility, in the event of a settlement not being reached, of re-submitting the case to the Court for judgment. Before seeking the Court's opinion, the Powers concerned had exhausted without success the conciliation procedure provided by the League Committee for Communications and Transit. The dispute had existed in various forms for a very long time. It concerned the powers of the European Commission of the Danube, whose existence dates from the Treaty of Paris of 1856. The Commission's powers to draw up and apply navigation and police regulations on the Danube had been successively extended by treaty from the mouth of the river to Galatz and—in 1883, but without the participation of Roumania—to Braila. Some doubt prevailed regarding the correct interpretation of the Definitive Statute of the Danube (1921) with respect to the point at issue, Roumania holding that, under the terms of that instrument, which confirm the pre-war situation, the European Commission of the Danube did indeed

possess "technical" powers, but not "jurisdictional" powers, above Galatz and as far as Braila. The Court, having regard to the results of an enquiry previously conducted by the competent organs of the League, came to the conclusion that, in actual fact, the powers of the Commission, both jurisdictional and technical, were exercised before the war between Galatz and Braila; accordingly, under the Definitive Statute which Roumania had signed, the Court could not regard the contentions of that country as well founded. Here, once more, the Court's opinion, which also afforded indications regarding the determination of the respective jurisdictions in the fluvial ports, served as a basis for a subsequent settlement in 1929.

The Court's Place in the System instituted by the League of Nations.

The chapter would be incomplete without a reference to the position of the Court within the framework of the League and among the organisations established under the League's auspices.

The Court's Statute, though drawn up by the League, is an independent international convention, so that the ties between the League and the Court are mainly administrative. On the other hand, it must not be forgotten that it is the existence of the League, as a community of States organised on a legal basis, with its representative organs—the Council and Assembly—which has made possible the conclusion of this independent international convention and, consequently, the creation and constitution of the Court.

Whilst the Court, in "administering the law," can by its judgments settle disputes, it can also, by the exercise of its advisory function, throw light on the legal aspects of problems referred to the League's political organs, and thus enable them to perform, with full knowledge of the facts and with due regard to the legal situation, the important mediatory duties entrusted to them. In the exercise of both its jurisdictional and advisory functions, the Court, by its decisions, paves the way for the codification of international law. These decisions—whether on a case submitted for judgment or on a point of international law of any kind—are, as such, final and without appeal. Accordingly, the forms of judgment and opinions have been expressly worked out—either in the Statute or in the Rules of Court—in such a way as to surround all its decisions with the most

complete judicial safeguards and to preserve their entire independence.

These pages have given some idea of what the Court is and of what it has done during the first years of its existence. It is hardly possible to forecast what its future role may be. But the increasing number of international instruments conferring jurisdiction upon it afford some indication and tend to confirm the predictions of the 1928 Assembly regarding the increase of its activities and the extension of its task.

CHAPTER IV

CODIFICATION OF INTERNATIONAL LAW

The Object of Codification. I. The League and the Codification of International Law—Constitution of the Committee of Experts. II. Work of the Committee of Experts for the Progressive Codification of International Law. III. Conference for the Codification of International Law. IV. International Institute for the Unification of Private Law at Rome.

Object of Codification

The movement for the codification of international law, which had developed considerably since the end of the 19th century, became more pronounced after the war.

The object of codification is to make international law clearer, more precise and more unified. Its normal effect is to elucidate doubtful points and to fill up gaps in existing law.

Although a codified body of law is generally recognised as an advantage, some doubt has been expressed about the expediency of codifying international law. It has been pointed out that the development of municipal law is, as a rule, the result of judicial rather than legislative processes; codification only puts the finishing touches to a structure which has been laboriously built up over a long period of time by judicial custom and precedent. Codification is merely the arrangement in clear and ordered form of laws which already exist in fact. The reversal of this chronological order might, it is argued, compromise the success of the venture, or create an artificial legal system, theoretical rather than practical and therefore fragile.

The strength of these objections was fully realised by the jurists who proposed that the codification of international law should be undertaken. Their idea was that the work should proceed step by step—*i.e.*, that it should apply to questions which experience had shown to be sufficiently ripe to lend themselves to codification—the aim being not the creation of a kind of ideal code, but the translation of existing laws into suitable formulæ.

Existing law may, to some extent, be defined, completed and unified, but it remains none the less the basis of all codification.

There is, moreover, a special factor of international life which must be borne in mind. On account of the important interests at stake, certain States might hesitate to entrust a judge or an arbitrator with the settlement of a serious dispute or with the elucidation of legal points which are not yet completely defined, perferring that the legal aspects of the dispute should first be settled by mutual agreement between the parties, so that the judge would merely be called upon to ensure the application of the law. In these circumstances, it is difficult to lay down as an invariable rule that development by judicial or arbitral means should always precede codification. In certain cases, codification, instead of being a consequence of the development of international law, may be a necessary factor in its development. The question is in what circumstances the codification is both feasible and desirable.

I. The League and the Codification of International Law

Before the war of 1914–1918, the principal results of codification were obtained in international administrative law (the Universal Postal Union, etc.) and international private law (the Hague Marriage Conventions, etc.). The Hague Conferences of 1899 and 1907 had also undertaken work for the codification of international public law.

In 1920, the jurists appointed by the Council of the League to draw up the Statute of the Permanent Court of International Justice suggested that the League should resume the work of codification. The First Assembly was not disposed to take immediate action on this recommendation; and Lord Robert Cecil expressed the opinion that the public mind had not yet recovered sufficient poise for codification to be undertaken without serious risks in regard to the future.

It was not until the Fifth Assembly, in 1924, that the League undertook the systematic study of the progressive codification of international law.

But, before taking this definite decision, the League had already contributed in other ways to the formation of a body of law. In 1921, the Barcelona Conference determined the principles of international law on communications and transit; and the

League's subsequent work played an important part in the development of international law and the regulation of international relations (the Convention for the Simplification of Customs Formalities, the Convention on the Recognition of Arbitral Clauses in Commercial Contracts, the Labour Convention, the Convention on Traffic in Women and Children, etc., may be mentioned as examples). But in all these cases, codification was a piecemeal process confined to special and rather technical subjects.

In 1924, the League extended its work to the strictly legal questions of the rights and duties of States in the principal spheres of international activity. This decision followed a proposal from the Swedish delegation to the Fifth Assembly inviting the League to study those subjects of international law which might usefully be examined with a view to their incorporation in international conventions or in other international instruments established by Conferences under the League's auspices.

In explaining the scope of this proposal, the first Swedish delegate, Baron Marks von Wurtemburg, said:

> "The development of international law by means of inter-State agreements is a vital factor in the permanent establishment of peace . . .
>
> "I do not agree with certain theorists that it is possible to codify international law, at any rate for a long time to come.
>
> "The improvements which I suggest in international law are much less ambitious. We should aim at building up a system of inter-State engagements, particularly in fields where certain main principles of international law are already accepted, but where a degree of vagueness, or even slight differences of opinion exist regarding details of application. . . ."

The proposal, supported by numerous Latin-American delegates, was studied by the Assembly Committee on legal questions. Without claiming to undertake the complete codification of international law, which might impede its growth and progressive development, the Committee thought it possible to obtain important results within a reasonable period and to clear up certain contradictions and ambiguities. The Assembly accordingly

adopted a resolution expressing its desire to extend the League's contribution to the progressive codification of international law.

The aims were explained by the Belgian delegate, M. Rolin, who, in reporting to the Assembly, said:

> "We do not claim that the League of Nations should be so presumptuous as to undertake immediate and definite responsibility for the great work of codifying international law. . . .
>
> "The principle of codification seems to have definitely triumphed in the United States and has steadily gained ground at the successive Pan-American Conferences . . .
>
> "But though this achievement may be possible at the stage which law and scholarship have reached in America, where traditions, after all, are comparatively recent and are not widely dissimilar, the majority of European jurists will consider it to be still extremely distant and problematical.
>
> "Accordingly, we recommend that this work should be carried out step by step and that international conferences should only be called to deal with particular questions of public or private international law if these questions seem sufficiently urgent in themselves to demand immediate consideration, and at the same time appear to have reached such a stage of development either in legal knowledge or in special inter-State agreements as to render an international solution practicable."

Constitution of the Committee of Experts for the Progressive Codification of International Law.

The Assembly suggested the appointment of a special committee and laid down the lines on which work was to proceed. The Swedish delegation had proposed that the Members of the League should be asked what subjects of international law might in their opinion be usefully examined. But the Assembly thought many States might be embarrassed by such a question and considered it preferable to leave the selection to a special committee. This committee, "after eventually consulting the most authoritative organisations which have devoted themselves to the study of international law, and without trespassing in any way upon the official initiative which may have been taken by particular States," was (*a*) to prepare a provisional list of the subjects of

international law the regulation of which by international agreement would seem to be most desirable and feasible at the present moment; (*b*) after communication of the list to Governments, to examine the replies received; and (*c*) to report to the Council on the questions which were sufficiently ripe and on the procedure which might be followed in preparing a Conference for their regulation.

The codification of international law was thus included in the League's programme; the results aimed at were clearly stated; the necessary organisation was provided, and the methods of work were agreed upon.

II. Work of the Committee of Experts for the Progressive Codification of International Law

In December 1924, the Council, acting on the Assembly's suggestion, appointed a Committee for the Progressive Codification of International Law, composed of experts, "not merely possessing individually the required qualifications, but also as a body representing the main forms of civilisation and the principal legal systems of the world." [1]

The experts were M. Hammarskjöld (*Chairman*, Swedish); M. Diena (*Vice-Chairman*, Italian); M. H. Gustavo Guerrero (Salvadorian); M. Bernard C. J. Loder (Dutch); M. Barbosa de Magalhaes (Portuguese); M. Adalbert Mastny (Czechoslovak); M. Matsuda (Japanese); M. S. Rundstein (Polish); M. Walter Schücking (German); M. Charles de Visscher (Belgian); M. Wang Chung Hui (Chinese); Mr. George W. Wickersham (United States of America).

The Committee held its first session in April 1925. It selected for study by sub-committees the eleven following questions: nationality, territorial waters, diplomatic privileges and immunities, the legal status of ships owned by the State and used for trade, extradition, the criminal jurisdiction of States with regard to crimes perpetrated outside their territories, the responsibility of States for damage suffered within their territories by foreigners, the procedure of international conferences and the conclusion and drafting of treaties, the suppression of piracy, rights in, and exploitation of, the riches of the sea.

[1] Resolution of the Fifth Assembly.

On each of these subjects, it decided to consult the American Institute of International Law, the American Society of International Law, the International Maritime Committee, the Institute of International Law, the Institut ibérique du Droit comparé, the International Law Association, the Société de Législation comparée, and the Union juridique internationale.

At its second session, in January 1926, the Committee considered the findings of its sub-committees and the replies from the bodies consulted, and decided to submit to all Governments a report on its work. In 1927, it drew up, in the light of comments from Governments, a first list of the questions which seemed ripe for solution by international agreement (conflicts of laws on nationality, territorial waters, responsibility of States for damage suffered within their territories by foreigners, piracy, diplomatic privileges and immunities).

The Council and the Assembly rejected the questions of piracy and diplomatic privileges and immunities, on which they considered it difficult to secure general agreement and which did not appear urgent, but decided to submit the first three subjects to a Conference for the Codification of International Law.

The Assembly also made general arrangements for the preparation of the Conference. The preparatory work was to be done by a committee of five persons with a wide knowledge of international practice, legal precedents and scientific data concerning the problems with which the Conference would deal; for each problem the Committee would prepare a detailed basis of discussion in agreement with Governments and in co-operation with international associations. The Committee was instructed to draft rules of procedure for the Conference, indicating the general principles which should govern the debates.

On the three points submitted to the Conference, this special Committee[1] asked States to declare what they considered the law actually was at the present moment, to give information derived from their practice at home and abroad, and their views on possible additions to the rules in force.

Replies were received from thirty Governments and, with this information at its disposal, the Committee drew up the bases of discussion for the Conference.

[1] M. Basdevant (French) (*Chairman*), M. François (Dutch), Sir Cecil Hurst (British), M. Pilotti (Italian), M. Carlos Castro Ruiz (Chilian).

When the preparatory work was finished, the Council summoned the first Codification Conference to meet at The Hague on March 13th, 1930, and appointed as President M. HEEMSKERKE, Minister of State, former Prime Minister of the Netherlands.

III. CONFERENCE FOR THE CODIFICATION OF INTERNATIONAL LAW

The Conference was attended by forty-seven States, including eight countries which were not Members of the League—the United States of America, Brazil, Egypt, Iceland, Mexico, Monaco, Turkey, the Union of Soviet Socialist Republics (represented by observers).

The results achieved on the three subjects dealt with—nationality, territorial waters, and the responsibility of States—vary in importance.

Nationality. Nationality is one of the most delicate and difficult matters to regulate, because it is an essentially political problem affecting every phase of the life of the State. The Conference realised that it was at present impossible to frame rules which would reconcile the conflicting interests on important points of "emigrant" and "immigrant" States, and that the Conference must recognise the right of States to settle who should be their nationals.

None the less, the Conference succeeded in reaching agreement on most of the points raised. The results were embodied in a Convention, three Protocols, and several recommendations included in a Final Act. These texts, drafted with the caution necessitated by the wide divergencies between the various systems of municipal law, do not attempt to achieve complete uniformity, to remove all the difficulties attendant upon dual nationality, or entirely to eliminate Statelessness. Their merit, in the opinion of the Chairman of the First Committee, M. POLITIS (Greece), lies in the fact that they open to international law a domain hitherto reserved for the exclusive jurisdiction of individual States.

> "The whole Convention (he asserted) can be said to be dominated by a general idea which the legislatures of every country must regard as expressing the feeling of the

Conference. This idea is that every individual should have a nationality and that it is most important for all countries to prevent any person from possessing multiple nationality.

"Although there are still very important questions to be settled, it is only right to point out that this first attempt at the codification of nationality laws marks a very noteworthy advance."

The Convention on Questions relating to the Conflict of Nationality Laws is intended to remove certain consequences of Statelessness and double nationality.

The Preamble of the Convention sets forth its aims and scope:

"The High Contracting Parties . . .

"Being convinced that it is in the general interest of the international community to secure that all its members should recognise that every person should have a nationality and should have one nationality only;

"Recognising accordingly that the ideal towards which the efforts of humanity should be directed in this domain is the abolition of all cases both of Statelessness and of double nationality;

"Being of opinion that, under the economic and social conditions which at present exist in the various countries, it is not possible to reach immediately a uniform solution of all the above-mentioned problems;

"Being desirous, nevertheless, as a first step towards this great achievement, of settling in a first attempt at progressive codification those questions relating to the conflict of nationality laws on which it is possible at the present time to reach international agreement . . ."

There are six chapters in the Convention. The first five deal with general principles, expatriation permits, the nationality of married women, the nationality of children, and adoption.

Before taking its decisions on the nationality of married women, the Conference heard delegates from the women's international organisations, who were received by the Bureau and who put their views before a plenary meeting of the First Committee. The Conference did not attempt to decide in favour

of any one of the existing systems, but tried to find a settlement for certain specific cases. The provisions adopted entirely eliminate Statelessness in the case of a woman marrying a foreigner or of a woman whose husband changes his nationality after marriage.

The Convention will enter into force ninety days after ratification or accession by ten States.

The Protocols. The Conference drafted three Protocols, independent of the Convention, which will be opened separately for the signature or accession of States. Two deal with Statelessness (absence of nationality). The first is intended "to determine certain relations of Stateless persons to the State whose nationality they last possessed"; its object is to enable in certain circumstances an indigent or undesirable Stateless person to be sent back to the country whose nationality he last possessed.

The object of the second Protocol is "to prevent Statelessness arising in certain circumstances"—in the case of a mother possessing a nationality and of a father without nationality or of unknown nationality. Cases of this kind have occurred mainly as a result of post-war emigration.

The object of the third Protocol is "to determine, in certain cases, the position as regards their military obligations of persons possessing two or more nationalities." This text enables persons having a dual nationality to be exempted from military service in one of the countries of which they are nationals. The Protocol is intended to provide a remedy for situations which are particularly common in "immigrant" countries.

All three Protocols were adopted by a majority—the second and third by a majority of more than two-thirds of the delegations present.

Recommendations. Eight recommendations were adopted. They may be divided into four groups: (*a*) the regulation of Statelessness in general, (*b*) the regulation of the problem of dual nationality, (*c*) the introduction into the laws of the various States of the principle of sex equality in the matter of nationality, taking particularly into consideration the interests of the children and the granting of greater liberty to a woman marrying a foreigner in respect of the retention of her original nationality, (*d*) the proof of nationality (legal value of

certificates of nationality and conditions governing their recognition by the various States).

The Territorial Sea.

Unanimous agreement was reached by the Conference on two principles: freedom of navigation and the sovereignty of coastal States over a belt of sea round their coasts.

There remained two questions to be settled: the breadth of the territorial sea and the rules governing the exercise of sovereignty within and about this area. On the former question, it soon became evident that there were considerable differences of opinion, largely due to the different geographical and economic conditions. The conditions of navigation in wartime also had some bearing on the question.

The fixing of the *breadth of the belt* at three miles was opposed by countries which maintained that there was no rule of law fixing the breadth at three miles, and that their national interests required the adoption of a wider belt. The proposal to recognise a wider belt for those States alone led to objections from two quarters: some States were not prepared to recognise exceptions to the three-mile rule, while the States which maintained that there was no three-mile rule of law were of opinion that the adoption of such a rule would be arbitrary and they were not prepared to accept a special situation conceded to them under a convention.

The idea of a zone, contiguous to the territorial sea, in which a coastal State would be able to exercise the control necessary to prevent, within its territory or territorial waters, an infringement of its Customs or sanitary regulations or interference with its security by foreign vessels found a number of supporters, but proved useless as the basis of a compromise.

In these circumstances, the Conference took no decision on whether existing international law recognised a belt of territorial sea of a given breadth.

This prevented the Conference from deciding in what way this breadth should be measured. Nevertheless, on the questions of the base line, ports, roadsteads, islands, straits and river mouths, articles were drawn up which will make it easier to settle the whole problem.

The Conference drew up *thirteen articles on the legal status of the territorial sea*, which define and regulate the right of passage for warships and other vessels. As provisionally approved by

the Conference, they are intended to form part of a Convention determining the breadth of the territorial sea, or to serve as constituent elements of a special convention on the legal status of the territorial sea.

Finally, the Conference adopted two recommendations. The first—on the *legal status of foreign vessels in inland waters*—suggested that the Convention on the International Regime of Maritime Ports [1] (Geneva, December 9th, 1923) should be supplemented by provisions regulating the scope of the judicial powers of States regarding vessels in their inland waters.

The second—on the *protection of fisheries*—drew the attention of States to the desirability of assisting in scientific research on marine fauna and the means of protecting fry in local areas of the sea. It seems probable that general agreement in this direction would lessen the need which some States feel for a contiguous belt of sea for purposes connected with the protection of various species of fish.

A general resolution expressed the desire of the Conference that the work of codification undertaken on this subject should be continued, and the Council was requested: (1) to communicate to Governments the articles on the legal status of the territorial sea, and (2) to invite the Governments to continue their study of the question. The Council was also asked to consider whether the various maritime States should forward to the Secretary-General official information regarding the base lines adopted by them for the determination of their belts of territorial sea, and to convene, as soon as it saw fit, a new conference either for the conclusion of a general convention on the whole question of the territorial sea, or of a convention limited to the legal status of the territorial sea.

Responsibility of States.

The Committee dealing with the responsibility of States was unable to complete its study and submitted no conclusions to the Conference.

There were other recommendations of a general character on the continuation of the work of codification. One was that the work of the League of Nations and that of the Conferences of American States should be carried out in the most complete harmony; another requested that the international and national institutions should undertake the study of the fundamental questions of international law, particularly the principles

[1] See Chapter VI: "Transit and Communications."

and rules and their application, with special reference to points placed on the agenda of codification conferences; a third contained suggestions on the organisation of the preparatory work for future conferences.

IV. The International Institute for the Unification of Private Law

A body which is likely to afford valuable assistance in the League's work for the codification of international law is the *International Institute of Private Law* in Rome, founded in 1928 by the Italian Government and supported by that Government. The mandate of this Institute is to study means of harmonising and co-ordinating law in various countries or groups of countries and gradually to prepare the way for the adoption of uniform laws by the different States.

The Institute has already studied some subjects on which the laws of the different countries seem immediately to lend themselves to unification, such as contracts for the international sale of commodities, arbitration in private law, right to maintenance, copyright and publishing contracts.

The Board of Directors of the Institute is appointed by the Council and is so constituted as to include representation of the different legal systems. It sits under the presidency of M. Scialoja and is composed of M. Adatci (Japan), M. Capitan (France), M. Destrée (Belgium), M. Fernandes (Brazil), Sir Cecil Barrington Hurst (British Empire), M. Loder (Netherlands), M. Rabel (Germany), M. Rocco (Italy), M. Felipe Sanchi Roman (Spain), M. Rundstein (Poland), M. Titulesco (Roumania), M. Undén (Sweden), M. Villegas (Chile).

INTERNATIONAL CO-OPERATION

THE duty of the League is the maintenance of peace by the settlement of international disputes and the organisation of the world for peace by arbitration, security and the reduction of armaments.

To keep the peace and to organise the world for peace, the League must deal with the causes of international conflicts. Disputes and conflicts may arise, for instance, from economic conditions, and the League, if it is to work effectively for peace, must try to promote co-operation in all things of common concern. Many wars have arisen through the failure of civilisation to devise means of close and continuous co-operation between States on subjects where their interests and needs overlap. Through the League, co-operation is now gradually being developed and extended to nearly every phase of international relations.

The following chapters give an account of Governmental co-operation through the League on economic and financial questions, communications and transit, public health, intellectual relations and social and humanitarian questions; they show how the common life of States has been organised and developed under the stress of immediate necessities, what has been achieved hitherto and what are the prospects for the future.

CHAPTER V

FINANCIAL AND ECONOMIC CO-OPERATION

New Methods—Basis of Work—The Brussels Conference—Its Sequel—Formation of Economic and Financial Committee—Austrian and other Reconstruction Schemes—The World Economic Conference—Its Sequel—Economic Policy at Tenth Assembly—Economic Intelligence Service

The Change in the Method of International Co-operation

The tasks to which attention must now be turned involve continuous practical work in a number of separate fields. The matters concerned have not, like the question of peace and war, been submitted for the first time, through the instrumentality of the League, to some form of regular control. On the contrary, they have been subjected, more or less successfully, to processes of organisation by individual Governments and other bodies within the various States, and the need for the extension of these processes to the international plane has been made evident by experience. The contribution of the League has consisted in facilitating this international co-operation by the application of methods which represent an advance on those that were in use before the war. Some of these activities are definitely provided for in the Covenant, though in almost every case the results have considerably outstripped the expectations of 1919. Others, not actually mentioned in the Covenant, have developed naturally and almost inevitably through decisions of the Council and the Assembly. Together they constitute an achievement widely different in character and scope from what was generally expected of the League by most of those who looked to it in 1918 as the great hope of the world after the war. At that time, it was not yet generally realised that the negative function of preventing conflicts could not by itself be a sufficient basis for the new international structure, and that it was only by promoting positive international co-operation, sometimes in fields seemingly quite remote from war and rumours of war, that peace could be consolidated.

Looking back, the decision to concentrate the activity of the League in its early years upon the development of international co-operation appears as perhaps the most important single act of policy during the first decade of its existence. No official record, however, exists as to when it was taken, nor indeed would it be justifiable to assert that, formally speaking, such a decision was ever taken at all. But the policy of developing international co-operation through the setting-up of technical organisations was at work within a few weeks of the formal establishment of the League at the beginning of 1920.

One cogent reason for this policy was that the means for carrying it out were ready to hand and the war had illustrated its necessity. Both the belligerent alliances had been forced to pool their resources and devise methods of international co-operation and administration that represented an almost revolutionary departure from the traditions of diplomatic intercourse. It was natural that this experience should have influenced the founders of the League, especially as there was an acute realisation of the need for technical and economic co-operation in the work of reconstruction and of re-knitting the bonds between nations severed by the war.

Basis in the Covenant and in the Post-War Economic Situation

The financial and economic work of the League is formally based on Article 23 (*e*) of the Covenant, by which the Members of the League agree "to make provision to secure . . . equitable treatment for the commerce of all Members of the League." Steady work has been carried on throughout these ten years within the four corners of that clause. But the immediate impetus to the development of the League's financial and economic activities came from a broad interpretation of the Covenant as designed to promote international co-operation in general. They afford a striking example of the value of having at hand an organisation capable of coping at short notice with unprecedented requests growing out of unanticipated emergencies.

Proposal for an International Financial Conference

At the third public meeting of the Council of the League in London on February 13th, 1920, which was presided over

by Mr. Balfour (as he then was), the President, at the end of a long sitting, made a brief statement, in which he said there was "one item which does not appear upon our programme, an item, however, of considerable importance. . . . Most people . . . are only too painfully aware of the position in which Europe finds itself at present owing to the financial difficulties in which so many of its constituent nations are involved. . . ." He then moved a resolution by which the League undertook to convene "an international conference on the subject of the worldwide financial and exchange crisis" and empowered the President of the Council to appoint a committee, composed of certain of his colleagues, who were to send out the invitations to "the States chiefly concerned in this conference" and "to convene it at the earliest possible date."

The Brussels Conference

The Brussels Conference has a very special place in the history of the League. It was the first important conference held under its auspices, and its organisation and methods of work turned out to be an invaluable dress rehearsal for the First Assembly, which followed immediately after. Moreover, the principles of financial policy which it laid down, though they seemed uninspiring at the moment, did in fact, as time went on, impress themselves upon the Governments and upon public opinion and exercised a powerful influence in bringing the world back to the strait and narrow path of saving and solvency.

The Conference consisted of eighty-six full delegates from thirty-nine countries, including Germany and the United States, together with ten non-voting members from various international bodies. The delegates (with the exception of the United States "observer") were nominated by their respective Governments, but, as the official statement declared, they "attended as experts and not as spokesmen of official policy." They were selected as possessing "both private and official experience, and the conditions of their appointment permitted them to give the Conference the full benefit of their knowledge and to express their personal opinions with freedom." This combination of official nomination and personal independence was an innovation which on this, as on later occasions, proved

to be very effective. The international bodies represented recall the circumstances of the moment. They included, side by side with the International Labour Organisation and the newly founded International Chamber of Commerce, the Supreme Economic Council, the Reparations Commission and the International Relief Credits Committee.

The Conference met at a time of intense friction between the Powers. Its agenda had been most carefully scrutinised and its sphere of action jealously limited. In these circumstances, it might easily have degenerated into a well-meaning debating society. That it did not do so, but instead, after sitting a little over a fortnight, arrived by unanimity at a number of important resolutions, is largely due to the methods of work that were adopted.

The organisation of the Assembly has now become so familiar that it is difficult to realise how unusual it must have seemed ten years ago. Its most characteristic feature, in contrast with pre-war international conferences, is to be found in its six Committees, each composed of representatives of all the delegations and dealing with a carefully selected group of subjects. This system was originated in Brussels. "Four great Committees" as they were called—one on public finance, one on exchanges and currency, one on international trade, and one on international credits—were set up, and "it has been thought," said the President, M. Ador, in announcing this to the Conference, "that it would be to the interest of the members of the Conference that these Committees should include as many representatives as possible." What was, however, not yet realised at Brussels was that it would be possible to hold such meetings in public, and it was only at the Second Assembly in 1921 that this practice became the rule. The custom of electing a number of vice-presidents was also instituted at Brussels.

There is no space here to record in full the resolutions adopted at the Conference. They constitute a compendium of financial orthodoxy, recommending as they do the balancing of budgets, the stopping of inflation, the avoidance of superfluous expenditure, the return to the gold standard, the abolition of impediments to international trade, the improvement of transport and the restoration of "real peace, the conclusion of the wars which are still being waged and the assured maintenance

of peace for the future." The most immediately important resolution was that proposed by the Committee on International Credits for the creation of an international organisation to be placed "at the disposal of States desiring to have resort to credit for the purpose of paying for their essential imports." This was the so-called ter Meulen scheme, from which great things were expected at the time, but which it was eventually found impossible to carry out.

Formation of a Provisional Advisory Economic and Financial Committee

The resolutions of the Brussels Conference were presented to the Council by M. Bourgeois on October 27th, 1920, and circulated to the Governments with a recommendation to put them into practice. Meanwhile, a "Provisional Advisory Economic and Financial Committee" was appointed, composed of two sections, one financial and the other economic, consisting of ten members each. Regulations were drawn up setting forth the relations between the technical organisations, the Council and the Assembly. "The technical organisations of the League," it was stated, "now in process of formation, are established for the purpose of facilitating the task of the Assembly and the Council by the setting-up of technical sections on the one hand and, on the other, to assist Members of the League to fulfil their international duties by establishing direct contact between their technical representatives in the various spheres. With this double object, they must keep enough independence and flexibility to make them effectively useful for the Members of the League, and yet they must remain under the control of the responsible organisations which conduct the general business of the League." Having thus safeguarded its authority, the Assembly launched the new Advisory Economic and Financial Committee with instructions to consider the immediate application of the recommendations of the Brussels Conference and to examine such economic and financial problems as might be submitted to it by the Council.

It pursued its work uneventfully for the next few years, until the time was ripe for a World Economic Conference. The Financial Committee, on the other hand, was soon to be confronted with an urgent and unexpected task.

The Problem of Austria

Ever since 1919, the condition of Austria had caused grave anxiety to European statesmanship. The economic difficulties inseparable from the transition period after the war were complicated in this case by special problems. The new Austrian Republic, which had been formed out of the German-speaking provinces of Austria, had succeeded indeed in enforcing its authority with comparatively little difficulty, but its maintenance was a more serious matter. It found itself confronted with an economic and financial problem which might well have proved insurmountable to a Government of much longer standing. Vienna, an imperial metropolis of 2,000,000 inhabitants, had become the capital of a small predominantly agricultural community, and a large proportion of its population, both among brain workers and manual workers, found no outlet for its energies. Over and above this were the indefinite reparations liabilities imposed by the Peace Treaty, which debarred the Government from initiating a constructive financial policy. Thus from 1919 onwards, during the time when the whole of Central Europe was suffering very serious distress, the hardships endured in Austria, and particularly in Vienna, were exceptionally severe.

Attempts were first made to meet the problem by means of charitable relief. During 1919, 1920 and 1921, loans amounting to over £25,000,000 sterling were raised by France, Great Britain, Italy, the United States and a number of ex-neutral countries, and these were supplemented by charitable donations estimated to have amounted to an additional sum of £10,000,000 sterling. In this way, the difficulties were tided over from year to year and ruin was kept at arm's-length. But to live on credits, charity and speculation was a mere makeshift and the real problem of how the new Republic was to be put on a permanent economic basis remained unsolved.

The Austrian Problem referred to the League.

In March 1921, it was at length realised that the problem must be handled from the standpoint of reconstruction. The four principal ex-Allied Powers, therefore, agreed to release the assets which they had taken as security for the loans they had already granted, and the other countries, no

fewer than thirteen in number, which had either taken part in the work of relief or possessed reparation claims, were invited to adopt the same policy. At the same time, the principal Powers asked the League of Nations to propose a general scheme of reconstruction.

The task was of course assigned to the Financial Committee, which thus found itself confronted for the first time, on the invitation of the great Powers, with a definite and urgent piece of practical work. The Committee at once met and laid down what it considered a basis for Austrian reconstruction, the principal point emphasised being prompt action by all the Governments concerned for the postponement of their reparations and relief claims for a considerable period of years. The Committee then sent a delegation to Vienna to study the position on the spot. After nearly four weeks' enquiry, it put forward a comprehensive scheme of reconstruction, including large internal reforms, backed up by sufficient credits and a system of control to ensure their effective use.

This project, which was to be the basis of the later action, was approved by the Council of the League and forwarded to the Supreme Council of the Allies on June 3rd, 1921. At that time, in spite of the unsatisfactory economic situation, Austrian credit was still relatively good, and it was believed that the scheme could be carried through on the basis of the existing assets without the need for guarantees from outside Governments.

When the Assembly of 1921 met, all but one of the creditor countries had released the liens which blocked the granting of banking facilities. The single exception was the United States, where, despite the good-will of the Administration, to which the Financial Committee paid a tribute in its report, action was blocked by delay in the other constitutional organ involved. The matter was discussed, in the debate on the work of the Provisional Economic and Financial Committee, and the resolution adopted recorded that "the reconstruction of the finances of Austria . . . has been delayed for reasons which it hopes will shortly be removed." Unfortunately, the obstacles were not surmounted until July 1922, by which time the apprehensions to which Mr. Balfour and other speakers had given vent in the Assembly were unhappily being realised. The financial situation had gone from bad to worse. Between

August 1921 and February 1922, the crown had fallen so that it was worth only 1/10th of its gold value, and a complete collapse was only averted in that month by the provision of further sums from Czechoslovakia, Great Britain, France and Italy. These advances were, however, immediately consumed for current needs and failed to avert the process of financial collapse. By August 1922, the Austrian crown had sunk to 1/15,000th of its gold value.

Second Reference of the Austrian Problem to the League.

In this desperate crisis the Austrian Government once more appealed to the Allied Powers, explaining that, although Austria's assets had now at last been released to form securities for a loan, "the foreign bankers, who a year ago were still willing to grant such a loan, to-day declare that it is impossible to do so because to them and to the general public the continued existence of Austria has become doubtful." It asked for guarantees from the Governments to assist in raising a loan of £15,000,000 sterling. The reply of the Supreme Council was couched in uncompromising language. Mr. Lloyd George, on their behalf, stated that the Allied Governments had "come to the decision that they are unable to hold out any hope of any further financial assistance being given to Austria by their Governments." He went on, however, to say that they had "agreed to a proposal that the Austrian situation should be referred to the League of Nations for investigation and report, the League being informed at the same time that, having regard to the heavy burdens borne by the taxpayers of the Allied Powers, there is no prospect of further financial assistance to Austria from the Allied Powers unless the League were able to propose such a programme of reconstruction, containing definite guarantees that further subscriptions would produce substantial improvements and not be thrown away like those made in the past, as would induce financiers in our respective countries to come to the rescue of Austria."

Thus the problem which the Financial Committee of the League had already investigated and reported on fifteen months before was thrown back on to its hands under greatly aggravated conditions. There seemed, indeed, little prospect that the Council of the League, which contained as its leading members the very Governments that as members of the Supreme Council

had just sternly refused assistance, would be able to find a remedy. It was now no longer a question of floating a loan on the guarantee of Austria's own resources. The actual guarantees of the Governments represented on the Supreme Council were indispensable. Moreover, the situation was complicated by political difficulties in Austria's relations with her immediate neighbours.

The Austrian Problem before the Council and Assembly 1922.

No one who was present at the public meeting of September 6th, 1922, will forget the occasion. Monsignor Seipel, then Chancellor of the Austrian Republic, described what seemed the almost hopeless plight of his country and declared that it was willing to accept, in return for the League's assistance, the necessary measure of control. His final sentence contained a warning as to the danger to general peace if what might seem to some a purely local problem was not promptly solved.

While the Third Assembly was in session, there followed four weeks of private negotiations. The Council placed the task in the hands of a special sub-committee, consisting of the representatives of Great Britain, France, and Italy, together with Czechoslovakia as a State specially interested and, of course, Austria. This Committee carried on its work with the assistance of those of the League's technical organisations which were concerned, primarily of course the Financial Committee, but also the Economic Committee, and a Legal Committee composed partly of legal experts from the countries concerned and partly of members of the League Secretariat. The result was that, by October 4th, complete assent had been reached between the five Governments concerned, and a scheme embodied in three Protocols was ready for signature.

The Scheme of Reconstruction.

The first of these Protocols was a declaration that the signatories would "respect the political independence, the territorial integrity and the sovereignty of Austria"—in other words, that they would not make use of the scheme of control to which Austria was being submitted to obtain any special advantage for themselves and that they would accept the decisions of the Council of the League in any difficulties that might arise under this head. Phrases of this kind have often before been included in schemes involving the financial control of a weaker

country by one or more stronger Powers, but on this occasion they had behind them a guarantee and a common organ—the Council of the League.

The second Protocol stated in detail the programme of reconstruction which was the condition of the loan. The first objective aimed at in the scheme was the stabilisation of the currency on a gold basis. This involved the establishment of a central bank of issue under carefully specified conditions and the surrender of the right to issue paper money. The plan of reform further contemplated the balancing of the budget and a programme of retrenchment extending over at least two years. What this meant may be judged from the single fact that Vienna, the capital of a State of six million inhabitants, had at that time more State employees than when she was the capital of a State of over 50 millions! All this was to be carried through under the supervision of a resident Commissioner-General, whose functions were set out in the third Protocol. The plan was that it was to involve no actual administrative work, but was to be confined to advice and supervision. Great importance was attached to the fact that the execution of the scheme was to be the responsibility of the Austrian Government itself and its own departmental organisation. In this way the distasteful feature of the plan—its necessary, if strictly limited, degree of interference with the domestic concerns of the country—was to be reduced to a minimum.

The underlying principles of the scheme were summed up in the Financial Committee's report: "Austria has for three years been living largely upon public and private loans which have, voluntarily or involuntarily, become gifts, upon private charity and upon losses of foreign speculators in the crown. Such resources cannot in any event continue. . . . Austria has been consuming much more than she has produced. . . . The alternative is not between continuing the conditions of life of last year or improving them. It is between enduring a period of perhaps greater hardship than she has known since 1919 . . . or collapsing into a chaos of destitution and starvation to which there is no modern analogy outside Russia. There is no hope for Austria unless she is prepared to endure and support an authority which must enforce reformations entailing harder conditions than those at present prevailing, knowing that in this way only can she avoid an even worse fate."

It is unnecessary here to follow in detail the execution of the plan. The Commissioner-General, Dr. Zimmerman, ex-burgomaster of Rotterdam, assumed office in December 1922, reporting every three months to the Financial Committee. The system of control was successfully put into execution and the loan floated without difficulty.

In all, the sum of £26,000,000 was raised, with the guarantees of ten different countries. The moment the scheme came into operation, the headlong fall of the Austrian crown stopped dead. There was a gold rush to Vienna of great quantities of capital that had fled the country when it seemed threatened with financial dissolution. This led to a boom in the early part of 1923. The budget was soon balanced, bank deposits increased, and a nation which a few months before had seemed on the brink of dissolution once more gained confidence in its ability to survive, although faced by a long uphill struggle and many hardships.

The carrying-through of the programme involved many difficulties of detail and some inevitable modifications. As the financial situation improved, the broader economic problems emerged and formed the subject of a special enquiry by two experts appointed by the League. Eventually, in September 1925, the control was modified and, on July 30th, 1926, the Commissioner-General's functions came to an end.

Results of the Austrian Scheme.

Success of the The world has become so familiar with the technique first applied in the Austrian case that it is very difficult, looking back, to realise its novelty or how much patience, determination, foresight and diplomatic skill was required to set it on foot in 1922. Its importance in the general history of the League can hardly be over-estimated. In the early days there were constant calls for the League to show by some practical achievement that it possessed real authority and efficiency. Once the Austrian scheme had been set in motion these calls were answered. When, a year later, the Hungarian Government approached the League with a similar demand for assistance, there was no question as to the assumption of the task or as to the main lines on which it should be conducted. Since that date, the League has carried through four further large schemes—two in Greece and two in Bulgaria—besides arranging two loans in Danzig and effecting currency and banking

reforms in Estonia. They cannot be described in detail, but together they represent so important an accomplishment that something must be said of the technique developed in the course of the work.

The Financial Committee

The League organs concerned have been the Council, the Financial Committee and the Secretariat. The Council has exercised a general control throughout, but has only intervened directly in certain cases where delicate issues were involved. Thus, as we have seen in the Austrian case, the Council's sub-committee brought together the Powers more immediately concerned. The same procedure was adopted in connection with Hungary and Greece. The main burden of work, however, has fallen on the Financial Committee, whose reports have in every case been approved without amendment by the Council. This Committee consists of some ten or twelve persons appointed by the Council in their individual capacity from a number of different countries. The majority are well-known bankers, two or three of them high officials of central banks. Side by side with them are two or three Government officials from Ministries of Finance. They therefore represent a common professional technique, together with a certain variety of experience. As a result, the Financial Committee has developed an *esprit de corps* which has been greatly stimulated by the heavy practical work laid upon it. Brought together, like most members of League committees, as individual experts for what must have seemed at first a somewhat nebulous task of international co-operation, they have been forced to shoulder great responsibilities. Having once had the determination to face these and, as in the Austrian case, to test their common views and policies in action, they have acquired authority which has been respected, not only by public opinion, but by individual Governments and the Council of the League. This *esprit de corps* has been strengthened by the fact that the members have on occasions worked together in close association over considerable periods of time, both in and away from Geneva, and personally assumed responsibilities which in the case of other departments of League work have generally fallen only to whole-time officials.

The Hungarian Scheme.

Something may now be said on some of the points of special interest presented by the other five schemes.

The Hungarian scheme, which followed shortly after the Austrian and was influenced by the momentum of its success, presented substantially the same features. From the technical point of view, indeed, the task before the Financial Committee was considerably easier, since, not only had the currency not fallen to the same extent as in Austria, but the Government was firmly in the saddle and in a position at any time to take drastic action. As a political problem, on the other hand, it was far more complex, since the interests of a number of neighbouring Governments were involved. It was therefore not carried through without intricate negotiations and, when the scheme ultimately arrived at was presented to the Council in December 1923, a standing sub-committee of the Council, consisting of the British, French, Italian, Czecho-slovak, Roumanian, Yugoslav and Hungarian representatives, was appointed to watch over the progress of the work. A loan of £10,000,000 was quickly raised, and did not require guarantees from other Governments. An American Commissioner-General, in the person of Mr. Jeremiah Smith, of Boston, was appointed and took up his duties on May 1st, 1924. The success of the scheme was immediate.

The phenomenon of capital returning to the country was repeated in the case of Hungary. The currency was immediately stabilised, and the budget balanced in a few months (by July 1st). Hungary, as a predominantly agricultural country with no such disproportionately huge capital as Vienna, was never in such a grave condition as Austria and recovered even more rapidly. At the end of two years, on June 30th, 1926, the Commissioner-General was able to relinquish his post.

One technical point in the scheme is worth notice in this historical record—the inclusion in it of the principle of a "transfer" safeguard, such as was shortly afterwards taken up into the plan of the Dawes Committee for dealing with the German reparations problem. No doubt the Hungarian problem presented far less difficulty in itself: but this adaptation of an idea devised in the smaller domain to the conditions of the larger is an interesting example of the quick application of a political invention.

The Greek Refugee Settlement Scheme.

The Greek Refugee Settlement scheme, on the other hand, represented a completely new departure for the League and indeed for political organisation in general. It was an unparalleled response to an unparalleled emergency—nothing less than the greatest migration of human beings that had ever taken place in so short a space of time. The main circumstances will be familiar. Greece, a country of some 5,000,000 inhabitants, found herself faced with an influx of 1,400,000 refugees, in conditions of appalling misery and destitution.

An appeal was made to the League, and the Financial Committee worked out a scheme for a loan of £9,700,000 to be administered by an independent Settlement Commission. This Commission was to consist of four members—two appointed by the Council of the League, including the Chairman, who was always to be a United States citizen, the other two appointed by the Greek Government on the approval of the Council. The scheme laid down expressly that the proceeds of the loans as administered by the Commission should not be spent on the relief of distress or for charitable purposes, but for settlement on the basis of productive work. The help was to be given on terms of ultimate repayment.

The story has been told in an illustrated volume, issued by the League in 1926 under the auspices of Mr. Charles P. Howland, who had by then succeeded Mr. Henry Morgenthau as Chairman of the Commission. It is a record full of value, as much for sociologists, students of political science and practical administrators in the wide field covered by the activities of the Commission as for those whose special interest lies in Greek lands. The Commission had to deal with two classes of refugees—those who had fled before the Turkish armies and those who were evacuated under the exchange scheme set up by the Treaty of Lausanne. Both groups arrived in indiscriminate confusion, a mass of individuals torn from their homes and separated in most cases even from their own families. The process of sorting them out and bringing them together with their relatives and friends lasted many months. Of the 1,400,000 refugees, over 1,000,000 came from Asia Minor and the remainder from Eastern Thrace, the Caucasus, Bulgaria and Constantinople. They represented every variety

of occupation—shepherds and cultivators, artisans and small traders, merchants, bankers, journalists and professional men. And the cultivators themselves had experienced a great variety of agricultural and climatic conditions on the plains of Thrace, in the rich lowlands of Asia Minor and on the plateau of Pontus.

The refugees were divided by the Commission into townspeople and country-folk. All that could be done for the townspeople was to provide them with houses; but with a roof once over their heads, Greek energy and resourcefulness soon asserted themselves and led to the introduction into the mainland of Greece of a number of new industries, of which carpet-making is the chief. The main effort of the Commission, however, was concentrated on planting out the rural population. Settlers were established throughout the northern provinces and in Crete, and the maps attached to Mr. Howland's report show in vivid form the immense colonising achievement represented by the hundreds of settlements established from the easternmost corner of Western Thrace to the border of Albania, and the complete change in the balance of the population brought about by it in those areas. The Macedonian problem has in fact been completely changed in character, if indeed Greek Macedonia can to-day be said to represent a problem in the old sense of the word at all. In the Drama district, for instance, where, in 1912, 79 per cent. of the population was Turkish, 97 per cent. is Greek to-day. This gigantic work of colonisation has been achieved under the direction of the Commission through the efforts of Greeks; for the usual League principle was adopted of using Government officials as the framework of the organisation and limiting other appointments to persons of Greek nationality, amongst whom were included a large number of the refugees themselves. For the work of settlement, the Greek Government undertook to assign to the Commission half-a-million hectares of land. The greater proportion of this was taken over from exchanged Turkish owners. Many of the properties thus ceded had belonged to large landlords, and their breaking-up and distribution to peasants or refugees was the natural culmination of a systematic policy which had been carried on by the Greek Government for a generation past for the development of peasant proprietorship.

One of the most interesting sections of Mr. Howland's account, particularly to the student of Ancient Greece, is that dealing with the self-governing institutions of the settlements. Greek democracy is an ancestral and deep-rooted plant, and the student who reads these pages, with their account of the laws and government of the new colonies and their illustrations of the ceremonies accompanying their inauguration, will find his mind called back to the founding of the early ἀποικιαι from the Euxine to Marseilles and to the rules laid down by the philosophers for the conduct of colonising activity.

Equally familiar are the difficulties of delimitation that arose between farmers and shepherds. "During the autumn of 1924," says the report, "when the heads of the clans came down from the mountains to rent the meadowland, in accordance with a practice dating back for centuries, they found that, without warning, rows of tents had been set up and the grass had fallen before the plough." Many were the conflicts that arose in Ancient Greece out of similar predicaments; but, happily, the Commission set up by the League of Nations, operating in a firmly established Greek State, had no difficulty in averting the danger of στάσις.

The report enables the reader to watch the steady development of the colonies under the labours of the settlers themselves. The Commission supplied them with lands, houses, stock, seed, forage, carts, and other simple instruments of labour. With these materials, they rapidly developed vigorous communities, setting to work, for instance, to build their own schools and often developing co-operative activities on a considerable scale. The Commission itself indeed stepped in to help this initiative by the establishment of a school of co-operative economics at Salonica. The best evidence of the qualities of the settlers is perhaps the simple fact that, of the short- and medium-term loans advanced to agricultural refugees in the whole of Greece by the National Bank, only 4 per cent. were left unpaid at the date fixed for repayment.

The greatest difficulty with which the Commission and the settlers had to contend was disease and, in particular, malaria, which has for generations been endemic in Greek Macedonia. During the first year or eighteen months of the work, the mortality from this cause was very great and the Commission was much hampered in dealing with it by the strict limitation of their

budget. But with the aid of outside agencies, particularly from the United States, and through the assistance of the League Health Organisation,[1] a vigorous campaign was set on foot, with the result that the homeland of Philip and Alexander and historical sites such as Amphipolis and Philippi, will, after centuries, be once again physically adapted to the uses of civilisation.

The Bulgarian Refugee Scheme.

The Bulgarian Refugee scheme, the loan for which was launched in December 1926, dealt with a problem, similar in kind to, but far smaller in scope than, that in Greece. It was due to the fact that, since 1913, the country had had to receive some 220,000 refugees, of whom only some 30,000 had succeeded in establishing themselves on a self-supporting basis. It must be remembered that there had been almost continuous fighting in the country from the outbreak of the Balkan War in 1912 up to the Armistice, and that a large number of refugees had entered Bulgaria during the troubled war period, in some cases through international arrangements for the exchange of populations. This refugee element not only taxed the resources of the country, but also formed a permanent nucleus of unrest in its domestic and foreign policy. To provide for the refugees, therefore, was not only to perform a service to them as individuals, but also to exercise a tranquillising influence on the whole situation of the country and that of its neighbours.

The scheme worked out was less elaborate than in the case of Greece. The total amount of the loan was £2¼ million sterling and it was limited exclusively to land settlement. It was administered by a resident Commissioner, appointed by and responsible to the Council of the League, residing in Sofia and reporting to the Council of the League every three months. The best testimony to its success is that the Bulgarian Government in 1928 once more appealed to the League for help in the wider problem of stabilising its finances. A similar step, it may be added, was taken by the Greek Government in the same year.

Other Work of the Financial Committee.

For the moment the work of the Financial Committee in connection with loan schemes has come to a standstill. In one case, that of Portugal, the advice of the Committee was asked for, but it was not felt possible to accept the technical guarantees proposed. In certain other cases, countries

[1] See Chapter VII: "Health"

have turned to outside experts, the loans being arranged by banking institutions without recourse to the League.

In addition to its loan schemes, the Financial Committee, in the course of its nine years' activity, has dealt with various other questions, including double taxation and the counterfeiting of currency. Recently, it has taken up a large enterprise in promoting an enquiry into the causes of fluctuation in the purchasing power of gold and its effect on international economic life, and has been responsible for the technical side of the scheme for financial assistance now before the League in connection with its work on security and disarmament.

The Economic Committee

So far, attention has been concentrated on one side only of the work of the Economic and Financial Organisation, which, as will be remembered, was divided into two Committees in 1920. It is time to turn back to the record of the Economic Committee.

The Economic Committee consists almost entirely of high officials from Ministries of Commerce. The members are appointed as individuals, but are, generally speaking, in close, touch with the Governments of the countries to which they belong. The Committee has therefore borne a somewhat more official character than its financial counterpart. If this necessarily had the effect of restraining in some degree its initiative, it has, on the other hand, been of great value in maintaining a contact, such as has not existed before, between the economic policies and activities of the leading Governments.

The sphere of activity assigned to the Committee was indicated, as has already been said, by the Covenant obligation to promote equitable commercial relations between the Members of the League. The programme of work first drawn up was modest in scope; but it was thought better in existing circumstances to concentrate upon certain definite problems on which practical results were likely to be attained, reserving the larger questions of policy for a time when economic conditions had become more normal. Among the subjects chosen were unfair competition, treatment of foreign nationals and enterprises, abolition of import and export prohibitions and restrictions, commercial arbitration, legislation on bills

of exchange and cheques, statistical terminology and the protection of the foreign buyer against goods of bad quality. To these were added later certain problems arising out of the World Economic Conference, such as the unification of tariff nomenclature, the provisions of commercial contracts, the most-favoured-nation clause, international industrial undertakings, veterinary measures obstructing international trade in certain products, the position of agriculture in the world's economic life. Several of these problems were advanced to the stage of diplomatic conferences, resulting in the signing of conventions. The work of the Economic Committee was, however, necessarily hampered in the early years of the League by the conditions prevailing at the time. Until confidence had been more fully restored, it was idle to hope for international economic co-operation on a large scale, and it was therefore natural that the major part of the pioneer work should in the early years have fallen to the Financial Committee.

The World Economic Conference

By 1925, however, it was felt that this first stage had come to an end, and that the time was ripe for a more ambitious policy. Ever since the foundation of the League voices had been raised calling for an International Economic Conference on a large scale. A motion to this effect was submitted by the Labour delegates at the first International Labour Conference at Washington as early as 1919 and was defeated by only one vote. At the time of the Brussels Financial Conference in 1920, it was hoped to follow it up by a general Economic Conference in the following year. But it was eventually thought wiser to postpone the enterprise. In 1922, however, an effort in the same direction was actually organised outside the sphere of the League in the shape of the Genoa Conference, but the incomplete results that accrued seemed to justify the League policy of postponement. The International Labour Organisation took the initiative in suggesting to the Economic and Financial Organisation of the League the summoning of a League Conference to deal with the economic causes of unemployment. The suggestion was not taken up. In 1925, however, the time seemed at last to be ripe, and the President of the Council, in opening the Assembly of that year, urged

it "to begin without delay the arduous task of regulating international economic life." His proposal was taken up by the French delegation in the general debate and, after careful discussion and delimitation of the issues, it was adopted and a Preparatory Committee appointed. It was composed of thirty-five persons of twenty-one nationalities, including among its members industrialists, merchants, agriculturists and financiers, officials with an experience of commercial policy, economists and representatives of workers' and consumers' organisations, thus illustrating the wide range of interests and opinions which it was desired to cover. The Conference itself, which eventually met in May 1927, consisted of 194 delegates, together with 157 experts from fifty Member and non-member States, including the United States and the Union of Soviet Socialist Republics —the largest body of this kind ever assembled. As at Brussels, the delegates came in their individual capacity, but the greater part of them were nominated by Governments. A certain number of members were also nominated by the Council, by certain international organisations invited to do so by the Council, and by the President of the Conference, who was M. Theunis, ex-Premier of Belgium.

The Conference was divided into three sections dealing respectively with commerce, industry and agriculture. The discussions in the Commercial Committee at once centred on the need for the lowering of trade barriers. Its main resolutions were grouped under the heading "liberty of trade," an expression, as the report emphasises, "not to be confounded with 'free trade,' but embracing all measures calculated to liberate international commerce from artificial restrictions and obstructions." The Conference declared, in unambiguous language, "that the time has come to put an end to the increase in tariffs and to move in the opposite direction." It suggested three lines of action towards this objective: first, individual action by various States; secondly, bilateral action through commercial treaties; and, thirdly, collective action by means of the League of Nations. In this connection, it approved the work already taken in hand by the Economic Committee for the removal of import and export prohibitions and restrictions, and for the treatment of foreigners. In the Industrial Committee, the discussion proceeded on very different lines, for, whilst the business-men, workers and others in the

Commercial Committee, concerned as they were in the action of Governments in maintaining impediments to their activity, were naturally aligned according to the countries from which they came, in the Industrial Committee, where the actual conditions of production were under discussion, employers and workingmen took opposite sides. The fact that the horizontal and vertical grouping could take place in adjoining rooms at the same Conference is a striking testimony to the catholicity of the League's methods. The resolution on industrial agreements recommended no special system of supervision, but urged that the League should follow their development as closely as possible and should collect and publish relevant data. In the Agricultural Committee, the most important immediate outcome was the realisation of the essential interdependence of agriculture, industry and commerce. Quite recently, further action has been taken in arranging, in collaboration with the International Institute of Agriculture, for the appointment of a small number of qualified agricultural experts to be in regular association with the Economic Organisation of the League.

The Conference also adopted certain general resolutions. To one of these, recommending the study of economic tendencies affecting the peace of the world, reference has already been made. The fact that this subject stands first among the general resolutions of the Conference is a reminder that the Conference was regarded by those who projected it in the Assembly of 1925 as a definite contribution to world peace, and not simply as a means for promoting prosperity. Another resolution emphasises the need for the establishment of a closer relationship between those concerned with the practical aspects of economic policy and scientific and educational institutions interested in its theoretical study.

A further resolution invited the Council to develop the Economic Organisation by establishing a body similar in composition to the Preparatory Committee which had sat before the Conference. As a result, there was set on foot in 1928 the Consultative Economic Committee, a body of some seventy persons, composing a great variety of interests, including five members of the Economic Committee itself. Thus the Economic Organisation is now equipped with a representative body for suggesting new projects, the smaller and more expert group in

the Economic Committee being available for putting them into shape for practical action.

The Sequel of the World Economic Conference

The World Economic Conference, with its unanimous recommendations by so large and representative a body of independent experts, at first exercised a considerable influence upon public opinion and upon the Governments. At the succeeding Council meeting and at the Assembly of 1927, various States announced their intention of acting upon its recommendations.

A Diplomatic Conference on Import and Export Prohibitions and Restrictions, advocated by the Italian Government in 1924 and preceded by careful and lengthy preparatory work, had already been decided upon and met in October 1927, and a Convention was drawn up providing, although with some reserves, for their abolition. In the two following years, a number of detailed problems were taken up by meetings of experts in the hope of arriving at multilateral conventions of the type recommended by the Conference. In this way, hides and bones, cement, sugar and coal were successively dealt with, but only in the case of hides and bones did it actually prove possible to arrive at an agreed convention. As time went on, it became increasingly clear that no general lowering of barriers could be expected through the action of interested parties in particular domains.

As regards tariff reduction in general, it had become equally evident in 1929 that the impulse given by the Conference had spent itself. The signature of the Franco-German Commercial Treaty in August 1927 had indeed marked a return on the part of France to the policy of the most-favoured-nation treatment, thus bringing her into conformity with one of the principal recommendations of the Conference. At that time, it seemed as though the Conference had not only arrested the proposed increases in the tariffs of certain countries, but would also give a new stimulus to the policy of universal most-favoured-nation treatment which, in the third quarter of the 19th century, had been so effective in reducing tariff barriers. There was all the more reason for this expectation in that the United States Government, which had had a traditional partiality for the policy of reciprocity as against that of unconditional most-

favoured-nation treatment, had since 1922 adhered to the European tradition. Unfortunately, however, these expectations were not realised. The report made to the Consultative Committee in May 1929 sums up the position in cautious but unmistakable language. "A year ago," it states, "the upward movement of tariffs had been checked. . . . A beginning had been made with stabilising the situation by means of commercial treaties. During 1928 a check to the forces which are continuously being exerted in every country in favour of greater protection has persisted, but it cannot be said that there is as yet a move in the opposite direction."

The Position in 1929.

The reasons for this discouraging result in the field of tariff action are not difficult to discover. The Conference, it will be remembered, recommended three methods of tariff reduction —unilateral, bilateral and multilateral. Advance in each of these directions has been blocked by special difficulties. Unilateral action is hampered by the natural reluctance of States to act on the recommendations of the Conference without some assurance that the example will be followed by their neighbours.

The obstacle to multilateral action has been the immense complexity of the problem in view of the variety of the different systems and situations involved. Only a strong international impetus could suffice to overcome this and it has not been forthcoming.

Bilateral action, which for a moment in 1927, when the Franco-German Treaty was signed, looked the most promising road, has also been blocked and that for a very special reason. When the most-favoured-nation system was adopted by Cobden and Napoleon III in 1860 as the basis of the general policy for the reduction of tariffs, it was assumed that the general body of States benefiting by the automatic reductions involved would have tariffs of roughly the same height and of a moderate character. Broadly speaking, this remained true up to 1914, and the difficulties experienced in the working-out of the most-favoured-nation treatment arose rather from the increasing specialisation of tariff schedules than from great differences in general tariff levels. But, in recent years, the conversion of the United States to the universal most-favoured-nation system, and her consequent eligibility to benefit by automatic reductions

accruing under the clause, have greatly altered its working. It is one thing for two countries which have arranged reductions in commodities of special interest to one another to pass on this advantage to other countries whose general tariff policy and situation are analogous to their own: it is quite another when the country to which the reduction is passed on has itself a very high tariff and has at the same time, within its frontiers, the greatest natural resources and the largest consuming market in the world.

Economic Policy at the Tenth Assembly

This was the situation when the Tenth Assembly met in September 1929. There was a general feeling that something must be done to give a new impulse to the recommendations of the World Economic Conference, particularly as regards tariff reductions in Europe. But it was not clear what would be the best method of advance.

The subject was first raised in the Assembly by M. Hymans, who, reminding the Assembly of the categorical recommendations of the World Economic Conference, made a bold plea for economic disarmament. He went on to explain the obstacle in the working of the most-favoured-nation clause, due, as he said, to "the disparity between economic conditions obtaining in the various States, some of which are already highly industrialised, while others have remained primarily agricultural." He concluded that the system as it worked under existing conditions was "illogical and unjust, being unduly favourable to countries which abstained from taking the initiative in tariff reduction." He announced that the Belgian Government proposed to meet this difficulty by an expedient indicated (although not formally recommended) by the Economic Committee: the inclusion in bilateral treaties containing the most-favoured-nation clause of a provision to the effect that that clause gives no right to benefits under multilateral conventions of the kind contemplated by the World Economic Conference to non-signatories of such conventions. In other words, he foreshadowed the development of common action in commercial policy between an important group of States at the expense of the universal principle embodied in the most-favoured-nation method. "The policy that I have outlined," as he said,

"might naturally lead groups of States which have reached approximately similar stages of economic development and which are united by natural ties and present a geographical unity to free their trade from all hindrances."

He was immediately followed by M. Briand, who raised the subject from the technical level on to a higher plane. Accepting the formula of economic disarmament, he declared that the time had come for the League to "make up its mind to act with resolution. . . . I do not think," he continued, "that a problem such as this can be solved . . . on purely technical lines. We must, of course, have technical advice. We must consult experts and respect their views and realise that our work has to be based on sound and solid data. But to leave the solution of these problems to technical experts alone would mean resigning ourselves to coming back to the Assembly year after year only to deliver eloquent speeches. . . . Only if they deal with it themselves and consider it from the political standpoint will the Governments succeed in solving this problem." He went on to urge that "among peoples constituting geographical groups, like the peoples of Europe, there should be some kind of federal bond." And he proposed to undertake private consultations with his colleagues from European countries during the Assembly with a view to later action.

He was followed a few days after by Herr Stresemann. In this last speech which he was to deliver from the tribune of the Assembly, the German Foreign Minister surveyed the problem against the background of history. "Why," he said, "should the idea of uniting all the elements that can bring the countries of Europe together" be regarded as "romantic" and "impossible"? Every great idea, as a German writer has said, seems mad at first (*Ein grosser Einfall scheint am Anfang toll*), and he went on to recall "what Germany was like before the Customs Union, when merchant ships from Berlin were held up in the Elbe because some other Customs began at the frontier of Anhalt. . . . Is it not absurd that modern invention should have reduced the journey from South Germany to Tokio by twenty days, while in Europe itself hours are wasted stopping at frontiers for Customs inspections, as if Europe were a sort of little huckster's shop doing business side by side with a big world emporium. . . . Where is the European coinage, where are the European stamps that we need? Are not these special

features born of national prestige long since out of date and do they not do our Continent an immense amount of harm, not only in the relations between various countries but also "in those between Europe and other continents which often have more difficulty than Europeans themselves in becoming adapted to such a situation. . . . When fresh negotiations," he concluded, "are opened for the conclusion of agreements for the simplification of the exchange of commodities and for checking the insensate increases and counter-increases of Customs barriers, you will always find us ready to collaborate."

While he was sympathetic to the idea of what he called the "rationalisation" of European economic conditions, Herr Stresemann took care to make it quite clear that his views did not imply any suspicion of antagonism to the United States.

On the same day, the Italian delegate, M. Scialoja, stressed the need for Governments to concern themselves with economic questions: "The most violent conflicts between nations," he said, "occur in the economic sphere, for in that sphere the peoples show an instinctive tendency to consider problems from the sole standpoint of their own immediate interests. Only by enlightened and conscientious effort on the part of responsible Governments will it be possible to get away from this limited conception and, prompted by feelings of solidarity and equity, to arrive at a complete understanding of all the aspects of the economic problem. This is particularly true of certain fundamental questions such as raw materials. As far back as the first session of the Assembly of the League, Italy raised this question, which came up again at the Economic Conference in 1927. So far, however, nothing practical has been done in the matter of raw materials. Recently, it is true, in view of the unfavourable conditions in certain producing countries, enquiries have been instituted into various special problems for which we are being urged to find a solution. We are, of course, prepared to assist in their solution, but we ask that equal consideration shall be given to the interests of producing and consuming countries, and that the principle of international solidarity, to which I referred just now, shall not be overlooked when applying any scheme in practice. Again, we must appeal to this spirit of solidarity to supply a solution for demographical

and social problems, for any neglect of these would ultimately poison international relations."

The same note of international co-operation rang through the speech of Mr. Graham, the President of the British Board of Trade, who followed him on the same afternoon. Whilst proclaiming his sympathy with "any plan which is designed to bring European nations more closely together, either in the political or the economic field," he declared that the best way of achieving progress was by "being perfectly frank . . . in reviewing the difficulties which may be involved. Do not let us," he said, "be led by our enthusiasm . . . to discrimination, either against a great continent or against individual countries, or it may even be amongst ourselves." He proceeded to declare his unwavering adherence to the policy of universal most-favoured-nation treatment and his opposition to anything that involved methods of discrimination. If," he said, "for reasons which on the surface might appear to be sound we . . . embark upon a policy of discrimination, we should be untrue to all that is best in the economic work of the League of Nations." Such a policy would infallibly generate friction which would in its turn in the long run lead to war. "Do not," he pleaded, "let the note of discrimination enter into this controversy."

He concluded by making a concrete proposal for a two-years Customs truce. States should undertake not to raise their tariffs during this period, so that there might be suitable conditions for the negotiation of agreements to liberate the currents of trade, particularly by the reduction of tariffs. The Customs truce was not, he made clear, to be considered as a proposal for stabilising tariffs, nor as an end in itself, but as an undertaking not to raise tariffs and so to provide a firm basis for concerted action.

Negotiations for a Customs Truce.

This practical suggestion formed the basis of the discussion in the Second Committee. The speeches showed that certain young and growing States, both European and non-European, were unwilling to bind themselves to tariff limitation; but in general the principle was accepted. When the Economic Committee met at the end of October, it was in a position to draw up a preliminary draft Convention to be submitted to a Diplomatic Conference in January 1930. The Conference met, reached a "gentlemen's agreement" on

tariffs, popularly known as the "Customs truce," and decided provisionally upon a further conference for wider and more far-reaching negotiations to be held in the autumn of 1930.

The Economic Intelligence Service

Side by side with this practical work on particular problems, the Economic and Financial Section has developed a comprehensive Economic Intelligence Service.

The work began with the papers prepared for the Brussels Conference, which led the Conference itself to emphasise the value of collecting and publishing at regular intervals essential information on the world situation from the point of view of finance. In the following year, it was extended to economic questions generally, when the Council authorised the taking over by the League of the *Monthly Bulletin of Statistics*, issued at that time for the Supreme Economic Council under the general direction of the British Board of Trade and the French Ministry of Commerce. Since 1926, this material has been gathered in an annual volume, the *International Statistical Year-Book*, which contains in compendious form figures relating to the population, commerce, public finance, and transport and communications of the countries of the world.

The Section has published since 1924 annual volumes on *International Trade and Balances of Payments*, the last issue containing detailed trade tables for seventy State or colonial areas. Some of this material is summarised in an annual *Memorandum on Production and Trade*, which has been issued since 1926, when it was first prepared for the World Economic Conference.

The Assembly of 1929 passed a resolution authorising the preparation of a "comprehensive annual survey of economic developments," and the same suggestion was made at the International Conference of Institutions for the Scientific Study of Politics, held in London in March 1929. The need for such a survey is clear and the Economic Intelligence Service would seem to be the natural instrument for meeting it; but the Economic Committee, at its meeting in November 1929, considered that the task was not immediately feasible. The chief difficulties in the way are the lack of an assured system of comparable statistics and the absence of adequate information concerning industrial production. The first of these

obstacles has formed the subject of League action, through an International Conference relating to Economic Statistics which was held in November and December 1928. The Convention there adopted has, however, not yet received a sufficient number of ratifications to come into force. The Economic Committee therefore recommended that for the present, pending the coming into force of the Statistical Convention, a new chapter on Industrial Production should be inserted in the next edition of the *Memorandum on Production and Trade.*

In the field of finance, the Brussels material has been followed by successive memoranda (if the name can be applied to volumes which sometimes extend to nearly 500 pages) on *Public Finance* dealing in detail with the financial position of individual countries.

The *Memorandum on Currency and Central Banks*, published in 1925 in two volumes, gives the completest obtainable figures for the period from 1913 to 1924 for most of the countries of the world. A volume on *Joint-Stock Banks* is also in preparation and will shortly appear, as also a *Memorandum on Commercial Banks.*

Thus there has grown up within the last ten years an Economic Intelligence Service which attempts to arrive at a world view of the economic and financial situation. It is interesting to note the way in which the work has developed. The first impulse was given in almost every case by a particular need—the Brussels Financial Conference, the economic situation and financial reforms in Austria and elsewhere, which led to a large output of special memoranda and, later, the World Economic Conference of 1927. There has been a logical sequence in the subjects treated corresponding with developments in the outer world. But the material, although in a sense occasional, has always been on a scientific level.

It should be added that a Statistical Committee has recently been set up within the Secretariat itself to co-ordinate the work of the various Sections and to maintain uniformity in the figures used in League documents.

CHAPTER VI

INTERNATIONAL TRANSIT AND COMMUNICATIONS

I. Origin of the Communications and Transit Organisation. II. Method and Sphere of Action. III. Work done by the Organisation. (1) Development and Codification of International Law on Communications; (2) Simplification of Administrative Formalities and Unification of Regulations affecting Communications, (3) Share in the Work of Economic Re-organisation, (4) Study of the Technical Aspects of Political Problems; (5) Settlement of Disputes between States; (6) Preparation for the Fourth General Conference on Communications and Transit. Calendar Reform.

I. Origin, Constitution and Working of the Organisation.

Origin of the Organisation.

The Communications and Transit Organisation is the oldest and has the most highly developed constitution of all the League's technical organisations. It is founded on Article 23 (*e*) of the Covenant, which reads: "The Members of the League, subject to certain reservations, will make provision to secure and maintain freedom of communications and of transit."

At the time this Article was inserted in the Covenant, the League was entrusted, through other provisions of the Peace Treaties (Part XII—Ports, Waterways and Railways of the Treaty of Versailles, and similar articles in the other Peace Treaties), with different tasks relating to communications and transit, such as the appointment of arbitrators, settlement of disputes regarding the application of Part XII of the Treaty, ultimate revision of certain clauses, approval of the General Convention on Freedom of Transit, the international system of navigable waterways, maritime ports and railways, etc.

Even before the Versailles Treaty was signed, the nucleus of an international organisation had been formed. The Peace Conference Committee on Ports, Waterways and Railways had

framed some general clauses that went beyond the interests merely of the contracting Powers and gave an indication of the nature of the League's work in that direction. This same Committee, with the addition of certain specially interested "neutral Powers," prepared the work of the First Conference on Communications and Transit (Barcelona 1920), the origin of the present Organisation.

Constitution.

The Communications and Transit Organisation is the only League technical organisation with a written and semi-autonomous constitution. It was framed, on the basis of Assembly resolutions, by the General Transit Conferences—that is to say, directly by all the Governments represented in the Organisation. The principle dominating the Organisation is that the most authoritative Government representatives and best-qualified experts should work together directly, without having to act through political and diplomatic agents, on all matters concerning transit and communications. These problems should be dealt with on their technical and legal merits, excluding so far as possible anything that might lead to political rivalries.

The Transit Organisation is based on and can be modified by Assembly resolutions, and it forms an integral part of the League machinery, the Assembly both voting its budget and discussing its annual report. Its secretariat is a part of the League Secretariat, but, in its internal working, it is autonomous, and its chief organ, the General Conference, deriving authority directly from the Governments, acts on its own responsibility in technical matters.

The Organisation has no executive powers. Conventions adopted are open to the signature of Government representatives and its other decisions have the force of recommendations only. Neither its recommendations, made as they are to Governments, nor, *a fortiori*, the texts of its Conventions, are subject to approval by the Assembly or Council.

The Assembly and Council are notified of the questions discussed and the decisions reached, but have merely a right of supervision enabling them, by a unanimous vote, to prevent the decisions being communicated to the Governments, and to ask for the re-consideration of matters on which the Organisation has exceeded its powers or has adopted recommendations which the Council or Assembly think should not be communicated

to the Governments. Neither the Council nor the Assembly have so far exercised this right.

The Organisation mainly acts through ordinary or extraordinary *General Conferences*, through the Advisory and Technical *Committee* for Communications and Transit which meets in the intervals between ordinary General Conferences, and through the *permanent secretariat*.

Conferences. The General Conferences are attended by representatives of all States Members of the Organisation and also, as explained later, of other States; they are the bodies primarily responsible for drafting conventions or general recommendations.

Like the extraordinary Conferences, the ordinary General Conferences are summoned by the League Council, but at fixed dates every four years (except in special cases). As the chief constitutional authority in the Organisation, their function is to approve and, if necessary, revise the statute of the Organisation, to investigate the work done since the previous ordinary General Conference (with particular attention to the application of measures adopted by it or by earlier Conferences), and to renew the membership of the Advisory and Technical Committee.

Extraordinary General Conferences have no constitutional function; they deal with special problems involving the co-operation of several States. They may be summoned, not only by the Council, but also on the request of half of the Members of the League.

Ordinary General Conferences meet regularly, and extraordinary General Conferences can easily be convened, so that all the States are assured of an opportunity of voicing their opinions on the problems affecting them.

Certain problems have too narrow an interest to justify a General Conference. For such questions, which arise among a group of States that are adjacent or belong to a single continent, or that are interested in a given problem, partial conferences are convened by the Council on the proposal of the Advisory and Technical Committee. The Conference on the Unification of Tonnage Measurement in Inland Navigation (which only concerned European States or States adjacent to Europe), and the two Conferences called for 1930 (Unification of River Law; Unification of Buoyage and Lighting of Coasts) may be cited as examples.

Delegations to Conferences directly represent their Governments, which issue their instructions. The chief delegates have the power to sign conventions and to commit their Governments, whose authority underlies the whole work of the Organisation.

The Advisory and Technical Committee.

The Advisory and Technical Committee, a smaller body, meeting about twice a year, is composed of members appointed by the States elected for this purpose by the ordinary General Conference, and of members appointed by States permanently represented on the Council.

In the intervals between ordinary General Conferences, the Committee represents the Organisation. It prepares the work of the Conferences, draws up their draft agenda and supervises the execution of their resolutions.

It deals with all questions whose urgency or limited scope makes a Conference impossible or unnecessary, and acts as an advisory body to which the Council refers matters requiring immediate investigation. It draws up the annual report to the Council and the Assembly on the work of the Organisation, prepares the Organisation's draft annual budget for approval by the Assembly, and forms a permanent tribunal for the friendly settlement of all disputes regarding communications and transit.

In the constitution of the Organisation, the detailed rules for the appointment of members of the Committee by States not permanently represented on the Council are so framed as to ensure a certain rotation and geographical representation.

The Committee controls its own internal organisation and procedure; the constitution contains definite rules of procedure only as regards the friendly settlement of disputes, so that the States concerned may be assured of a fair hearing. The Committee calls in experts, sets up any subsidiary committees which its work requires and, in the light of experience, has gradually built up a number of new instruments of international co-operation.

It would be wrong to suppose that the work of the Committee is done by its few members (not more than a third of the Members of the League). The variety and technical character of he work make it necessary to call in highly qualified specialists either on a group of allied problems or on particular technical points.

The Committees.

The Advisory and Technical Committee has established the following permanent Committees:

1. Transport by Rail.
2. Inland Navigation.
3. Ports and Maritime Navigation.
4. Road Traffic.
5. Electrical Questions.
6. Legal Committee.

In addition to members of the Advisory Committee itself, these Committees include a large number of persons chosen by the Committee with the idea of ensuring the best possible representation of the interests involved.

The Committees may appoint technical sub-committees, and questions can thus be studied with the assistance of the most expert authorities, so that, although the membership of the Committees is limited, they can draw on the experience of as many countries and organisations as possible.

Generally speaking, the Permanent Committees deal with all the technical work, but co-ordination and control rest with the Advisory Committee itself, which alone is responsible to the Council, the Assembly and the States.

Apart from the assistance received from experts, from the permanent Committees and from the technical sub-committees, the Advisory Committee has gradually developed a system of direct relations and co-operation with an increasing number of specialist international organisations.

The Transit Organisation is anxious to avoid overlapping with the work of any other organisation and, as has already been explained, it does not itself deal with purely technical questions. As it is a co-ordinating and mediating body for the various methods of transport and different interests and tendencies, the Transit Committee invites most of the appropriate international organisations to be represented in an advisory capacity at its meetings or those of its permanent Committees. These bodies may also be invited to take part in an advisory capacity in General Conferences. The Transit Committee is similarly represented, generally through its secretariat, at the meetings of the organisations.

Those with which the Advisory Committee is in regular contact include official international organisations, unofficial transport organisations and transport employees' or workers' associations.

The Secretariat. The secretariat of the Organisation is the Transit and Communications Section of the League Secretariat, working under the authority of the Secretary-General. It serves as a link between the Transit Organisation and other parts of the League's machinery, when preparing the work of the Conferences or carrying out their decisions. It receives its instructions on technical matters from the Organisation; but the fact that it remains an integral part of the League Secretariat shows the true relationship between the Organisation and the League as a whole. The Secretary-General is ultimately responsible for all communications with the Assembly, Council and Governments.

Most of the problems with which the Organisation has to deal require the co-operation of non-member States. The constitution gives every opportunity for co-operation on equal terms between States Members and non-members. States not in the League may belong to the Organisation, enjoying exactly the same status as League Members, even to the extent of regular membership of the Advisory Committee; all that is required is for the Assembly to decide that particular States shall belong to the League's technical organisations or for an ordinary General Conference to accept them as members of the Organisation. The Council may invite States not belonging to the Organisation to General Conferences, in whose proceedings, except where they concern purely internal matters, they participate on an equal footing with Member States. The United States, Egypt, Ecuador and Turkey were invited to and took part in the Third General Conference, and the Union of Socialist Soviet Republics was asked to participate in the partial Conference on the Unification of Tonnage Measurements in Inland Navigation.

The Advisory and Technical Committee may invite temporary members nominated by States, whether they belong to the Organisation or not, to co-operate in the study of questions on which they are particularly competent, and may ask States not members of the Organisation to send representatives to the Committee, thus differentiating still more clearly between

temporary membership of a League body and co-operation for practical and technical purposes. The same is true of the permanent Committees. Naturally, the members of the latter, or the specially nominated experts of the technical sub-committees, need not be nationals of the States Members of the Organisation. Before joining the League, Germany frequently participated in the Advisory Committee's work, and there has been similar collaboration with the United States and with the Union of Socialist Soviet Republics.

Very few changes have had to be made in the Organisation's constitution since it was first framed by the Barcelona Conference. The revision carried out at the Third General Conference merely made the constitution clearer, more flexible and better adapted to requirements, and it is not likely that there will be any considerable changes. But the possibility of revision at four-year intervals by the General Conference and the established tradition of interpreting the constitution in a liberal sense are guarantees against rigidity.

II. General Method and Sphere of Action

General Functions.

Founded to promote international co-operation on League of Nations principles, the Transit Organisation, like the other technical organs of the League, can deal only with those questions which require international investigation. They are primarily problems which cannot be solved by the action of a single country within its own borders, but require international agreement in the form of binding rules established by treaty or of recommendations for co-ordinating the action of certain States. Such problems are: the codification of international law in the matter of communications and transit, as initiated by the Barcelona and Geneva General Conferences, the conventions on tonnage measurement in inland navigation, on road traffic, on the unification of buoyage and the lighting of coasts, on tonnage measurement in maritime navigation, the recommendations on the passports system, etc.

Problems also come within the competence of the Transit Organisation when, although they may at first exist only within the frontiers of some particular State, they become of sufficient importance and general interest to call for some form of

international co-operation—with the consent of the country concerned—in order to get them settled. In such cases, resembling those frequently dealt with by the financial or economic organisations of the League, the Transit Organisation's object is not to secure settlement or co-operation between different Governments, but to arrange for experts to give impartial advice to the country concerned. The Organisation has often had to investigate in this way various problems connected with European railways and waterways.

A question must be of international concern or must require international co-operation before the Organisation can consider it, and must also be of such a nature as to be considered a matter for Government action. The League is an association of Governments. The Transit Organisation arose from an Article of the Covenant imposing on the Governments Members of the League the obligation to co-operate internationally for the freedom of communications and transit, and some kind of action by Governments is always the ultimate aim of the Organisation.

Many transport questions involving collaboration between the interests concerned in different countries can be settled by agreement between individuals or private bodies. Agreements between ship-owners, railway administrations, air transport companies, etc., do not, considered from an international point of view, require the intervention of the Transit Organisation except in so far as Governments may take action with regard to their nationals who are parties to agreements. The Organisation can indicate what should be the conditions governing such agreements, in the general interests of the international community; it can approve agreements, or suggest or promote their conclusion, according to the needs of the situation, but it is not its function to conclude them itself or to take the place of private enterprise.

Even with its functions so defined and restricted, the Transit Organisation covers such a wide field that it has had to discriminate to the extent of establishing an order of priority. Communications questions are more likely than others to have an international bearing. Many organisations, official and unofficial, have been formed at one time or another to promote co-operation, such as the Universal Postal Union, the Universal Telegraphic and Radiotelegraphic Unions, the Berne Central

Office for Transport by Rail, the International Committee on Maritime Law, International Railway, Inland Navigation, Road and Air Navigation Congresses, etc., not to speak of the innumerable transport agreements between neighbouring States.

Where official international organisations were already dealing satisfactorily with certain problems, the Transit Organisation did not interfere, preferring to apply to them when necessary for advice or help in investigating some more general question.

It has deliberately avoided dealing with the technical aspects of postal, telegraphic or wireless questions. In public law or general police measures for air navigation it has usually resorted to the International Air Navigation Commission set up by the 1919 Convention and put under League supervision, whilst private shipping law questions have been regarded as within the province of the Antwerp Committee on Maritime Law.

The Organisation has, on its own initiative, devoted itself chiefly to the problems which seem to be most closely connected with the League's work. It has tried to concentrate on questions which, because of their general importance, significance, effect on international politics or connection with post-war economic reconstruction, appeared to be the natural and immediate tasks of an Organisation which is primarily a special department of the worldwide system of international co-operation embodied in the League of Nations.

Codification.

The Organisation's first task was to determine and to codify the general principles of international law on communications—that is, to induce States to adopt rules for the main forms of international transport, so as to provide international communications with a legal basis and remove them from the sphere of international political and economic rivalries. This was the chief work of the first two General Conferences on Communications and Transit (Barcelona 1921 and Geneva 1923), and the Organisation is now endeavouring to apply to the still outstanding problems of commercial motor traffic and air navigation principles similar to those laid down by the Conferences for rail transport, the use of waterways and ports and the freedom of transit generally.

Administrative and Technical Problems.

These principles once established, the Organisation could concentrate more effectively on the details of administrative and technical problems. It has tried to secure greater practical freedom of international communications by abolishing or simplifying administrative formalities and unifying the various categories of transport regulations. This kind of work, begun at the First Conference on the Passports System in 1920, has been continued in the unification of tonnage measurement in inland navigation, tonnage measurement in maritime navigation, buoyage and lighting of coasts, a Second Conference on the Passports System, etc.

Co-operation in the General Work of the League.

The Organisation has increasingly co-operated in the general work of economic organisation and reconstruction as this branch of the League's activities has developed.

Apart from the normal progress of its own work, the Organisation deals with the technical aspects of political problems referred to it for examination by the Council and the Assembly (communications of importance to the League of Nations in an emergency, questions of communications affecting relations between Poland and Lithuania, etc.).

III. Work done by the Organisation

(1) *Development and Codification of International Law on Communications*

The Transit Organisation's contribution to the development and codification of international law on communications is mainly represented by the first two General Conferences on Communications and Transit held at Barcelona in 1921 and at Geneva in 1923. The rules adopted by these Conferences are now being applied in almost all European and in some non-European countries.

Barcelona Convention on Freedom of Transit (1921).

By "transport in transit" is meant transport which crosses a State, its points of departure and destination being outside that State. Transport of this kind is specially in need of international guarantees. In the case of exports and imports, a State which obstructs or

prevents entry or exit may indirectly cause serious prejudice to the economic reconstruction of the world and so injure every State. But it directly injures only the State whose goods it is refusing to receive or to which it is not allowing its own products to proceed. On the other hand, if a country interrupts or obstructs transport in transit, it injures both the States which export and those which import the products whose passage through its territory has been prevented. Such an interruption of traffic frequently leads to reprisals and retaliatory action, the results of which cannot be limited.

The International Convention of Barcelona on Freedom of Transit is designed to prevent interruption or obstruction of this kind. Making due allowance for legitimate restrictions as regards police, national security, etc., and also for the need to adapt its measures to local conditions in various parts of the world, it provides for complete freedom of transit and complete equality of transit conditions. Liberty is conditional upon equality. Without equality, traffic along a route upon which serious burdens were imposed would automatically cease through the natural effects of commercial competition. On the other hand, if liberty and equality are admitted, international commercial competition may take its course and transport in transit will enjoy an immunity which will be of general benefit.

Barcelona Convention on the Regime of Navigable Waterways of International Concern and Additional Protocol.

The principles of freedom and equality, which, as regards traffic both by rail and water, are generally applicable only in the case of "transport in transit," are, on the other hand, applied on waterways of international concern to every kind of transport, whether transit or internal traffic. "Waterways of international concern" are those which are accessible to ordinary commercial navigation and which provide more than one State with access to the sea. These have for a long time come under general or particular international agreements. More than a century ago, the French Revolution proclaimed complete liberty of navigation and equality for all flags on these waterways and they were considered as being international. The Congress of Vienna discussed measures for applying these principles

which became the basis, in the 19th century, for regulating navigation over the great European international waterways, such as the Rhine and the Danube, and also over the great African waterways. It is evident that international co-operation is essential for the reasonable use of these great traffic routes. No State traversed by one of these waterways could monopolise it for its own profit without doing injury to itself, since the other riparian States would take similar action. States situated far up the course of the great international rivers would particularly suffer, especially those deprived of access to the sea, for, in their situation, freedom of navigation on waterways of international concern is equivalent to the right of free access to the sea.

As a certain number of States were willing, on the condition of reciprocity, to accept certain obligations in regard to all their waterways, and not only to those of international concern, an Additional Protocol was drawn up which will gradually render it possible to increase liberty of river communications throughout the world to any degree that States desire.

The idea of international equality led the Barcelona Conference to adopt a Declaration permitting States without a sea-coast to have a maritime flag, and hence a merchant fleet.

Geneva Convention on the International Regime of Maritime Ports (1923).

The Second General Conference adopted a General Convention on the International Regime of Maritime Ports which provides for complete equality of treatment between all the contracting States, both as regards vessels in maritime ports situated under their sovereignty or authority and as regards free use of the port and the full enjoyment of the benefits it affords to navigation. This equality of treatment between vessels, irrespective of their flag, also applies to Customs duties and railway tariffs on traffic to or from the port. The Convention does not apply to coastwise traffic or to fishing vessels and their catches. Its effect is to forbid all discrimination and remove from the negotiation of commercial treaties a very important economic question, settled in advance on the basis of the greatest possible freedom for communications and equality of treatment for shipping, the most international of trades.

Geneva Convention on the International Regime of Railways.

The Convention on the International Regime of Railways was concluded at the Second General Conference. It contains a large number of technical provisions codifying all the facilities necessary for the better utilisation of railways for international traffic, as regards the linking-up of railway systems at frontiers, the working arrangements for international traffic, reciprocity in the use of rolling-stock and the relations between the railway and its users, tariffs, financial arrangements between railway administrations and international traffic interests. There were several railway conventions already in existence, particularly agreements between railway administrations. The Geneva Convention is the first which has as its general aim the codifying of the permanent obligations of States in respect of railway transport. It is also the first to contain provisions prohibiting all unfair discrimination against foreign States, their nationals or their vessels in railway tariffs. The economic effects of such discrimination are notorious.

Geneva Conventions relating to the Transmission in Transit of Electric Power and the Development of Water Power affecting more than One State.

The Second General Conference began the examination of the international problems which will doubtless be raised more and more frequently in future by the development of electric power. Two problems were considered with particular care: first, the transmission in transit across a State's territory of electric power produced in another State and used in a third; and, secondly, the development of water power affecting more than one State, especially where international watercourses are used for producing electric power. Both these Conventions aim at encouraging the conclusion of interstate agreements which would enable the best technical methods to be adopted, disregarding as far as possible the existence of political frontiers.

Commercial Motor Traffic.

These Conventions do not apply to road traffic; but, on account of the increasing economic importance of commercial motor transport, the Transit Organisation is at present examining the possibility of framing a convention for such

traffic, which has not hitherto been regulated internationally except as regards frontier traffic between neighbouring countries. Although there are arrangements to facilitate touring traffic, the rights of commercial vehicles to engage in international transport are much restricted under present-day legislation.

All the above Conventions contain an article providing for the settlement of disputes arising from their application either by arbitration or by judicial settlement through the Permanent Court of International Justice. Before resorting to arbitration or judicial settlement, the Conventions provide for conciliation before the Advisory and Technical Committee. This has made it possible to allow a certain elasticity in the main provisions of the Conventions, a matter of importance in a field where economic or technical conditions change rapidly. The international law on communications based on these Conventions can thus be modified, not only by revision at General Conferences, but also by the rulings of the international bodies which have to decide disputes.

(2) *Simplification of Administrative Formalities and Unification of Regulations affecting Communications*

Complicated administrative formalities affecting international communications, and the variety of national regulations not only entail additional expense and delay in transport, but may result in indirect discrimination between the flags, nationals and goods of different countries.

International Passport System and Kindred Questions.

In 1920, the Transit Organisation held a Conference on the International Passport System, which adopted a uniform type of passport and advocated that, failing the abolition of passports and visas, the existing regulations should at least be mitigated by reducing the cost of these documents and their endorsements, extending their validity and concluding agreements for the abolition, wherever possible, of entrance visas. The first demand of the Conference was for the abolition of exit visas. Most of the Conference's recommendations have been gradually put into force, and periodical enquiries have satisfied the Advisory and Technical Committee that the work which it initiated is still being carried on. In 1926, a fresh Conference met which, though unsuccessful in

entirely abolishing passports or visas, nevertheless led to their abolition in several countries and to further progress in the matter of fees and duration of validity. Similarly, the Third General Conference created a model identity document for persons without nationality or whose nationality was doubtful and who thus could not obtain a passport. These recommendations have been put into execution in almost all European States. In order to facilitate emigrant traffic and to secure at least the abolition of passport visas for such travellers, a special Conference met at Geneva in June 1929, and drew up an agreement between European States substituting for passports, in the case of emigrants, transit cards issued by the shipping companies.

Unification of River Law.

The legal position of vessels employed in inland navigation, particularly in respect of private law, varies considerably from one country to another. These differences and the conflicts of authority which may arise make it more difficult for inland navigation to obtain the necessary credits and commercial facilities. The Advisory and Technical Committee prepared, for submission to a Conference which is meeting in the autumn of 1930, a draft Convention for the Unification of Certain Questions of River Law, such as registration, liens, mortgages, responsibility and damages in collisions and the nationality of vessels employed in inland navigation.

Unification of Tonnage Measurement in Inland Navigation.

For taxation and identification purposes, vessels employed in inland navigation have to be given tonnage certificates issued by the country in which they are registered. In the absence of international agreements, a vessel employed in inland navigation when crossing a frontier would have to be re-measured and given a fresh tonnage certificate. In 1898, certain Western-European countries interested in Rhine navigation agreed to recognise an international tonnage certificate. There was no such arrangement for navigation on the Danube or the other rivers of Eastern Europe. But the network of canals linking up the various river systems made it essential to try to set up a uniform regime in Europe for all countries which could be connected by river navigation. A special Conference, meeting at Paris

in November 1925, drew up an international Convention that established a uniform measurement certificate accepted by all the contracting States, and this Convention has been ratified by most of the European countries concerned.

Unification of Maritime Tonnage Measurement.

Similar problems arise in the case of vessels employed in maritime navigation and, though most countries have adopted a uniform system of measurement, there are still considerable differences in its application. It may happen, for instance, that a vessel flying a certain flag, similar in every respect to a vessel flying another flag, is measured differently from the latter, so that the two, although they are sister ships, are differently treated as regards harbour dues. The Advisory and Technical Committee has had the question examined by experts who are now drafting uniform international regulations for maritime tonnage measurements.

Unification of Buoyage and Lighting of Coasts.

The Advisory Committee arranged for specialists from most of the countries concerned to study the possibility of unifying the present systems for the buoyage and lighting of coasts. A draft uniform system (colour and shape of buoys, rules regarding lighthouse signals, etc.) was unanimously adopted and will be submitted to a Conference to be held at Lisbon in the autumn of 1930, to which all maritime countries have been invited.

Unification of Road-Traffic Regulations.

The Advisory Committee is carrying on the work of unifying various road-traffic regulations in use in different countries, and hopes soon to bring about the general adoption of the right-hand rule of the road throughout the Continent of Europe. It has succeeded in framing and inducing most countries to adopt a uniform system of road-signalling ("danger" and "road-closed" signs; signals for traffic control, etc.).

Taxation of Motor Touring Vehicles.

In co-operation with the Fiscal Committee of the League, the Advisory Committee has framed a draft Convention exempting motor touring vehicles not remaining more than ninety days out of the year in a foreign country from all taxation in that country. This draft Convention will be submitted later to a Conference of the States concerned; its

effect would be, not merely to abolish the double taxation of touring-cars, which now frequently pay taxes both in the country of registration and in the foreign country in which they are temporarily travelling, but also greatly to facilitate the crossing of frontiers by abolishing the formalities connected with the imposition of certain national taxes on foreign vehicles during only a short stay in the country.

Transport of Newspapers and Periodicals.

In pursuance of the recommendations of the Conference of Press Experts (August 1927), the Transit Organisation has considered what improvements could be made in telegraphic Press communications and in the distribution of newspapers and periodicals. As regards telegraphic questions, the Advisory and Technical Committee, on the proposal of a Committee of Experts, is suggesting several improvements at the next Telegraphic Conference, including the introduction of special rates and priority for " urgent Press " telegrams. A special Conference on the circulation of newspapers and periodicals met in November 1929. This Conference, *inter alia*, advocated the use of the speediest form of rail transport, and the application to newspapers of the regulations applied to goods traffic, particularly with regard to the abolition of Customs formalities. The railway companies would then perform all these formalities themselves and the consignor would only have to hand over newspapers to the first carrier; railway administrations and post office authorities are jointly considering how to apply the system. The Transit Organisation will later have to take up the question of defining the term " periodical " as opposed to " newspaper " with a view to extending similar facilities if possible to the carriage of periodicals. Steps have also been taken to see whether the circulation of newspapers can be relieved from fiscal, Customs and other duties. The Conference studied the question of dropping parcels of newspapers from aircraft in flight. The Advisory Committee is discussing with air transport enterprises how to promote the speedy transport of newspapers by air.

(3) *Share in the Work of Economic Re-organisation*

The Genoa Economic Conference of 1922, after a survey of European transport, instructed the Transit Organisation to

examine from time to time the progress made in improving transport conditions, and to promote international co-operation in the restoration and development of the means of transport, by arranging if necessary for expert investigations.

Investigations regarding Railways and Inland Navigation in Europe.

In 1923, the Advisory and Technical Committee made an enquiry into the condition of European railways and their working. It despatched to Central and Eastern Europe an expert, General Mance, whose report on the railway systems of Eastern Europe has to some extent served as the basis for what has since been done to improve conditions. In 1924, the Committee decided to supplement this enquiry by a study of inland navigation in Europe from the technical, commercial and administrative points of view. The special importance of the Rhine and Danube systems led the Committee to appoint Mr. Walker D. Hines, formerly General Director of Transport in the United States of America, to carry out a special enquiry. Mr. Hines' reports, the conclusions of which were discussed by the Transit Committee in conjunction with delegates from all the States concerned, dealt, in the case of the Rhine, with the influence of the tariff policies of riparian States and certain Customs super-taxes and administrative formalities on shipping interests. In the case of the Danube, an extensive investigation was carried out on river transport, the shipping companies and their fleets, general economic conditions, coastwise shipping and the tributaries of the Danube considered as national waterways and not subject to an international regime, the technical problems of the Danube channel, frontier formalities, port facilities, statistics and the operation of the international bodies controlling the navigation of that river (International Danube Commission and the European Danube Commission). The recommendations in Mr. Hines' report advocating greater co-operation between the riparian States in solving these problems have formed the basis of all subsequent efforts to regulate and organise Danube navigation, the waterway itself and its ports.

Mr. Hines' investigations were followed by the work of a Committee of Experts dealing with competition between the waterways and railways of the Rhine and Danube. This led

the Advisory and Technical Committee to consider for the first time the whole problem of the principles of railway tariff policy and the way it affected inland navigation and the development of national seaports. The report of the Committee of Experts under the chairmanship of M. Heckscher, Professor of Political Economy at Stockholm, is based on information furnished by the various parties concerned and on a detailed analysis of pre-war and current traffic statistics, and indicates what should be the normal standards of policy for railway rates from the standpoint of the interests of users generally and of the better organisation of the European transport system.

While investigating inland navigation in Europe, the Advisory and Technical Committee, at the request of the Polish Government, sent a Committee of Experts to study a programme of work on the navigable waterways and on the reclamation of marshes in Poland. The detailed investigation then made and the prospects of regulating the Vistula and draining Polesia are the first instance of the Transit Organisation's co-operation in the economic development of a country.

Statistics.

In order to have a constant supply of data for its economic work, the Transit Organisation had to take up the question of transport statistics. A special Committee for the Unification of Transport Statistics was formed and drafted a uniform statistical nomenclature. Its proposals on this subject, and on standardising the grouping of statistics by districts in order to enable the main currents of traffic to be closely followed, will shortly be submitted to the Governments. The Advisory Committee is now engaged in gathering information on the volume, nature and organisation of traffic between Europe and North America, and proposes, if the results are satisfactory, to keep up-to-date records of sea-borne traffic as a whole. A general economic and legal information service on the main international questions concerning communications (survey of national legislation, international agreements concluded, principal statistics, etc.) has been established, not only to facilitate the Organisation's own work, but also to enable it to afford national technical administrations and services more frequent opportunities of solving their special problems by comparing their own experience with that of other countries.

(4) *Study of the Technical Aspects of Political Problems*

The Transit Organisation, as the competent League organ for communications questions, has had to collaborate in the political work of the League by studying the technical aspects of various problems referred to it.

Constitution of the Memel Territory.

Experts appointed by the Chairman of the Advisory and Technical Committee helped to frame the Convention of May 8th, 1924, determining the status of Memel Territory and the rules governing the use of its port. By the terms of this Convention, one of the members of the Harbour Board is appointed by the Chairman of the Advisory and Technical Committee, and the annual report of the Harbour Board is sent to the Committee.

Questions concerning the Free City of Danzig.

In the same way, experts appointed by the Chairman of the Advisory and Technical Committee have frequently helped to solve difficulties connected with Danzig harbour and railways (site of munitions depot, Polish Postal Service and limits of the port, difficulties between Polish railways and the Danzig administration).

St. Gotthard Machine-guns Incident.

Experts appointed by the Chairman of the Advisory Committee were instructed to help in preparing a report for the Council on the discovery of machine-guns at St. Gotthard Railway Station on the Austro-Hungarian frontier.

Application of Article 107 of the Treaty of Lausanne.

A Commissioner appointed by the Council of the League of Nations is responsible for seeing that there is freedom of transit on the railway which runs from Bulgaria, through Turkish territory (Adrianople) and then through Greek territory, returning to Turkish territory and reaching Constantinople. The Commissioner, who may in case of difficulties appeal to the Council, has been successful in solving locally all the complicated traffic problems inseparable from the working of a railway intersected by several political frontiers.

In 1925, the question of timber-floating on the Niemen was examined by the Advisory and Technical Committee in con-

nection with the study of problems affecting the development of the harbour of Memel.

Communications Questions affecting Relations between Poland and Lithuania.

In December 1928, the League Council referred to it the problem of communications between Poland and Lithuania and the possible effect of this problem on the communications of other countries. On this subject, the Council had adopted the following resolution:

"The Council,

"Considering that the Covenant of the League of Nations lays down that:

"'Subject to and in accordance with the provisions of international Conventions existing or hereafter to be agreed upon, the Members of the League will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League';

"Noting, on the other hand, that the documents before the Council mention obstacles in the way of freedom of communications and of transit;

"Considering that, by the Assembly's resolution of December 9th, 1920, the Advisory and Technical Committee for Communications and Transit was charged 'to consider and propose measures calculated to ensure freedom of communications and transit at all times':

"Decided to request the Advisory and Technical Committee for Communications and Transit to present a report to the Council on the practical steps which might be adopted, account being taken of the international agreements in force, in order to remedy the situation above referred to or to lessen its international repercussions;

"Instructs the Secretary-General to communicate the present resolution and all the previous documents to the Advisory and Technical Committee for Communications and Transit."

During 1929, the Advisory Committee arranged for an economic and technical survey of the situation by a Committee of Experts which visited most of the countries concerned, and for a study of the juridical scope of the agreements in force. The report will be communicated to the Council in September 1930.

Communications of Importance to the League at Times of Emergency and League Wireless Station.

In dealing with the problems of security and reduction of armaments, the League Council has endeavoured to ensure that the working of the League in time of emergency shall be as speedy and effective as possible. With the Assembly's approval, the Advisory and Technical Committee was instructed in 1927 to examine the subject from the point of view of communications. The Committee indicated the steps necessary to ensure the emergency rail services which might be required (special trains, special connections with other means of transport). It proposed that telegrams of importance to the League during an emergency should be treated as very urgent messages with priority over Government telegrams. But this was not considered sufficient, and the Committee was instructed to examine the question of setting up a wireless station at the seat of the League, to be under the sole authority of the Secretary-General during an emergency. As a result of the Committee's recommendations, the Assembly, at its tenth ordinary session (1929), decided to set up a wireless station with a worldwide range, composed of a short-wave station built at the expense of the League, combined with the long-wave station already operated by the Société Radio-Suisse, the whole plant to pass under the League's sole orders whenever the Secretary-General notified the Swiss Government that an emergency had arisen.

With regard to air transport, the Committee considered the question of improving the present aerodrome near the seat of the League. Together with the International Air Navigation Commission, it drew up a complete scheme for the facilities to be given by the various States to aircraft doing work of importance to the League in time of emergency. Aircraft carrying League officials or correspondence, or conveying delegations to the seat of the League would carry special identification marks and would not be obstructed or delayed in their flight. The Advisory Committee's proposals will be discussed during 1930 by the League Committee on Arbitration and Security, and by the Assembly.

(5) *Settlement of Disputes between States*

Mention has been made of the fact that the Advisory and Technical Committee is given the power to act as a conciliation

commission in disputes arising out of the Conventions adopted by General Conferences. Under the provisions of the Peace Treaties and of Assembly resolutions, the Committee has a similar function in the case of disputes on the interpretation or application of clauses of the Peace Treaties concerning communications; States may, by agreement, submit any disputes for the advisory opinion of the Committee.

The Advisory and Technical Committee was one of the first permanent conciliation commissions to be organised. Its procedure is such as to afford the States every guarantee of impartiality. Members of the Committee, although appointed by Governments, are not considered as Government representatives in the diplomatic sense, but act as experts and they are not bound by instructions. Where a dispute affects a State not represented on the Committee, this State is invited to appoint a temporary member. The Committee, in examining disputes, resorts to its usual means of investigation—permanent committees, technical committees—and may appoint commissions of enquiry for local investigation.

The Committee has already been called upon to act in this capacity on three occasions:

In 1921, it was asked to examine a dispute regarding the Berne Railway Convention between the *German and the Saar Governments*, and the settlement it proposed was accepted by both litigants and put into force.

In 1924, a dispute regarding the *territorial extent of the Oder system* was brought before the Committee by Governments represented on the International Oder Commission. The Advisory Committee's opinion was not accepted by these Governments and the question was later submitted to, and settled by, the Permanent Court of International Justice.

In 1924, the Committee had to examine a dispute between the Powers represented on the *European Danube Commission* relating to the Commission's jurisdiction between Galatz and Braila. The Committee, after going into the question on the spot and examining the texts applicable, gave its opinion on the legal status of the maritime section of the Danube and made various suggestions for the revision of the Statute with a view to securing better collaboration between the States concerned. These States did not unanimously accept the Committee's ruling, but further negotiations under its auspices resulted in the Council being

asked to request the Court of Justice for an opinion on the existing situation in law, and this opinion coinciding with that of the Advisory Committee, the Statute was revised on the basis of the Committee's suggestions. The States in question concluded an Agreement in March 1929, and are now about to frame detailed regulations for its final execution. A new international Convention constituting a final solution of the difficulties and a fresh basis for collaboration will very probably be signed before the end of 1930 by representatives of the States members of the European Danube Commission with the approval of all the parties to the 1921 Convention on the Danube Statute.

In other cases, the Committee has played a similar part without strictly applying the procedure for settlement of disputes. In 1924, it was asked by the International Danube Commission for its opinion on the interpretation of the clauses of the Peace Treaties regarding payments on the "Iron-Gates" loan. The Committee's opinion, based on the proposals of its Legal Committee, was unanimously accepted by the International Danube Commission.

Article 304 of the Treaty of Trianon and Article 320 of the Treaty of St. Germain provide that, where the parties concerned have failed to agree, the Council shall appoint arbitrators to settle disputes regarding the *re-organisation of the railroads of the former Austro-Hungarian Monarchy* which have been divided by the new frontiers amongst the territories of several States. The Committee was asked by the Council for its opinion on the application of a large number of companies and, either through its Permanent Committee for Rail Transport or through experts appointed by its Chairman, it has tried to secure a settlement by agreement before resorting to arbitration. The method adopted has so far led to the friendly settlement of all difficulties, except in the case of one company, and here the Council chose Members of the competent Permanent Committees of the Transit Organisation (Permanent Legal Committee and Permanent Committee for Rail Transport) to act as arbitrators.

(6) *Preparation for the Fourth General Conference on Communications and Transit*

The Fourth General Conference on Communications and Transit will meet in 1931. It will examine schemes drawn up by the Advisory and Technical Committee at the request of the

Third General Conference regarding the measures to be taken in the event of developments affecting communications in general. The object of the draft Convention and of the draft Recommendation submitted to the Conference is to ensure beforehand that, when traffic routes are interrupted as the result of a crisis of any kind in one country, other countries will assist in re-establishing international traffic by auxiliary routes through their territory, mainly by rail and, where necessary, by other means of transport.

In 1929, the Assembly decided to place on the agenda of the Fourth General Conference the question of calendar reform, which, since 1923, has been under consideration by the Transit Organisation and has awakened great interest everywhere.

In 1923, the Advisory Committee agreed that the reforms proposed in the Gregorian Calendar aroused no very serious opposition on dogmatic grounds, and would be of the greatest importance to economic conditions and international traffic, because they provided for a more uniform and rational measurement of time. Any idea of reform was considered impracticable until unanimous agreement had been reached between the religious authorities, and a special Committee was therefore formed with instructions not to change the traditional order of things, except where public opinion was strongly in favour of changes as improving economic relations and the conditions of public life.

This Committee was composed partly of members of the Advisory and Technical Committee and partly of scientists and of representatives nominated by the supreme religious authorities. The result of the Committee's general enquiry and recommendations was that the Advisory and Technical Committee decided in favour of fixing the date of Easter. On the more general question of a fixed calendar affording a more exact measurement of time, the Committee considered that this could not be gone into thoroughly on an international basis until after a further study in each country by qualified representatives of the interested parties.

For these reasons, it advocated the formation of national Committees. In the majority of cases in North and South America these have already been set up, and they have been or are being formed throughout the greater part of Europe.

The reports of the Committees will be received during 1930 or early in 1931, so that the whole question can be discussed at the Fourth General Conference with a full knowledge of the facts.

CHAPTER VII

HEALTH

Origin and Constitution of the Health Organisation. I. The Epidemiological Intelligence Service, the Information Centre at Geneva; the Eastern Bureau at Singapore; Morbidity and Mortality Statistics. II. The Educational Work of the Health Organisation, Publications, Study Tours, Instruction. III Technical Work in the Various Branches of Preventive Medicine, Malaria, Sleeping-sickness; Tuberculosis; Cancer, Smallpox, Leprosy; Rabies; Infant Mortality—Standardisation of Sera—Co-operation between the Health Organisation and National Health Authorities.

INTRODUCTION

Origin and First Tasks.

THE charter of the Health Organisation is contained in the Covenant of the League, Article 23 of which provides that States Members of the League "will endeavour to take steps in matters of international concern for the prevention and control of disease."

As long ago as its second session (February 1920), the Council decided to summon an International Conference of Health Experts to draw up a scheme for the Organisation.

This Conference, which met in April of the same year, was at once faced with the grave problems raised by the epidemics of typhus, relapsing fever and cholera, which had spread from Russia to the countries of Eastern Europe. Urgent measures were taken, and the Conference recommended the establishment of a temporary Epidemics Commission, which the Council decided to set up.

Epidemics Commission.

This Commission co-ordinated the efforts made to deal with the epidemics in Poland, Russia and the Baltic States; and assisted the national authorities by placing at their disposal specialists, hospital and medical supplies, and in some cases clothing and food.

Anti-epidemic measures and the organisation of a sanitary cordon became still more necessary after the Russo-Polish war,

when hundreds of thousands of refugees who had been driven into Central Russia and Siberia during 1915 and 1916 by the Russian armies in retreat returned to Poland and the Baltic countries; the requisite health measures and the transport and settlement of these refugees imposed a heavy burden on the countries of Eastern Europe.

At the request of Poland, an International Health Conference met at Warsaw in March 1922 under the auspices of the League. Twenty-seven European countries attended, and although the funds available for the measures proposed by the Conference were not sufficient for the full programme to be carried out, closer co-operation resulted between the Russian and Polish authorities, special courses were organised for training the personnel engaged in the anti-epidemic campaign, and sanitary conventions were concluded between the countries of Eastern Europe. By these measures, Central Europe was saved from infection.

The Epidemics Commission was also active in Greece during the autumn of 1922, when more than 750,000 refugees from Asia Minor were driven into that country by the advance of the Turkish troops; smallpox, cholera and typhoid fever were raging among them. A vaccination campaign was organised with the help of eighty Greek doctors and health inspectors, and 550,000 refugees were treated.

While the Epidemics Commission was carrying out these urgent tasks, a provisional Health Committee was set up at Geneva. The scheme for the Organisation drawn up in May 1923 by the members of that Committee and the delegates of the Comité permanent de l'Office international d'Hygiène publique was adopted by the Fourth Assembly (September 1923).

Constitution of the Health Organisation.

The Health Organisation consists of a *Health Committee*, comprising some twenty members, and meeting twice a year; an *Advisory Council* appointed by the Comité permanent de l'Office international d'Hygiène publique; and the *Health Section*, the executive organ, which is an integral part of the League Secretariat.

The members of the Health Committee are medical specialists or officials in charge of public health services. They are selected for their technical qualifications, belong to various countries in Europe, Latin America and the Far East, and do not represent their Governments. Their scientific discussions are

not hampered by any political considerations, and some of them belong to countries which are not Members of the League (one being the head of the Federal Health Service of the United States). The Health Committee and Health Organisation are non-political bodies.

The Committee's duty is to lay down the programme of work for the Health Section and to give expert advice on technical questions submitted to it by the League Council and Assembly. It is assisted by technical committees or conferences of experts.

The Health Section contains some fifteen public health specialists, epidemiologists and statisticians of various nationalities, and carries out the programme drawn up by the Committee. It collects the information required by the different committees, makes preparations for conferences and study tours and, by correspondence, publications or translations, forms a connecting link between all who are engaged upon research work on the same problems.

Methods of Work.

Amongst the subsidiary organs of the Health Organisation are the committees of experts, some undertaking research of a documentary and bibliographical nature, some co-ordinating the laboratory work carried out by various institutes, and others pursuing epidemiological or medico-social enquiries by means of study tours or missions.

There are also committees of Government representatives dealing chiefly with matters that require the direct co-operation of the administrative health services, and the Organisation from time to time convenes international conferences for the exhaustive investigation of certain technical questions.

One of the methods most frequently employed for the co-ordination of scientific problems is to summon a committee of experts to draw up a programme. The investigations are then distributed amongst a number of competent scientific institutions, whose directors meet at regular intervals and, if necessary, vary the programme. When they have completed their task, a final meeting is held at which a joint report is prepared embodying their findings.

Some committees carry out enquiries on the spot and go from country to country to compare the methods of applying certain specific health measures. In one case in Central Africa, it was

even found expedient to establish a laboratory for the use of a committee's investigators. As a rule, however, the Health Organisation appoints a single investigator, or one of its members is attached to a scientific mission already constituted by the country concerned.

Despite the great diversity of method employed by the Health Organisation, there are certain guiding principles which govern its activities :

(1) The Organisation confines itself to work of a practical nature and does not undertake any purely speculative research ;

(2) It does not itself deal with practical health problems unless they are international in character, by reason either of the nature and extent of the investigations required, or of the measures necessary to combat epidemics.

The Health Organisation does not depart from these principles unless a Government asks for its technical advice or assistance ; in such an event, it naturally does not stop to consider whether what it is asked to do accords absolutely with the rest of its work.

I. Epidemiological Intelligence Service

Before useful work can be done in the field of health, the relative importance of the diseases to be fought must be ascertained.

This necessity was forcibly demonstrated in the course of the work undertaken by the Epidemics Commission in Poland and Russia : it was found that the efficacy of the prophylactic measures taken along the Russo-Polish sanitary cordon mainly depended on the receipt of prompt and full information on the outbreak and course of epidemics on both sides of the frontier.

Epidemiological Intelligence Centre at Geneva.

The Epidemiological Intelligence Service organised to meet this need was the first instituted at the Geneva Health Section. As far back as 1921, it began to publish reports on the health situation in Eastern Europe, with special reference to typhus, relapsing fever and cholera in Russia and Poland ; with the assistance of the Soviet authorities, it also made a retrospective survey of the health situation in Russia.

These reports were first published periodically in 1922, and included not only Eastern but also Central European, and subsequently all European countries. Gradually, the Service was extended to all infectious diseases which are compulsorily notifiable: smallpox, dysentery, malaria, scarlet fever, diphtheria, etc.

The first *Monthly Epidemiological Report* of the Health Section appeared in July 1923. Since that time, the gradual improvement of the Service has made it possible to obtain and publish the latest information each month, and the *Report* has become of the greatest value to health authorities.

The first *Annual Epidemiological Report* also appeared in 1923. The provisional data included in the *Monthly Reports* are supplemented and checked and then inserted in the *Annual Report*. Originally, the sole object of the Service was to supply prompt information to the authorities of each country on the health situation in neighbouring countries. But the importance of these data from the point of view of epidemiological research was soon realised; it became evident that, if they were co-ordinated, they would enable investigations to be made into the geographical and seasonal distribution of diseases, the influence of climatic conditions, etc.

When the work of co-ordination began, there was difficulty in comparing information from countries with an adequate statistical service with the information from countries where health and demographic statistics were unsatisfactory. The publication of these data showed that, to be made intelligible, they must be supplemented by particulars of the statistical methods in use in the various countries. The considerable amount of work done by the Health Organisation to make national statistical services more efficient and to facilitate the comparison of their results has been based on data thus furnished by the Epidemiological Intelligence Service.

The Eastern Epidemiological Intelligence Centre at Singapore.

The usefulness of the Service and its immediate success prompted the Japanese member of the Health Committee, in 1922, to request the Organisation to examine epidemiological conditions in the Far East and to consider the possibility of establishing in that vast region a centre similar to the one at Geneva.

An enquiry was carried out in 1922–23 by a member of the Epidemics Commission and this led to the establishment of the

Eastern Epidemiological Intelligence Bureau at Singapore. The central position of this port is exceptionally favourable, as it is a port of call for practically the whole of the maritime trade between China and Japan and the Near East, Africa and Europe.

In February 1925, a Conference of the representatives of the Far-Eastern Health Administrations was held in Singapore; it approved the establishment of the Bureau, which began operations a few weeks later.

In Europe, plague and cholera are rare diseases, and in Russia they have only gained ground as a result of war and revolution, but they are always prevalent in an endemic state in certain Eastern countries—*e.g.*, in India and China—and make these regions dangerous sources of contagion to their neighbours. The importation of plague into Java is too recent and the memory of the outbreaks of cholera in Japan is still too vivid for Far-Eastern countries not to attach special importance to quarantine measures. They therefore began to co-operate with the new Bureau as soon as it was established, and supported it by subsidies and by the rapid transmission of the desired information.

As soon as they are informed by the Bureau of the appearance of epidemics in certain ports, Governments can take the necessary measures of protection against vessels coming from those ports; they know too that they can dispense with such measures for shipping from non-infected zones. This has the double advantage of increasing security and of eliminating unnecessary quarantine restrictions on maritime trade.

The services of the Eastern Bureau can only be really effective if they cover the widest possible area. In the great region bounded on the east by Panama, on the north by Vladivostok and on the west by Suez, the Bureau established from the outset weekly telegraphic communication with thirty-five ports, and at the present time it is in contact with one hundred and fifty. The information service now covers all Eastern ports of any importance, with the exception of certain Chinese ports which, owing to political disturbances, cannot yet be regarded as regular correspondents.

The ports inform the Bureau telegraphically each week (or more frequently if necessary) of the number of cases and deaths caused by epidemic diseases. The health administrations notify

it of the imposition or removal of quarantine and, in some instances, of the departure and course of infected vessels. In urgent cases, ports situated near an area in which an epidemic has just broken out are notified by telegram and they are thus enabled to take quarantine measures in time. The information received from all points of the Pacific is included in a bulletin which is telegraphed weekly in a special code to the Geneva centre and to the Eastern health authorities. To reduce the cost and to disseminate the information over a wider area, arrangements have been made to broadcast the weekly bulletin in code and in clear from a number of stations. The authorities in Indo-China, the Netherlands Indies, British India, Madagascar, China, Japan and Germany have been good enough to place their stations at the disposal of the Bureau for this purpose. Since the beginning of 1930, the Bureau, through the station at Malabar (Java), has been able to issue daily information on a wave-length of 600 metres so that the messages can be picked up at sea. The weekly broadcasting of epidemiological information issued by the Eastern Bureau is now ensured by ten stations, and one station broadcasts it daily.

The Bureau also receives information relating to the Southern Pacific archipelagoes from the epidemiological centre of Melbourne, and is informed by the Conseil sanitaire maritime et quarantenaire d'Egypte about health conditions among the pilgrims to Hedjaz—data of great interest to Mohammedan countries.

Since the entry into force of the International Sanitary Convention of 1926, the Bureau has acted officially as intermediary between the health authorities in its zone and the Office international d'Hygiène publique in Paris.

Health Equipment of Ports and Fumigation of Vessels.

While it is important for the health authorities to be notified of the arrival of an infected vessel, it is equally important that they should know the most effective methods of disinfection and quarantine. The Eastern Bureau collects and distributes information on the health equipment of ports; the Health Organisation has also instituted, for medical officers of health in the Mediterranean, Baltic and Far-Eastern ports, a series of study tours for the inspection of the health and quarantine equipment of those ports, and this has prepared the way

for valuable co-operation between the directors of port health services.

With the same object in view, the Health Committee has set up a Commission of Enquiry into the Fumigation of Ships and has obtained the close co-operation of the United States Federal Health Service.

The Eastern Bureau acts as an intermediary between the health administrations of the countries to which its sphere of action extends. The administrations send representatives each year to the sessions of its Advisory Council, which have been held at Singapore, New Delhi, and Bandoeng (Java), and this affords the delegates regular opportunities of exchanging views.

Co-ordination of Investigations in the Near East.

As the outcome of one of these meetings, the various Eastern health authorities requested the Singapore Bureau to undertake investigations into the efficacy of oral vaccination against cholera and dysentery. Valuable research work was done in British, French and Portuguese India, and in Chosen and Siam. The investigations in the presidency of Madras were of special interest and proved that oral vaccination against cholera is almost as effective as vaccination by subcutaneous injection.

The Eastern Bureau has obtained similar results with the anti-cholera and anti-dysentery bacteriophage and with the dried anti-smallpox vaccine, which, owing to its constancy, is greatly superior to the vaccinal lymph used in tropical countries and on board ship.

The Bureau acts as a co-ordination centre for the investigations into plague, decided upon at a meeting of a committee of experts at Calcutta in December 1927. After distributing the work amongst their various services, the health authorities exchange the results obtained through the Bureau. A further meeting of the committee will be held in 1930.

The Bureau likewise acts as intermediary between a large number of laboratories in the East and Far East for the exchange of experimental animals, bacterial strains, vaccines, etc.

After starting merely as an office for the exchange of epidemiological intelligence, the Bureau has now become in this part of the world, not only a connecting link between health authorities, but also a centre for the co-ordination of scientific research.

The International Standardisation of Morbidity and Mortality Statistics.

When it came to collect and publish morbidity and mortality statistics, the Geneva Epidemiological Intelligence Service realised that, for purposes of comparison, it was necessary to standardise the methods by which they were compiled, and in February 1924, the Health Committee set up several committees of specialists.

Amongst the points on which these committees have succeeded in obtaining the standardisation of statistics is that of still-births. A large number of Governments have now adopted the same definition of the term " still-birth " and some common rules for the compilation of statistics relating to still-births. This agreement makes it possible to compare the figures furnished by those countries on the birth rate, fertility and infant mortality ; the rates are now calculated in relation to the number of *live* births and not to the number of *total* births.

Another committee has drawn up rules for the uniform determination of the cause of death in cases of several concomitant diseases. An example of the absence of rules is the fact that deaths from tuberculosis following on whooping-cough were formerly included by one country in the tuberculosis statistics, and in another in the deaths from whooping-cough.

To promote the standardisation of statistical methods, the Health Committee convened in 1923, 1924 and 1925 meetings of the directors of the demographic services in the principal European countries. In study tours through Switzerland, France, the Netherlands and the three Scandinavian countries, these specialists were able to see for themselves the advantage of certain methods employed and, where necessary or useful, to improve the system in force in their own countries. At the 1925 meeting, they agreed to draw up a number of common rules relating to the registration of the causes of death, and laid special emphasis on the necessity for keeping the particulars entered in the civil register quite separate from the medical data given in the death certificates—thus safeguarding professional secrecy, which is essential if the certificates are to be reliable.

In conjunction with the International Statistical Institute, this Committee of Experts played an important part in preparing for the decennial revision of the International List of Causes of Death (1929)

The standardisation of statistics can sometimes be effected merely by agreement between the specialists in the various countries as to the definition of certain terms, but considerable difficulties are frequently encountered in practice owing to the changes in legislation and custom which this would involve. It must also be remembered that progress in the direction of standardisation is of recent growth and that the principal material at the disposal of investigators consists of documents compiled during the last fifty years according to rules which vary widely in different countries. To enable specialists to employ with a minimum of error old tables published abroad, the Committee of Experts has prepared manuals giving for each country the guiding principles followed in collecting and presenting demographic data; this has made it possible to interpret correctly the statistics of some twenty countries without the necessity for lengthy research in libraries.

The remaining field of activity of the Committee of Expert Statisticians is morbidity statistics. It devoted its attention to the question of the notification of contagious diseases, and in 1922 it organised a study tour; the problem was re-considered later from a different standpoint, when an attempt was made to draw up a list of diseases in relation to the special needs of social insurance. As the lists of causes of death are obviously inadequate for the classification of the numerous and frequently benign causes of incapacity for work, the principal social insurance institutions use empirical lists which in many cases have no proper medical basis and are not of any great value. Considerable information has been collected by the Committee, and it may be possible to draw up a list which will give satisfaction both to insurance and public health services.

Epidemiological Investigations.

Besides furnishing investigators with material for epidemiological investigations, the publications of the Health Section also embody the results of original work; this includes an enquiry into health conditions in the Ukraine, the investigation of the cholera focus at Rostoff-on-the-Don, the epidemiology of cholera in British India and Japan, an enquiry into cerebro-spinal meningitis in Prussia, into the morbidity and mortality due to scarlet fever, and more recently an enquiry into health conditions in certain islands of the Southern Pacific. Since 1929, the *Monthly Epidemiological Reports* have included enquiries of this

description and an ample bibliography relating to the most important infectious diseases or those which are of special interest at the moment. These general surveys have dealt successively with diphtheria, smallpox, typhus, scarlet fever, tularemia, infantile paralysis and psittacosis.

II. The Educational Work of the Health Organisation

Publications on the Organisation of the Public Health Services in Various Countries.

It is important for demographic statisticians to know the working methods of similar services in other countries, but it is even more important for hygienists to know how fundamental health problems are dealt with outside their own country. Some methods are not applicable everywhere, but there are many technical processes or administrative rules which have been tested in some countries and can be made use of in others. Hygiene is primarily a matter of education. This principle applies, not to the public only, but to health officials as well.

The Health Committee quickly appreciated the necessity for improving the professional training of technicians. It first of all published *monographs on the organisation and working of the public health services in various European countries*. These pamphlets contain data on the administrative regulations, health legislation and principal health problems of those countries and supply information on the co-operation of private associations with the public health authorities.

Hygiene is a science which is making rapid strides and legislation has to adjust itself to it; it is therefore important that the information given in these monographs should be kept up to date. With this object, the Health Section publishes the *International Health Year-Book*, from which progress made each year in fighting the principal diseases can be ascertained by a study of the mortality tables and of the new health measures introduced.

Collective Study Tours.

The practical application of hygiene is what matters most, and investigations cannot be confined to book work or laboratory researches; the only way in which a knowledge of applied hygiene can be acquired is through study tours.

The object of study tours undertaken by health officials, jointly or singly, is to bring hygienists of one country into touch with their colleagues in another. Not only are the tours instructive for those who take part in them, but they also help to promote international co-operation and to establish contact between men engaged in similar work in different lands.

One of the duties of the Health Committee is to *establish closer relations between the administrative health authorities in the different countries*. There is no more effective way of doing this than to afford the officials in charge of the national public health services an opportunity of meeting one another, freely exchanging views on technical questions, and of profiting by each other's experience.

The organisation of these tours, which began in October 1922, was facilitated by the close relations of the League Secretariat with the various health authorities. The International Health Division of the Rockefeller Foundation realised this and granted a generous subsidy towards the tours. They have been organised in various ways: some for public health officials, others for specialists in tuberculosis, infant hygiene, school hygiene, the health administration of ports, demographic statistics, etc. By 1930, six hundred officials belonging to States Members of the League, and also to certain non-member States—such as the United States of America, Mexico, the U.S.S.R.—had participated in these interchanges of health personnel. Nearly all countries in Europe, as well as Latin America, the United States, Canada, West Africa, India and Japan, have been visited and have sent their officials to the study tours.

Individual Missions.

Numerous individual missions have been organised to enable health officials to study certain services in other countries for which a specialist was needed by the national authorities. In such cases, the Health Section draws up a programme of the visits or periods of instruction, taking into account the health and social conditions prevailing in the official's own country.

These missions have strengthened the scientific ties between Europe and distant countries like Japan, India and South America. Japanese scientists have been able to come and work in Europe and describe the results of their investigations, and Western scientists have had similar opportunities in Japanese institutes.

International Courses in Hygiene.

With a similar object, two international courses of higher instruction in hygiene were organised in Paris and London in 1927 to promote international co-operation in technical questions: the lecturers come from all parts of the world and the medical officers who attend the courses belong to twenty different nationalities. These theoretical studies are always completed by a practical study tour in a large number of European countries.

Commission on Education in Hygiene.

The Health Organisation has not confined itself to this direct action with regard to education; it has done a great deal also in the way of co-ordination.

Through the Commission on Education in Hygiene, established in 1925, it initiated co-operation between national institutions which give this instruction to doctors and the auxiliary personnel. There is no question of a uniform programme for institutes of hygiene; national conditions relating to medical practice and social medicine must be the primary consideration; it is a good thing, however, to give the directors of those institutes an opportunity of meeting and exchanging experiences.

The first meeting of this kind took place at the end of September 1927, in connection with the inauguration of the new Institutes of Budapest and Zagreb. The directors of the Prague, Warsaw, Rio de Janeiro and Sao Paulo Institutes took part, as well as specialists from Berlin, London, Paris and Bologna. The meeting was also attended by representatives of the Rockefeller Foundation, and by the founder of the first public health faculty at the Johns Hopkins University at Baltimore. Although the principal item on the agenda was the establishment of a special curriculum for instruction in hygiene, the discussions also showed the importance of the teaching of preventive medicine in the faculties. In addition to the discussion of matters concerning instruction, arrangements were made for technical co-operation on such questions as the supply of drinking-water to villages, oral vaccination against typhoid fever, the prevention and treatment of scarlet fever, etc.

Another form of the educational work of the Health Organisation is the training, from time to time, of highly specialised technicians; at the request of, and in conjunction with, the

Malaria Commission, regular courses in malariology have been organised in four large university centres in Europe.

In concluding this section, the educational value of study tours cannot be too strongly emphasised. The benefits are not confined to the participants; their students, the universities in which they teach and the medical world of the countries in which they live all profit by them; the benefits are shared also by the health officials of the countries visited.

III. The Technical Work of the Health Organisation in the Various Fields of Preventive Medicine

The Health Committee consists of higher officials of the public health services and health experts. The complexity of its programme and the technical nature of some of the problems made it essential, as its activities spread, to distribute the work methodically among its members, and to turn in certain cases to specialists. The Committee found it desirable to set up various commissions, having at their head a member of the Committee, to which they submit the results of their work and on which they depend for their budgets; one of the doctors in the Health Section of the Secretariat acts as Secretary to each Committee.

Malaria.

During the war, migrations of population, poverty, privations of all kinds and disorganisation of the medical services caused a disturbing recrudescence of malaria in Russia, the Balkan countries, Poland and even in Italy. New endemic foci were discovered and severe forms of the disease became more frequent.

The Malaria Commission, which was set up in 1924, first carried out an enquiry in the principal centres of the disease. It visited the most important foci in Yugoslavia, Greece, Bulgaria, Roumania, Russia and Italy, and was accompanied in each country by a local specialist.

After its first enquiry, the Commission considered that the so-called *primary* measures should be regarded as essential: the thorough and prolonged treatment of all persons suffering from malaria, the tracking-down of cases and the instruction of the population on the means of prevention.

It did not, however, consider that it had sufficient knowledge to give an opinion on various other anti-malaria measures, such

as those relating to the destruction of mosquitoes and the carriers of the disease, and it therefore decided to visit Syria and Palestine to find out the effect of the measures which had been partly applied in those countries.

In August and September, its investigations were extended to Spain and, in the following year, to Sicily.

Not until then did the Commission feel in a position to formulate its views about the best methods of fighting malaria in Europe. In its report it emphasised the fact that the treatment of patients—even from the point of view of prevention alone—is of primary importance. The treatment is costly owing to the high price of quinine, which is the most effective remedy. This is a very serious drawback, as malaria is usually endemic in poor districts. The first requirement to make quinine treatment more general is to reduce its cost. The cinchona tree grows very slowly and requires special conditions of soil and climate : so it is not possible to increase the output quickly. The Commission considered the possibility of using for therapeutic purposes certain secondary alkaloids of cinchona bark which had not hitherto been used, and which could be obtained at much lower prices. It had experiments carried out under strict conditions in hospitals in Italy, Roumania, Spain and Yugoslavia to determine the effect of certain mixtures of alkaloids (*quinetum*) and compared the results. These experiments, conducted over a period of several years, have shown that certain mixtures of secondary alkaloids have curative value equal to that of quinine. These cheap products can henceforward be used extensively by clinics and will to a large extent make up for the insufficient output of quinine for medical requirements.

During the tour in Eastern Europe and the Balkans, the Commission was struck by the scarcity of doctors with an adequate knowledge of anti-malaria measures. To remedy this, the Commission began in 1926 to organise at Hamburg, London and Paris theoretical courses in malariology followed by practical instruction at the anti-malaria stations and centres in Italy, Spain and Yugoslavia. In 1928, a School of Malariology was opened in Rome ; in addition to medical instruction, courses are also held for engineers and agriculturists (drainage, reclaiming marshland).

Through scholarships granted by the Health Organisation, the Rockefeller Foundation and Governments, more than 250 students have been able to attend these special courses.

The Commission has co-operated through some of its experts with several European Governments. At the request of the Yugoslav Government, one of its members visited in 1924, 1925 and 1926 certain districts in that country to investigate the effect of the anti-malaria measures adopted on the Commission's advice. In 1923 and 1924, one of the Health Organisation's experts drew up in Albania a complete plan of campaign against malaria, which served also as a basis for the establishment of a Health Organisation. In 1925, at the request of the French Government, two of the Commission's experts visited Corsica and drew up a scheme for reclaiming marshlands. In Bulgaria, one expert is at present co-operating in the anti-malaria campaign with the Bulgarian health authorities and with the League Commissariat for the Settlement of Refugees.

It is not necessary to enumerate all the investigations which members have undertaken on the spot or in the laboratories on the basis of programmes drawn up by the Commission. But reference may be made to the study of endemic malaria in the marshy deltas of the great rivers (Po, Ebro, Danube), experiments into the efficacy of certain anti-larval measures carried out in the Netherlands, and laboratory work in England on the conditions of infection of mosquitoes and the possibilities of their hibernation. This work has yielded valuable results with regard to the cure of general paralysis by malaria, and to the causes and prevention of malaria epidemics in the spring.

The Malaria Commission's recommendations for Europe caused a certain amount of surprise to experts of other continents where the problems of malaria take different forms. With a view to modifying its conclusions and making them applicable outside Europe, the Commission, in 1927, undertook a study tour in the United States. When this was completed, the Health Committee summoned at Geneva in June 1928 a General Conference to co-ordinate more completely the doctrines of the different continents. This was attended by the European members and correspondents of the Commission, and several distinguished malariologists from the United States and Eastern countries.

On the three questions of the anti-larval campaign, the epidemiology of malaria and the use of quinine, the Conference reached unanimous agreement and decided to recommend certain common principles to the Governments. It also drew up a programme of international studies to be carried out under the

auspices of the Health Organisation. These studies may possibly throw some light on various points which are still obscure.

In 1929, at the request of the Government of British India, the Commission visited the malarial regions of that country. The results are not only of considerable scientific interest, but are such as can be immediately put into practice in India and tropical countries.

Sleeping-sickness.

As soon as the Health Organisation came into existence, a Commission was appointed for the study of sleeping-sickness and tuberculosis in Equatorial Africa.

After ample documentation had been collected, representatives of the Colonial Ministries of the countries concerned met in London in May 1925 and agreed upon the health measures to be adopted along the frontiers of their African Colonies. These included a passport for natives, the standardisation of the methods of registration of cases of sleeping-sickness, etc. The Conference also sent an international commission to study on the spot certain problems relating to the epidemiology and treatment of the disease.

With the necessary funds furnished by the interested Governments, an international group of specialists started work in 1926–27 at Entebbe on Lake Victoria. The Commission collected scientific information of the highest value, and unanimously recommended certain practical measures for dealing with the disease, such as international agreements for the supervision of the movements of natives, their treatment, bush clearance as a preventive measure, etc.

In November 1928, a further Conference of Government representatives was held in Paris to consider the application of the Commission's report; it also drew up a programme of investigations to be carried out by the African laboratories and recommended the co-ordination of those investigations by the Health Organisation.

Tuberculosis.

In 1924, the Organisation was requested by the Yugoslav Government and the International Union against Tuberculosis to take up the problem of tuberculosis.

The first investigations showed the abundance of existing statistical information and the necessity for employing accurate

methods in the use of it. This information formed the basis for a preliminary enquiry into the causes of the decline in the tuberculosis death rate in various countries. In the report, attention was drawn to the complex nature of the factors of the disease, which makes it difficult to determine the precise value of the measures employed in the anti-tuberculosis campaign. Investigations were recommended for the purpose of ascertaining the relative importance of the various factors. As the Scandinavian countries possess reliable statistics over a long period, they were selected as the field of enquiry. Other epidemiological investigations undertaken at the same time showed the influence of urbanisation on the evolution of the tuberculosis death rate.

It has already been noted that epidemiological and health reports on tuberculosis in Equatorial Africa were drawn up in 1924 and 1925.

In 1928, a proposal was submitted to the Health Committee for the study of vaccination against tuberculosis by means of BCG (Calmette-Guérin method). In view of the practical importance of vaccination against tuberculosis and the divergent opinions about the efficacy of this method, a Technical International Conference, consisting of specialists, met in October 1928. Its three Sub-Commissions—clinical, veterinary and bacteriological—studied the effects of vaccination on children, cattle and laboratory animals. They found that the BCG vaccine was innocuous and they recognised its immunising efficacy. The Conference recommended the methodical vaccination of children so as to ascertain the efficacy of the vaccine and the duration of its effects; it drew up rules for the vaccination of cattle and recommended methods for ascertaining the fixity of the properties of BCG. Finally, it emphasised the necessity for entrusting the handling of BCG (culture, preparation and distribution of the vaccinal emulsions) to institutes of recognised standing. These investigations are in progress in a large number of bacteriological, pediatric and veterinary institutes.

Cancer.

Cancer, which to an increasing extent claims the attention of hygienists, was amongst the first subjects to be studied by the Health Organisation, and various aspects of this serious problem have been under investigation since May 1923.

The work began with an enquiry of a definitely international character. The Cancer Commission tried to discover the cause of the marked difference in the death rate from cancer of the breast and cancer of the uterus—forms which are comparatively easy to diagnose—in Great Britain, Italy and the Netherlands.

It was assisted by a Statistical Sub-Committee and came to the conclusion that these differences could not be explained by any statistical manipulations or by differences in the method of establishing the diagnosis after death. It was able to determine the relation between fertility and deaths from these two forms of cancer. It appeared that cancer of the uterus was less frequent among married than among single women. A clinical enquiry, carried out on uniform principles in the three countries, afforded opportunities for a comparative study amongst women cancer patients and control cases of the relative frequency of miscarriages, the influence of lactation, surgical traumatism, etc. It showed that a large proportion of women suffering from cancer did not resort to surgical treatment—at least one-third in the case of cancer of the breast—although such treatment is capable of prolonging life, on an average, for at least three years, and even for ten years under favourable conditions.

It was proved that approximately the same proportion of women suffering from cancer had had treatment in all three countries. It was thought, therefore, that racial characteristics might possibly be the ultimate cause of the variations in the death rate. The Commission accordingly turned to anthropologists, requesting them to make a detailed study of the geographical distribution of cancer in relation to the different ethnological types found in the various countries of Europe (*homo nordicus*, *alpinus*, *mediterraneus*). The experts attempted to apply to these racial studies the results recently obtained in regard to the geographical distribution of the blood groups. These researches, which took stock of existing ethnological knowledge, did not, however, lead to any definite conclusions, for lack of sufficient data. Generally speaking, *homo mediterraneus* would seem to be less subject to cancer than *homo alpinus* or *nordicus*, although the difference is not sufficient to explain the variations between the statistics of Italy on the one hand and those of England and the Netherlands on the other.

In any event, the data collected by the Commission on cancer mortality will be of undoubted value for testing future theories

on the causes of cancer, and the results of the clinical enquiry are a sound scientific basis for a campaign to enlighten general practitioners and the public.

In addition to surgical treatment, X-rays and radium are effective weapons against certain types of cancer. There is some difference of opinion about the value of these methods, largely due to the fact that radium and X-rays are differently applied.

To clarify the position, the Health Committee set up a Sub-Committee of Radiologists. The Directors of the Curie Institute at Paris, of the Gynæcological Clinic of the University of Munich and of the Radium Institute at Stockholm pooled their experience with a view to defining the technique of treatment and to adopting a uniform system of observation and a single nomenclature for the forms and stages of cancerous growths, so that the results of treatment in their Institutes or in other establishments taking part in this research might be accurately determined.

Another Sub-Committee studied the various forms of occupational cancer: weavers' cancer, cancer among workers employed in the chemical industry and in the extraction and treatment of radi-ferous ores. As a result of this investigation, it should be possible to protect workers more effectively and to furnish useful information on the underlying causes of the disease.

Smallpox and Vaccination.

In 1925, public opinion in some countries was alarmed on account of nervous lesions which occurred among children recently vaccinated against smallpox (post-vaccinal encephalitis). A Commission was set up to study the facts and to discover a method of preventing such accidents.

The public health services of the countries in which the accidents occurred were asked to furnish detailed information. The facts were then submitted to a thorough investigation. Particular attention was devoted to the methods of preparing, testing, distributing and applying vaccine lymph adopted by various vaccine institutes. The different methods employed to test the potency of the emulsions were compared and standardised.

This careful examination led to the conclusion that cases of encephalitis could not be attributed to the lymph, and that the method of preparation and the degree of potency had nothing

to do with the matter. The Commission's report gave evidence of the rareness of cases of encephalitis in relation to the number of vaccinations, and of the possibility of avoiding accidents by giving the first vaccination before the child is one year old—that is to say, before it has acquired any latent infection which might lead to post-vaccinal accidents. This opinion is particularly valuable, as the statistics of the Epidemiological Intelligence Service show very clearly the heavy incidence of smallpox in countries where vaccination is not compulsory.

The Eastern Bureau is also dealing with smallpox and co-ordinating the results of experiments with dry anti-smallpox vaccines.

Leprosy.

In Europe there are isolated cases of leprosy in certain Baltic and Scandinavian countries. But in South America and various Eastern countries it is a real social scourge; according to reliable estimates, there are no fewer than one million lepers in British India.

The Health Committee appointed a Commission of Experts which, in May 1928, gave its considered opinion on a question of capital importance—namely, the early diagnosis of the disease and its consequences.

Formerly, it was the rule—and it still remains the rule in many countries—to segregate the unfortunate victims of leprosy and even to imprison them for life in leper colonies. Through fear of this treatment, infected persons conceal their symptoms as long as possible; they help to spread infection and are no longer curable when finally discovered and taken to hospital.

The Commission advocated the more humane and more effective system of voluntary diagnosis and early treatment in out-patient dispensaries; at the same time, it recommended a campaign to spread the knowledge of prophylactic measures in the population.

It also decided upon an enquiry into the means by which the disease is communicated and the most satisfactory forms of treatment. For this purpose, the secretary to the Commission, an expert from the Pasteur Institute, made a study tour in 1929 in countries where leprosy is prevalent—in Europe, South America, British India, the Malay States, the Netherlands East Indies, the Philippines and Japan. He collected information and explained to local experts the views of the Commission.

Rabies.

Since Pasteur discovered how to prevent hydrophobia in people bitten by mad dogs, many institutes have been founded throughout the world to carry out his treatment. It was subsequently considered advisable to make some changes in the original method of preparing rabies cords for inoculation; these modifications vary with the institute and the country.

In 1927, the Health Organisation began an investigation into the results obtained by these various methods—to compare their prophylactic efficacy, the frequency of accidents due to their application, their cost and the possibility of using vaccines in places some distance from anti-rabies centres.

About a hundred institutes replied to the questionnaire of the Health Organisation.

An International Conference was held at the Pasteur Institute at Paris in April 1927, at which sixty representatives of Governments and anti-rabies institutes were present. A special commission discussed the nature of rabies virus, important contributions having recently been made to existing knowledge on the subject; another commission dealt with public health regulations and orders for international veterinary quarantine and recommended modifications corresponding to the present stage of scientific knowledge.

The report of the Conference, which contains a critical analysis of the information received and the conclusions reached, is a unique record of all that is so far known about rabies.

One of the results of this Conference was that the majority of the anti-rabies institutes adopted a method of uniform statistics which aids the comparison of results. In 1930, the Health Organisation published for the first time an analysis of these annual statistics covering more than 31,000 cases. There can be no doubt that the material so collected will within a few years afford a reliable basis for the application of certain elements in the treatment of rabies which are at present obscure.

Infant Mortality and Child Welfare.

Numerically, the mortality of children under one year of age is one of the outstanding features in the death rate; it accounts for one-tenth of the total number of deaths.

Preventive medicine can reduce this mortality very considerably. Prophylactic measures must, however, be adapted to the conditions prevailing in the different

countries and to the local causes of this mortality. In 1926, the Health Organisation called together experts to investigate the problem; they resolved to make an international enquiry on uniform lines to determine more accurately than is possible by means of official statistics the causes of deaths among children under one year of age in certain carefully selected parts of the world.

The enquiry was carried out in Austria, England, France, Germany, Italy, the Netherlands and Norway. In each of these countries, two urban districts were chosen, one with a low and the other with a high infant mortality rate, and two rural districts showing the same variations. Pediatricians were made responsible for local investigations and for the preparation of nomenclatures specially devised for the investigation; every precaution was taken to ensure the greatest possible accuracy and comparability.

The experiment was entirely successful. It showed that the largest number of deaths was due to still-birth and premature birth and indicated the effects of inadequate pre-natal and obstetrical treatment; respiratory diseases and gastro-intestinal affections only came second on the list of the principal causes of death.

With a view to eliminating respiratory diseases, the experts concentrated their attention on immunisation processes against the infectious diseases which are their primary causes: diphtheria, measles, scarlet fever, whooping-cough. The experience gained in different countries was carefully collected, compared and, in a sense, codified. The investigators were greatly assisted by the work done by the experts of the Commission on the Standardisation of Sera and by the Conference of Directors of Public Health Institutes; they also turned to account the research work on vaccination of children against tuberculosis.

The infant mortality experts likewise dealt with the question of the training of medical practitioners, midwives and nurses.

The enquiry on infant mortality in Europe placed such valuable data at the disposal of the European public health administrations that the South-American authorities were anxious to have the investigations extended to their countries. South-American experts were therefore called together in conference at Montevideo in 1927. An enquiry was organised in the Argentine, Brazil, Chile and Uruguay on the lines of the European investigation; a further conference met at Lima in 1930 and considered the possibility of extending the enquiry to the other South-American Republics. Apart from the technical results, these

investigations have been the means of establishing close co-operation between the experts of different countries.

Protection of the Blind.

At the British Government's request, the Health Organisation collected data on the welfare of blind persons and the prevention of blindness, with a view to enabling certain countries, by acquaintance with the provisions applied in other countries, to extend the scope of their legislation concerning relief.

In 1928, about thirty nations furnished the data requested; the International Labour Office gave its assistance on matters within its competence.

The report analysing these data contains valuable information on the number of blind persons in the world, the definition of blindness, the medical and accidental causes, protective legislation, facilities for the education and recreation of the blind and semi-blind, the occupations and professions open to them and the societies formed for their assistance.

Trachoma.

One of the outstanding causes of blindness —in fact the principal cause in certain Mediterranean districts and in hot countries—is granular conjunctivitis or trachoma.

This disease is of considerable significance from an international standpoint, because of its worldwide distribution and because of the restrictive measures against immigration which some countries have been obliged to take on that account.

The Health Committee, at the request of its Dutch and Italian members, made an enquiry into the incidence of trachoma, and it also undertook the publication of documents on the legislative, public health and medical measures adopted in different countries for the prevention and cure of this disease.

Standardisation of Sera and of Certain Remedies and Methods of Diagnosis.

In certain remedies, the doses of serum cannot be measured merely by weight, owing to possible variations in their chemical composition and therapeutic potency. To ensure their correct use, experiments are carried out on laboratory animals; the standard unit of the remedy is the quantity which will produce a given effect upon an animal of a given species.

Standards for one and the same drug or serum differ widely in different countries, and this diversity causes a great deal of

trouble to medical practitioners in countries which obtain their supplies from foreign sources: a doctor, for example, who is accustomed to administer 1,000 German units of a certain preparation to obtain a given clinical effect will only obtain negligible results with 1,000 American units, as the American units are one-third the size; this may involve serious risks for the patient.

The Health Organisation attaches the greatest importance to the definition and adoption of international standard units for therapeutic sera and for certain medical preparations. In 1921 and 1922, international conferences drew up a plan of work, and a Permanent Standards Commission was subsequently made responsible for the direction of research. It is not possible to enter into technical details here, but an explanation of the method of work adopted may be of interest.

After the standardisation of a particular serum or product has been decided upon, the Commission usually begins by preparing a detailed scheme of research, which is entrusted to a number of public or private laboratories. The results are communicated to the Serum Institute at Copenhagen, which acts as a central laboratory for the Health Organisation. When the Commission considers that the results of the experiments are such as to lead to definite conclusions, it summons the research workers to a conference, at which a compromise between any surviving differences of opinion is easily effected. In the rare case of difficulties remaining after this first meeting, the Commission draws up a new programme of supplementary research, and then summons a second conference at which unanimous agreement is invariably reached.

When a standard unit has been fixed and the methods of comparison have been meticulously determined, one of the large public laboratories, such as the Serum Institute of Copenhagen, the National Research Institute of London, the Pasteur Institute of Paris, the Hygienic Laboratory of Washington, or the Institute of Experimental Therapy at Frankfort, is made responsible for the preservation of the standard. This laboratory, acting on behalf of the Health Organisation, provides for the distribution of *standard units* to the various scientific laboratories, both Government and commercial, so that they may grade their products in *international units*, which the Governments are themselves requested to adopt officially in their pharmacopœiæ.

In the matter of sera, researches have been made with a view to the standardisation of anti-diphtheritic serum and diphtheritic anatoxin (the most efficacious remedies for the cure and prevention of diphtheria), anti-dysentery and anti-tetanus sera, cerebro-spinal meningitis and scarlet fever sera, and tuberculin

As regards medical preparations, the Health Organisation has determined the units of worldwide standards for insulin—the specific remedy for diabetes; digitalis—the cardiac tonic *par excellence*; rye ergot and pituitary extract—obstetrical drugs; extract of male fern and oil of chenopodium—valuable vermifuges.

It has also established standards for arseno-benzenes and their derivatives, which are the most effective weapons against syphilis.

Another particularly notable piece of work on standardisation has been carried out in regard to syphilis. To diagnose this disease, a test is made of the blood serum of the patient, in addition to the clinical examination. The original processes of sero-diagnosis named after Bordet and Wassermann were followed by several others based on the same principle, and more recently by new methods founded on the principle of flocculation. As these different processes sometimes produced inconsistent results, it was necessary to compare the relative specificity and sensitiveness of the various reactions so that doctors would not be misled.

Two laboratory conferences held in 1923 and 1928 gave an opportunity to the inventors of new or improved sero-reactions to meet. At the 1928 Conference, conclusive experiments were carried out by sixteen specialists on 950 specimens. Any doubts as to the respective merits of the various techniques would now appear to be dispelled.

Apart from their purely scientific results, these conferences had the advantage that scientists of various nationalities who might otherwise have considered themselves as rivals were able to work side by side in a genuine spirit of co-operation.

Co-operation between Insurance Organisations and Public Health Services.

The adoption by an increasing number of States of more or less adequate systems of social insurance has drawn attention to the social and financial burden imposed upon the community by disease and to the expediency of eliminating as far as possible the diseases which are preventable.

The Governments have organised their public health services for this purpose. As, however, the appropriate budgetary estimates are in most cases inadequate, attempts were naturally made to enlist the co-operation of the insurance organisations in the preventive work by which they necessarily benefit.

In order to study possible methods of such co-operation, the Mixed Commission, consisting of representatives of insurance organisations appointed by the International Labour Office and of medical officers appointed by the Health Organisation, was established in 1927. Mixed Sub-Commissions were set up to deal with the different branches of the work—education of the insured in hygiene, maternal welfare, infant welfare, prevention of tuberculosis and prevention of venereal diseases. The Sub-Commission of Social Medicine studied the practical results of various forms of co-operation during a study tour in Germany and Austria.

This research, which is greatly complicated by the importance of the interests involved and by the variety of the national institutions, has produced instructive results, which may at a later date facilitate the rationalisation and expansion of public health work in countries with a social insurance system, and thus avoid the regrettable lack of contact which so often exists between curative and preventive medicine.

Co-operation with Other Organisations of the League of Nations.

Social insurance is not the only subject in which the International Labour Office has co-operated with the Health Organisation. The same method was adopted for research in connection with malignant pustule or *anthrax*, a serious affection to which workers handling infected skins are exposed.

The two organisations make joint arrangements for study tours by industrial medical inspectors.

Within the League itself, the Health Organisation is co-operating with the Advisory Commission for the Protection and Welfare of Children and Young People, the Transit Organisation (sanitary conventions), the Economic Organisation (veterinary questions), the High Commissioner's Office for the Settlement of Bulgarian Refugees (campaign against malaria and syphilis amongst Bulgarian refugees). The Health Committee and its experts furnish the Opium Commission with technical advice as to the legitimate medical requirements of the world in narcotics

and the advisability of bringing any new drug within the scope of the International Convention on the Traffic in Drugs, etc.

Co-operation between the Health Organisation and the Public Health Authorities of Various Countries.

The public health authorities of all countries benefit from the work of the Epidemiological Service of the Health Organisation and from the experience of its technical committees; they can also at any time request the Health Organisation to place experts at their disposal to carry out specific tasks, and they have in fact done so. Sometimes an opinion is required on measures to cope with malaria, syphilis or an epidemic of dengue, and sometimes the request is for advice on the re-organisation of the public health administration of a whole country. Such requests have recently been received from Greece, Bolivia and China.

As soon as the Council had, in December 1928, approved the co-operation of the Health Organisation in the re-organisation of the public health service of Greece, the Committee despatched experts to collect data on the spot and to carry out the preliminary enquiries; when that was completed, the experts were joined by a delegation from the Health Committee which, in agreement with the Greek authorities, drew up a plan for the re-organisation of public health work in Greece. Their programme provided for the establishment of a public health service and a school of hygiene, and these bodies began work almost immediately in certain districts. The number of districts in which the new system is applied will increase as soon as competent workers have been trained, and within a few years the new organisation will cover the entire country. By way of assistance during the initial stages, a number of Greek public health officials have received grants from the Health Organisation to study abroad.

In August 1929, the President of the Bolivian Republic applied to the Health Organisation for assistance in re-organising the public health service of Bolivia. Two experts were sent to make a preliminary enquiry, and the work of reform is now being carried out.

In September 1929, the Chinese Government asked the Secretary-General of the League to send a committee of experts from the Health Organisation to study the public health service

of the ports and the quarantine system. The Medical Director and one expert went to China in response to this invitation and drew up a plan for co-operation with the Chinese officials in the thorough re-organisation of the quarantine system and in the creation of medical and public health centres, which will make it possible gradually to improve the public health system of the Chinese Republic.

* * *

In all its undertakings, the Health Organisation has fully observed the principle of co-operation between all nations, as laid down in the Covenant of the League. Its work responds to the universal need for the prevention of disease, which is felt more or less acutely in all countries and in all continents. It has extended its activities to all parts of the world—to the Far East and to America, to Africa and to Europe—and the results obtained during the past ten years are of good augury for the future.

CHAPTER VIII

SOCIAL AND HUMANITARIAN ACTIVITIES

Emergency and Relief Work—Slavery—Traffic in Women and Protection of Children—Traffic in Opium.

THE League of Nations emerged from a world torn, exhausted and embittered by the Great War. So acute and widespread was the distress that the Peace Conference set up the Supreme Council of Economic Relief and then the Supreme Economic Council, which in turn gave rise to the International Relief Credits Committee; as its name implied, this was an international and not an inter-Allied body. Through these organs, through the work of great private organisations—particularly the International Committee of the Red Cross and the League of Red Cross Societies—and through direct individual action, the Governments able to do so poured hundreds of thousands of pounds' worth of food and stores into the stricken countries of Central and Eastern Europe. In spite of the scale and promptness of these measures, the need was so great and so urgent that they could do little but remove the worst dangers arising from the widespread distress.

It was against this background and in these conditions that the League began to function. It was natural, therefore, that the States Members of the League should find it easiest to co-operate in the beginning on social and humanitarian matters where their common interests were evident and where antagonisms born of the war and its aftermath were least felt. It was equally natural that, in this field, they should begin with emergency or relief work, such as rescuing war prisoners and refugees and combating the invasion of epidemics from Russia, and should go on from this to what might be described as the permanent categories of social work. In doing this work, the League has developed the appropriate machinery—sometimes temporary and sometimes permanent—and found methods of co-operating, not only with other League organs and with institutions such as the International Labour

Organisation, but with individual Governments and private and semi-official organisations both national and international. Here, as in other League activities, the roots of international co-operation may be traced far into the past, and the civilised nations have merely taken up through the League, on a wider scale, with fresh vigour and with more effective machinery, matters on which they had recognised their common interests long before the war.

I. Emergency and Relief Work

It will be convenient not to adhere rigidly to chronological order in describing the emergency and relief work of the League of Nations, but to dispose first of the matters in which the League's intervention was brief and subsidiary to the activities of other agencies, and then to describe the work carried on wholly or primarily under the League's responsibility, which in its turn merges into the permanent categories of social endeavour in which the League is still engaged.

The League came into existence in January 1920. Within a month, the Council was faced with the urgent necessity of meeting the danger from typhus, the louse-borne disease which the filth and misery of the war had spread in great epidemics in Eastern Europe, and which now, borne on a wave of returning refugees, threatened to break through the hastily improvised defences of the States being formed on the flanks of Russia. In this emergency, the Council appealed to the Red Cross and took certain steps leading to the formation of the Epidemic Commission, which was later attached to the League Health Organisation.[1]

In February 1920, too, the Council set about rescuing the war prisoners scattered through the wastes of Russia and Siberia, and succouring the millions of refugees who had lost their all in the turmoil of war and revolution, and who constituted a grave problem for the war-stricken countries to which they had fled. The repatriation of war prisoners and the work of the League to help refugees, which is not yet at an end, are described below.

[1] See Chapter VII, "Health Organisation."

Relief in Central Europe.

The Council meeting, which started the work of the League to combat epidemics and help war prisoners and refugees also took up, with the President of the International League of Red Cross Societies, the importance and urgency of organising an effort to deal with the ravages inflicted by disease upon the underfed populations of Central Europe. The League of Red Cross Societies replied that it was impossible for them to take up the matter until the Governments of the world found means to provide the necessary foodstuffs, clothing and means of transport, but that they would prepare plans for the further development of relief in Central Europe and address a general appeal to all the nations of the world for the necessary material, personnel and funds upon receiving an assurance from the League that the Governments of the world would give the necessary help. The Council assured the Red Cross Societies that the required help would be forthcoming through the International Committee for Relief Credits, and urged them to proceed with their plan and appeal. A year later, the Council was instrumental in getting the International Committee of the Red Cross and the League of Red Cross Societies to form a Joint Council in order to prevent overlapping and waste of effort, and to secure the undivided assistance and support of the Members of the League. In June 1921, the Council noted that the Joint Council had been formed, and urged all the Governments Members of the League to give it the necessary assistance by: (1) free transport and exemption from Customs duties of all supplies sent to the Joint Council for Distressed Areas; (2) opportunity for the local purchase of foodstuffs and primary necessities at the lowest prices; (3) transport facilities for agents of the Joint Council; and (4) provision by Governments for the Joint Council of such public buildings as might be available for the housing of children and sick persons.

The First Assembly, in December 1920, asked the Council to consider how the moral authority of the League could best assist and support the urgent work of rescuing children in the countries affected by the war. At that time, it will be remembered, children in some parts of Europe were actually suffering starvation for lack of milk, fats, sugar, etc., and the "Save the Children" Fund and other societies were arranging

relief. The Council of February 1921 noted that this relief work was being effectively done, and decided that there was no occasion for the League to take an active part, but confined itself to urging support for the activities of these organisations by all countries.

The Russian Famine.

At the time of the great Russian famine, in 1921–22, the Second Assembly, after discussing proposals submitted by Dr. Nansen, drew attention to the urgent necessity for fighting the famine and appealing to private organisations; it hoped that Governments would aid such organisations, considered that the relief work should be extended to the Caucasian Republics, noted that an International Conference was to meet at Brussels on October 6th to concert action against the famine, and suggested that Governments might make gifts in kind from the liquidation of their war stocks. The Assembly called upon the Epidemic Commission to combat infectious diseases in Russia and the Caucasus, and thanked His Holiness the Pope for the message in which he drew the attention of the Governments assembled in Geneva to the unhappy plight of the famine-stricken areas in Russia and the urgent need for assistance.

Some months later, in March 1922, the Norwegian Government, through Dr. Nansen, proposed to the League Council that a Commission of Enquiry should be appointed to examine the economic effects of the famine. This proposal was referred to the Genoa Conference, at which the Soviet Union was represented.

Some hundreds of thousands of pounds of old war stocks were sent to Russia, and several Governments made direct contributions to the private organisations engaged in famine relief work. It is not of course possible to estimate how much of this action was due to the discussions and resolutions of the Assembly.

Famine in Albania.

In March 1924, the Albanian Government, in an appeal to the Council of the League, stated that, as a result of the ravages caused by the Great War, followed by two successive bad harvests, the mountainous regions throughout the whole of North and North-Eastern Albania, with a total population of about 200,000, had been reduced to a state of

famine. It appealed to the generosity of the Members of the League to prevent further loss of life. The Council allotted 50,000 Swiss francs from the item for unforeseen expenditure in the Budget to take immediate steps, and urged the Members of the League to give assistance. The Council appointed Professor E. Pittard (of the University of Geneva), on the nomination of the Joint Council of the International Red Cross Committee and of the League of Red Cross Societies, as Administrator in Albania responsible for the employment of the relief funds. The following contributions were received and used to relieve the famine:

From Members of the League:

Czechoslovakia . . .	£500.
Italy	500,000 lire.
Great Britain . . .	£5,000.
Spain	10,000 pesetas.
Sweden	10,000 Swedish crowns.
Roumania	25 truck-loads of maize.

From other sources:

Some citizens of the United States of America . .	$10,000.
International "Save the Children" Fund . . .	£600.
International Red Cross . .	5,000 Swiss francs.
Roumanian Red Cross . .	10,000 lei.
Italian Red Cross . . .	Clothing and medicaments.

Repatriation of War Prisoners.

Early in 1920, there were still some half-a-million war prisoners awaiting repatriation in Europe and Asia, of whom more than half were Austrians, Hungarians and Germans, in prison camps scattered about the wastes of Russia and Siberia. The prisoners in Russia and Siberia were suffering fearful hardship from dirt, disease (typhus), famine and from various effects of the civil war and other disturbances. Many private organisations were doing what they could to relieve the misery of the war prisoners; the International Red Cross Committee, the American Red Cross, the Scandinavian Red Cross, the League of Red Cross Societies and the International

Young Men's Christian Association were particularly active. But their efforts were powerless to cope with the evil. The task was too great and their efforts were too scattered. The situation, far from improving, became worse with every month. At length it reached such a pass that, in one official report, it was considered that, in the course of the next winter, the majority of the prisoners who had remained in Siberia would probably die, and various estimates put the number at between 120,000 and 200,000.

It was in these circumstances that the Supreme Economic Council, in February 1920, invited the Council of the League to undertake the repatriation of war prisoners. In April 1920, the Council entrusted Dr. Nansen with this task. The difficulties of transport, of negotiation with all the Governments concerned and of overcoming their mutual fears and suspicions were so great and the resources so meagre that a less intrepid spirit than Dr. Nansen's might well have been daunted. But, as was declared in the report adopted by the Third Assembly:

> "No appeal was ever made in vain to Dr. Nansen's active love of humanity. . . .
>
> "Everything was lacking, but Nansen's fertile genius improvised all. There were no ships and the transport crisis was at its height; Nansen found ships. The mistrust of the Soviet Government had to be surmounted and Nansen secured its good-will. The International Committee for Relief Credits could only furnish limited sums —less than one pound for each life saved, and that only in the form of loans. Nansen secured so much help, so much good-will, so much co-operation that mere lack of money could not stop him.
>
> "One month after his appointment as High Commissioner, the transport began. On September 15th, 100,000 men had already returned to their native countries. In June 1921, this number rose to 350,000 and the work of rescue was three-parts accomplished. In March 1922, there remained but a few hundred stragglers, some four thousand, who were often difficult to reach and were not in all cases anxious to return. On this account the activities of repatriation organisation were maintained until

July 1st. The few hundred men who have not availed themselves of this opportunity may now be repatriated through the ordinary channels.

"In all, 427,386 persons belonging to twenty-seven different nationalities have been restored to their homes, thanks to the efforts of the High Commissioner of the League of Nations, assisted by the International Red Cross Committee and the other benevolent organisations to which we have referred.

"It is to be hoped that the story of this great enterprise will soon be written. It would contain tales of heroic endeavour worthy of those related in the accounts of the crossing of Greenland and the great Arctic voyage. It would show what human kindness can achieve when it is united with an indomitable will."

The Governments represented on the International Relief Credits Committee contributed in cash to the work of repatriation as follows:

Great Britain . . .	£168,000 plus £55,000.
France	£65,000.
Netherlands . . .	£45,000.
Switzerland . . .	£48,000.
Norway	£17,500.
Sweden	£10,000.
Denmark	£18,750.

The Governments of France, Norway, Sweden and Denmark also made contributions in kind.

The prisoners from Russia and Asia were repatriated by three different routes: one over the Baltic, the other through the Black Sea and the third from Vladivostok.

The Greek Government were persuaded to release some Bulgarian war prisoners they had held owing to the detention in Bulgaria of Greek children who had been taken by the troops of that country during the war. When this exchange had been effected, a further difficulty arose owing to the detention by the Greek Government of a number of Turkish prisoners returning from Vladivostok on a Japanese ship. The Greek Government considered that these Turks, who had been captured in the Great War by the Imperial Russian Army and interned in prison camps in Siberia and thence repatriated

around half the world by Dr. Nansen's organisation, might be used against them in the war then going on between Greece and Turkey. However, on Dr. Nansen's organisation securing pledges from the Angora and Constantinople Governments that these men would not be used in any regular or auxiliary forces, the Greek Government very generously released them, and this shipload of Turks was allowed to go quietly home after a long and weary Odyssey in which they had suffered five years' captivity, had lived through a revolution, had been made war prisoners twice over and had travelled clear across Asia by both land and sea.

Among the prisoners were a few civilians and a number of Russians in Eastern Germany, Czechoslovakia, Austria and Hungary. The repatriated prisoners included, indeed, no fewer than twenty-seven different nationalities—a striking illustration of how the Great War mixed together men from all over the world and flung them to the ends of the earth in a strange confusion. The twenty-seven nationalities were :

> Argentinians, Americans, Armenians, Austrians, Belgians, British, Bulgarians, Czechoslovaks, Danes, Estonians, French, Germans, Greeks, Hungarians, Italians, Japanese, Letts, Lithuanians, Poles, Roumanians, Russians, Spaniards, Swedes, Swiss, Turks, Ukrainians and Yugoslavs.

The Problem of Refugees.

Revolution, civil war and intervention in Russia had driven out of the country nearly two million men, women and children, old and young of every class and walk in life, and scattered them over all Europe and Asia. Some were civilians who left after the March and October revolutions. But many were broken remnants of the armies of Kolchak, Denikin, Yudenich, Wrangel and other White leaders. Hundreds of thousands of Russian refugees fled to Germany, Poland and the Baltic States, Roumania, Czechoslovakia, Yugoslavia, Austria, Bulgaria, Greece, Turkey and China. Some had means or influential connections, but the great majority were utterly destitute and depended upon charitable aid to keep them from starvation. The situation was aggravated by the fact that the countries to which they fled were themselves suffering from acute economic depression, unemployment and the pressing problems of reconstruction after the war.

Therefore, although the refugees were generally able and anxious to work, it was next to impossible to find employment for any considerable number. Nor could they travel to look for work, for they had no legal status and could not therefore obtain the permission of Governments to enter or leave their territory.

A number of private organisations were doing their best to cope with the situation. Among these may be mentioned the International Committee of the Red Cross, the League of Red Cross Societies, the American Relief Administration, the American Red Cross, the International "Save the Children" Fund, the Russian Relief Association, the Jewish Colonisation Association and other bodies.

In February 1921, the International Committee of the Red Cross suggested to the Council of the League that it should appoint a Commissioner for Russian refugees, who should do for the refugees what Dr. Nansen had so successfully undertaken on behalf of prisoners of war. The League High Commissioner's duties should include: (*a*) the definition of the legal position of the refugees; (*b*) their repatriation to Russia or employment outside Russia; and (*c*) the co-ordination of the efforts already undertaken for their assistance. After certain preliminary enquiries and studies by the Secretariat, the Council, in June 1921, decided to appoint a High Commission to co-ordinate the action of Governments and private organisations for the relief of Russian refugees, and summoned a Conference in August attended by ten Governments and representatives of the principal private organisations. The Conference recommended co-operation with the International Labour Organisation in preparing a census of refugees and their classification according to profession as the first step to finding them work. It also recommended the provision of passports or equivalent identity papers and travelling facilities for refugees, and asked Governments to supply the High Commissioner with full information regarding the possibilities of employment in their countries, with the aid of the International Labour Organisation. Those refugees who so wished should be assisted to return to Russia.

In September, Dr. Nansen accepted the post of High Commissioner and immediately set about the preliminary measures proposed by the Conference. A census was undertaken

with the help of the International Labour Organisation; Russian refugee offices were set up at Athens, Belgrade, Budapest, Bucarest, Constantinople, Helsingfors, London, Paris, Riga, Sofia, Vienna, Warsaw and other centres, and labour exchanges organised in as many places as possible.

But, while the first steps were being taken and the machinery built up for dealing with the problem, a sudden crisis arose at Constantinople owing to the threatened withdrawal of further support by the French Government and the American Red Cross, which hitherto had been feeding some 25,000 refugees. Dr. Nansen overcame numerous difficulties, secured further support from the French Government, and raised emergency funds with which he shipped 400 tons of rye to Constantinople. The American Relief Administration and the American Red Cross then undertook to continue feeding the refugees for four months and to contribute 25,000 dollars towards transporting them to countries where they could find work, if the League found a sum of £30,000. The major portion of this sum was raised by an offer of £10,000 from Great Britain and a further contribution from the American Red Cross and from Governments. In due course, 25,000 refugees from Constantinople were found work in America, Austria, Belgium, Bulgaria, Czechoslovakia, Germany, Hungary and Yugoslavia. A thousand found work locally and the crisis was tided over, although for some years the problem of refugees in Constantinople continued to be acute. Indeed, as Dr. Nansen's report to the Fifth Committee of the Fourth Assembly in September 1923 put it:

> "During the last few years, three separate hordes of miserable human beings—170,000 Russians, 75,000 Turks and 166,000 Greeks and Armenians—driven from their homes by fear of death, weakened by epidemics and deprived of their power of economic production, have descended upon Constantinople, which, under the Allied occupation, at least offered them a certain amount of security."

The Russians, although the first, were not the only human wreckage cast ashore after the Great War. In the summer of 1922, with the Turkish victory in Asia Minor, and in the next year, with the expulsion by Turkey of foreigners, a million and

a-half Greeks, 300,000 Armenians and 30,000 Assyrian, Assyro-Chaldean and Turkish refugees proscribed by the Angora Government were suddenly flung on the shores of European Turkey (then in Allied occupation) and Greece, or driven into Syria. The refugees, in 1922, were for the most part destitute, and their sudden arrival and pitiable condition put a terrific strain on the resources of Greece and Constantinople. An urgent appeal was wired by the Greek Government to the Fourth Assembly, which immediately voted 100,000 gold francs for emergency measures, and requested Nansen's relief organisation to deal with the crisis. Camps and soup kitchens were organised, food and medical aid rushed to the spot, shipping provided to bring refugees from Constantinople to Greece and, in a few weeks, thanks to the joint efforts of the private organisations and the League, the refugees were saved from starvation and epidemics, and it became possible to take up the task of settling them permanently.

A third minor crisis arose when the Angora Government took over Constantinople and, in pursuance of its policy with regard to foreigners, put pressure on the remaining Russian refugees to leave the country.

It would make too long and involved a story to describe in detail how the work of refugee aid and settlement had to make its way against varying policies of a number of different Governments, with a constant struggle for funds, with difficulties among the refugees themselves, and against the general background of the apathy and economic depression of the post-war years. But a brief account may be given of the general lines on which the work proceeded, of the particular measures taken with regard to each class of refugees, and of the situation as it appeared to the Tenth Assembly in September 1929.

The machinery was built up for the Russians, but was extended to all categories of refugees. The League was, however, able to do more for the refugees which had countries (Greece) or communities (the Jewish) willing and able to take care of refugees of their own race or nationality. For the first three years, the High Commissioner was responsible to the League and enjoyed the assistance of the International Labour Organisation. Between 1924 and 1928, the problem appeared to be one chiefly of employment and migration, so the technical part was transferred to the International Labour Organisation,

with assistance from the League through the High Commissioner on matters relating to passports, legal protection and finance. In 1928, the Ninth Assembly, at the request of the International Labour Office, decided that the remaining work should be taken over by the League acting through the High Commissioner, who should be aided by an Advisory Commission composed of twelve Government representatives appointed by the Council of the League, with technical experts appointed by the Governing Body of the International Labour Office and by private relief organisations.

From the beginning, the High Commissioner's work has been limited by the funds available through Governments and private organisations. A revolving fund has been constituted out of which refugees receive loans made for transport to a country where they can find work and for settlement in new employment. The refugees pay back the sums lent them by instalments as soon as they become self-supporting. By an extension of this system, an inter-Governmental Conference in May 1926 recommended that self-supporting refugees should buy a revenue stamp of 5 gold francs (a so-called "Nansen stamp") which was affixed to their identity certificate or permit to stay in the country or whatever paper the refugees possessed to establish their status. The proceeds from these stamps are paid into the revolving fund and are its principal source of revenue. In this way, the refugees who have been helped contribute to the rescue of others less fortunate.

By the end of 1929, fifty-one Governments had adopted the standard form of identity certificate (Nansen passport) issued by each Government to refugees (Russian, and later Armenian) in lieu of passports. A series of conferences summoned by the League Council in 1922, 1924, 1926 and 1928 developed and defined this system, as well as property and other civil and legal rights of refugees, and a number of Governments gave certain powers to the representatives of the High Commissioner on their territory and worked in co-operation with them to issue papers to refugees establishing their civil status.

Educational and training facilities have been provided wherever possible to fit refugees for employment and to take care of children and young people. Land has been taken up and model farms started to give practical training in agriculture.

The most comprehensive assistance was that given to Greek refugees, where the League's efforts were auxiliary to those of the Greek Government. It is difficult to exaggerate the immensity of the problem that faced Greece when she had to assimilate a million and a-half refugees, that is between a quarter and one-third of the total population (five millions) of the country. This is as though France, with forty millions population, were to be faced with the necessity for absorbing a sudden influx of twelve million Frenchmen, for the most part destitute and in lamentable sanitary conditions. The Refugee Organisation did a great deal to provide transport, food and emergency relief and to get the refugees settled in camps. The League Health Organisation assisted in organising a campaign of vaccination and inoculation which prevented any serious outbreaks of epidemics. Finally, with the help of the Economic Organisation, a refugee settlement scheme was devised, a big international loan was raised and the work of settlement was undertaken on a national scale, under the auspices of a Refugee Settlement Board responsible to the League and co-operating with the Greek authorities. The financial details of this scheme are given in another chapter.[1] The full story of the Greek refugee settlement is given in a book written by Mr. Charles P. Howland (at one time Chairman of the Greek Refugee Settlement Board) and published by the League of Nations. The result of the absorption and settlement of these refugees (to which must be added the Greeks who had entered the country in pursuance of the Greco-Turkish and Greco-Bulgarian agreements for the exchange of populations), in creating national unity and in restoring and enlarging national prosperity is summarised in the following quotations from Mr. Howland's account:

> "The large refugee quarters at Athens, the Piræus and Salonika are genuine towns with twenty or thirty thousand inhabitants. The huge squares which have been designed, and on to which on holidays the cafés, restaurants and cinemas disgorge their public, offer a very animated picture with the arrival and departure of the motor-buses, which ensure frequent communication between the settlement and the centre of the town.

[1] See Chapter V, on the economic and financial activities of the League.

"It is hard to believe that these decently dressed men and women, full of life and with something to spend on their amusements, are the same who landed on the shores of Greece three years ago naked and starving and in many cases carrying in their arms dead children whom they did not know where to bury. . . .

"There are, in the history of every century and of every nation, moments at which the crises arising out of profound internal upheavals or cruel defeats reach their highest point: these are the moments at which is heard in the depths of the masses the dull echo of hunger and destitution. Four years ago, Greece knew moments such as these when, vanquished, weary and ruined, uncertain of her path and of the morrow, she received in her midst the enormous mass of homeless wanderers. At this tragic turning-point in her history she appealed to the League of Nations and from it obtained the assistance which enabled her to undertake her social restoration by the settlement of hundreds of thousands of individuals who had come to seek their daily bread and the hospitality of a sheltering roof.

"Greece did not stop there. Side by side with the Settlement Commission, the Government and the country joined forces in a work of reconstruction. . . .

"The full results of the work of settlement will not be felt until after four or five years, when the period of creation is complete and the work of settling down is concluded. Only then will it be possible to determine the influence exercised by the immigrant population on the tendency and progress of economic life in Greece, and only then will the country itself understand what it has gained by the addition of this fresh element and what additional riches and strength this element has brought with it.

"The early effects are already visible: peopling of the country districts, extension and improvement of crops, increase in national production, both agricultural and industrial. In the capital, as in the provincial towns, new industries are springing up and trade is recovering, despite certain financial and fiscal difficulties.

"The work of settlement has also been of great moral effect. It has restored confidence in the country, it has

re-established faith in the heart of a people where dismay and demoralisation once reigned.

"The economic restoration has quite naturally brought about the moral regeneration of the whole country, a fact which proves that defeat, if borne with courage and dignity, can be a greater stimulus towards progress than victory. . . .

"There is yet another point. All through Northern Greece beyond Olympus, in those regions which constitute the backbone of the national organism, the settlement of the refugees means a stability and security hitherto unknown. The Macedonian country had long been the theatre of keen nationalistic conflicts; the wars in their turn made of it a battlefield. The arrival of the refugees first gave the inhabitants the feeling of a lasting peace without which the development of the country's wealth would have been impossible. . . . From the Rhodope to the Pindus, agricultural settlements cover the country, proclaiming to the traveller that the Macedonian drama is at an end. The sad past remains but a memory."

It was far more difficult to give effective help to the Armenians, for in their case it proved difficult for the League to establish effective contacts with their country. At the Peace Conference, Armenia figured as a sovereign republic in the Treaty of Sèvres. But this Treaty was never ratified by Turkey and was eventually superseded by the Treaty of Lausanne. The Republic of Erivan was formed in accordance with the Sèvres Treaty and, when it was already in a precarious condition, appealed for membership of the League at the first Assembly in November–December 1920. Before the end of the session, the Republic of Erivan had disappeared and was replaced by a Soviet Government which was associated with Soviet Russia on the basis of an agreement between Turkey and that country. For some years the High Commission for Refugees attempted to arrive at an arrangement whereby Armenians could be settled in the Soviet Republic of Armenia. For this purpose, Dr. Nansen himself travelled through the country and, after endless difficulties and negotiations, devised an arrangement providing for a loan with a settlement scheme. Soviet Armenia declared £300,000 the minimum necessary

for making the scheme feasible. £155,000 and various facilities in the shape of transport, supplies in kind, etc., were obtained by Dr. Nansen, but it proved impossible to make up the whole sum or to get agreement with Soviet Armenia on the possibility of starting the scheme with the funds in hand. The Tenth Assembly therefore decided that, for the present, the scheme must remain in abeyance, but requested the High Commissioner to keep in touch with the movement among Armenian organisations abroad to repatriate Armenians, with a view to reviving the scheme if and when conditions appeared favourable.

The League was able to do more, at the invitation of, and in co-operation with, the French Government, to help the contingent (some 90,000) of the 300,000 Armenian refugees who had fled to Syria. The High Commissioner was aided by a joint Armenian sub-committee which drew up settlement schemes and constituted a special revolving fund to which both the French and the Lebanon Governments (under the authority of the French Syrian mandate) each contributed £25,000. Some 40,000 of these refugees were living in camps at Aleppo, Alexandretta and Beyrout, in the most precarious conditions. By the end of 1929, 12,000 of them had been or were being established in agricultural and urban settlements, and arrangements had been made for the full execution within four years of the plan drawn up in consultation with the mandatory authority for the settlement on the land and in towns of the 28,000 refugees still remaining in camps.

Thanks to the efforts of the League, through the High Commission and with the help of the International Labour Organisation and various Governments and private organisations, the Assyrian, Assyro-Chaldean and Turkish refugees are gradually being settled in the Near East, or, through the facilities given by identity cards, are finding means to emigrate to countries where they have relatives or friends or are in a position to support themselves.

Of the 90,000 Russian refugees at Constantinople, whose situation in 1921, 1922 and 1923 had caused the representatives of the Governments at Constantinople such grave anxiety and inspired their appeal for the High Commission's active intervention, 30,000 had been transferred to forty-five different countries, at a cost of about 30 shillings per head, and the departure of the majority of the remainder had been facilitated

in various ways. Furthermore, about 6,000 refugees of the Denikin evacuation, who had up to then been maintained by the British Government at a cost reported to reach the sum of over £250,000 for 1921 alone, were taken over by the High Commission, which settled them in employment during 1922 for a total expenditure of about £70,000. This is not the only example of the amounts saved to Governments by the League in the matter of refugees. The cost to the Governments of the refugee problems may be gauged by the fact that, as late as 1925, the Armenian and Russian refugees in Bulgaria, Czechoslovakia, Estonia, Finland, Greece, Latvia, Poland, Switzerland and Yugoslavia alone were costing the Governments concerned 20 million gold francs per annum.

The refugees have been placed all over the world from Australia to Yugoslavia, but mostly in France, thanks to the co-operation of the Ministries of Agriculture and Labour with the International Labour Organisation and the High Commission of the League.

The major portion of the refugees transferred to France have been placed on industrial and agricultural contracts, and it is an interesting indication of the satisfactory way in which this movement has developed that, in 1929 alone, French employers advanced half-a-million francs to enable refugees to take advantage of the contracts offered to them.

Another satisfactory feature of the refugee settlement work in France is the steady increase in the number of refugees established on *métayage* and similar contracts. This work is carried out in close co-operation with the *Office de la Main-d'Œuvre et de l'Immigration agricole* of the French Ministry of Agriculture and with the Russian Refugee Agricultural Commission, and, in order that the refugees may be protected as far as possible from failure arising from their ignorance of the French language and agricultural conditions, a service of Russian-speaking agricultural inspectors has been arranged, in agreement with the Ministry of Agriculture, which advises the refugees in the management of their farms.

Over 1,000 refugees were transferred to South America, and these have been attracting a steadily increasing number of relatives and friends; this cumulative increase was particularly noticeable during 1929. By the end of 1929, there were only some 180,000 out of a total of well over two million refugees

still unemployed. Unfortunately, at least half of these refugees, although physically fit, require special training before they can undertake agricultural or industrial employment, and there is a further 70,000 who are invalids, old people or children.

By the end of 1928, the Ninth Assembly thought the work was so near completion as to make it possible to foresee its speedy conclusion by the naturalisation or repatriation of the remaining refugees.

But the Tenth Assembly, in September 1929, after going carefully into the situation, decided that such a course was not possible, for, on the one hand, States must have the right to say who should become a citizen and, on the other, refugees could not be forced to accept a change of nationality or to return to their country of origin if this was against their wishes. The Assembly considered, however, that the existing plans and arrangements made it possible to contemplate the completion of the work of settlement and relief within the next ten years.

Deported Women and Children.

In the course of the protracted military operations in the Near East, many women and children were taken from their homes and removed by their captors to the interior of Asia Minor. On the initiative of Miss Forchhammer, the Danish woman delegate, the First Assembly, in December 1920, invited the Council to appoint a Committee of Enquiry to investigate the situation regarding women and children deported by Turkish forces in Armenia and Asia Minor. The enquiry was limited to these areas because they contained the great bulk of the deportees and because, by Article 142 of the Sèvres Treaty (which it was then still believed Turkey would ratify), the Turkish Government had undertaken to give every assistance in the search for and deliverance of all such persons.

By the time the Council met in February 1921, it was clear that this Treaty would not be ratified, and the conditions in the territories concerned made it extremely doubtful whether they could be visited or whether a Commission despatched to them could collect any useful information. The Council accordingly appointed three persons already on the spot: namely, Dr. Peet, later replaced by Dr. W. E. Kennedy, who was representing the Armenian (Lord Mayor's) Fund and various private organisations in the Near East; Miss Emma Cushman (American),

of the Robert College in Constantinople; and Mme. Gaulis, who could not accept and was replaced by Miss Karen Jeppe (Danish), who had worked for many years in Syria for various Danish organisations and was well acquainted with the Turkish and Armenian languages.

By the time the Second Assembly met in September 1921, this Committee had reported that some 90,000 Armenian women and children had been reclaimed, but that an equal number—mostly Armenian, but including Greeks and Syrians—remained in Turkish orphanages and harems. The Committee also pointed out the enormous difficulties in tracing the deported women and children owing to the difficulty of finding any records or of penetrating into the harems, the large-scale falsification of birth certificates and other documents, and the failing memory of many of the children who had been deported when very young. These difficulties were aggravated by the unsettled state of the country and the fact that, as the Treaty of Sèvres was not ratified, there was no obligation on the local authorities. Information had been obtained principally from the Allied High Commissioners in Constantinople, the Patriarchates of the Greek and Armenian Churches, the Armeno-Greek section of the British High Commission, the Near East Relief, the Armenian (Lord Mayor's) Fund of London, American missionaries, officers and other private persons, and through interviews with reclaimed women and children.

With the approval of the Second Assembly, a Mixed Board composed of the Committee of Enquiry and a member of each interested nationality was formed to reclaim deported women and children. "Neutral House" for the temporary reception and examination in Constantinople of such women and children, established by the Near East Relief, was re-organised so as to give it a thoroughly impartial character and put under the direct management of the League Committee of Enquiry, and a second "Neutral House" or "League of Nations Home" was opened at Aleppo.

A later session of the Assembly advocated the extension of this work to the mandated areas, and with the help of the French authorities in Syria, Miss Jeppe, who was in charge of the Aleppo Home, rescued many of the deported women and children (mostly Armenians) in this area. Miss Jeppe pointed out in the Commission's report to the Eighth Assembly that

the fact was soon appreciated that the Commission was careful not to disturb those who had settled down in their new surroundings and were bound to their new homes by ties of family or affection, but rescued only those who really wished to escape.

From 1921 to 1926, the Assembly voted an annual appropriation for the upkeep of the League Home in Constantinople and the activities of the Committee and their agents, so that all the appropriations from private organisations went directly to the rescue of women and children. The Seventh Assembly, in 1926, considered that the Constantinople work was so nearly finished as not to warrant a further appropriation, but offered Miss C. Mills, Director of the "Neutral House," the loan of its equipment. This was supplemented by the help of the American Women's Hospital as well as by financial support from other private sources, and the League's work in Constantinople was terminated.

The League support to the Aleppo Home continued for a further year and came to an end at the Eighth Assembly in 1927. Miss Jeppe continued her work, however, on an independent basis, obtaining funds from private sources. By this time, with the full support of the French mandatory authorities, the work of rescuing deportees in Syria had developed into various training and colonisation schemes for young Armenians, and was to some extent merging with the general work of settling Armenian refugees being carried on with the assistance of Dr. Nansen's organisation.

International Relief Work.

In founding the International Relief Union, the League of Nations to some extent established its emergency and relief work and its relations with the Red Cross and other private organisations on a permanent and contractual basis. The initiator in the movement that led up to the establishment of the Union was Senator Ciraolo, President of the Italian Red Cross. Struck by the extent to which international relief work had developed and become necessary during and after the war, Senator Ciraolo, at the Tenth Red Cross Conference in 1920, proposed the setting up of an international organisation to co-ordinate and make prompt and effective the efforts of Governments and private organisations to relieve distress caused by some sudden calamity, such as famine, earthquake, flood, hurricane or

epidemic. The preliminary consideration at the Tenth Conference was followed by the working-out of a scheme which was adopted at the Eleventh Red Cross Conference in September 1923, attended by some fifty Red Cross Societies and the delegates of thirty-eight Governments. The Conference instructed the organs of the International Red Cross to take steps calculated to promote the success of the scheme and expressed the hope that the Assembly and Council of the League would take up the matter. In the meantime, the proposal had been submitted to the Genoa Conference in May 1922, and was referred by the latter to the League. The Council of the League, after hearing Senator Ciraolo, instructed the Secretariat to examine the question from its legal, financial, political and administrative aspects. A report was prepared by the Secretariat after consultation with various experts and referred to the Fourth Assembly. The report and recommendations of the Assembly were submitted to Governments for their comments, and then referred, with the replies of the Governments, to a special Committee, which prepared a draft statute. The Red Cross and other interested organisations were consulted at every step in the preparatory work and the matter came before successive Assemblies. The draft statute was also communicated to Governments, and their replies considered before the Council decided to summon a Conference, which met in 1927. Forty-one States took part in this Conference, and the International Committee of the Red Cross and the League of Red Cross Societies were represented in an advisory capacity. The Military Sovereign Order of the Knights of Malta, which also ranks as an organisation for international relief work, sent an observer.

These long and careful preliminaries show how thoroughly the matter was studied and prepared before the Conference met to adopt a Convention; it also illustrates the co-operation between Governments and private organisations established through the League. The principle on which the Convention was based is that public opinion has already come to regard it as the duty to humanity of all civilised States to come to the assistance of any people stricken by an overwhelming and unforeseen calamity. In all such cases in modern times, international relief has been organised on a wide scale. The main agency in giving such relief has been the Red Cross and

similar societies, but Governments have also contributed financially and assisted in other ways.

But such relief, because it has had to be improvised in each case, has generally not been so prompt and effective as it would be if a skeleton organisation already existed with an initial fund at its disposal and with the rights and relationships of Governments and private organisations defined so that the whole machinery could be set in motion immediately.

The International Relief Union is to constitute precisely such an organisation. The Convention establishing the Union declares that it is concluded in view of the preamble of the Covenant, which speaks of promoting "international co-operation . . . by the prescription of . . . just . . . relations between nations . . .", of Article 23, paragraph (*f*) of the Covenant, which states that the Members of the League "will endeavour to take steps in matters of international concern for the prevention and control of disease," and of Article 25 of the Covenant, which states that "Members of the League of Nations agree to encourage and promote the establishment and co-operation of duly authorised voluntary National Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world."

The Convention is open to all States whether Members of the League or not and is to operate within the territories of the contracting parties, or elsewhere, in so far as the Executive Committee considers that a calamity affects one or more of the contracting parties. A State may cease to be a member of the Union on giving one year's notice.

The objects of the International Relief Union are:

> "(1) In the event of any disaster due to *force majeure*, the exceptional gravity of which exceeds the limits of the powers and resources of the stricken people, to furnish to the suffering population first aid and to assemble for this purpose funds, resources and assistance of all kinds.
>
> "(2) In the event of any public disaster, to co-ordinate as occasion offers the efforts made by relief organisations and, in a general way, to encourage the study of preventive measures against disasters and to induce all peoples to render mutual international assistance."

The action of the Union in any country is subject to the consent of that country's Government. In its establishment and working, the Union looks to the free co-operation of National Red Cross Societies and of unions of such societies, and of all other official or unofficial organisations undertaking similar relief activities. The Union is to be directed by a General Council, which appoints an Executive Committee. The General Council consists of the delegates of all the members of the Union. The members of the Union are States, but each State may be represented in the General Council either by a Government delegate or, if it chooses, through its National Red Cross Society or some similar organisation. This provision is regarded as of fundamental importance in the Union, for it gives the constitutional basis for international co-operation between Governments and Red Cross Societies. The relations between any particular Government and its own Red Cross Society are a domestic matter, but each State member of the Union must decide whether it prefers to be represented directly through its Government, to appoint its Red Cross Society as its representative on the General Council, or in some way to combine these functions in the single delegate it is entitled to send to the General Council. The States members of the Union undertake to give the Union and organisations acting on its behalf the most extensive immunities and facilities for their property and action in relief operations, appeals, etc.

In this way the Union constitutes a skeleton organisation with certain facilities enabling it to spring into action promptly and to ensure the most effective and economical co-ordination of relief work. To facilitate prompt action, the members of the Union undertake to constitute an initial fund by subscribing shares of 700 Swiss francs each, the number of such shares to be equal to the number of units contributed by each member of the Union to the budget of the League, or to a similar amount if it is not a Member of the League. Thus, for instance, a State paying 100 units of the League budget will contribute $100 \times 700 = 70{,}000$ Swiss francs to the initial fund of the Union. In addition to this initial fund, the resources of the Union are to consist of voluntary grants made by Governments, of private contributions, and of donations and bequests of all kinds, made with or without special conditions

or restrictions as to their use in a particular country, for a particular category of disasters or for a particular disaster, provided only that they are in conformity with the objects of the Union and with the law of the country concerned.

All disputes concerning the interpretation or application of the Convention are to be referred to the Permanent Court of International Justice or, where States have not signed the Statute of the Court, to some form of arbitration. The Convention is to come into force when at least twelve States Members or non-members of the League with combined contributions amounting to 600 shares (420,000 Swiss francs) have ratified or acceded. The revision of the Convention may be requested at any time by one-third of the members of the Union. The number of ratifications is thirteen, but the total of 600 shares has not yet been reached.

II. Slavery

The question of removing what still remains of slavery in the world is not only important in itself, but the way in which it came before and was dealt with through the League is an instructive example of the League's methods.

The Question comes before the League.

The matter was first raised in the general debate at the Third Assembly by Sir Arthur Steel-Maitland, a British delegate. Sir Arthur pointed out that there was unfortunately every reason to believe there had been a considerable recrudescence of slavery in Africa of late, although some of the reports reaching Europe might be exaggerated. If so, he thought the Assembly would agree that this was without any doubt a matter with which the League, as a trustee for humanity, should deal. More than one Member of the League was pledged to the suppression of slavery, and the territory of more than one Member had been violated and its subjects had suffered ill-treatment as the result of slavery, which still existed, owing to the traffic in arms and ammunition that had come about through the more developed and civilised nations of the earth. It was in Abyssinia that the problem existed at the moment. The ruler of that country was determined to put an end to this evil, but was confronted with difficulties not of his own making.

The matter was referred to the Sixth Committee, and the Assembly adopted a resolution putting the question of slavery on the agenda of the Fourth Assembly and asking the Council to instruct the Secretariat to prepare a report.

The Secretariat, on the instructions of the Council, circularised Members and non-members of the League with a request for information during 1923. The information received was embodied in the Secretary-General's report to the Fourth Assembly.

In the meantime, Abyssinia had applied for membership of the League and was admitted by the Fourth Assembly, with an undertaking to apply the Traffic in Arms Convention and the various conventions against slavery, as well as to reform domestic serfdom.

The Sixth Committee appointed a special slavery sub-committee, which pointed out that slavery, which was not confined to Africa, was connected with the arms and liquor traffic and with the question of forced labour. The inadequacy of the information received was noted with regret, and the Committee, after considerable discussion, decided that information should be requested, not only from Governments, but, if necessary, also from individuals or organisations of recognised competence and reliability.

Appointment of the Temporary Slavery Committee.

The Assembly asked the Council "to entrust to a competent body the duty of continuing the investigation. . . ." The Council, in 1924, appointed a special temporary Committee on Slavery consisting of eight members, of whom three were members of the Mandates Commission, two were former Colonial officials, one the Secretary-General of the Italian Geographical Society, one a delegate of Haiti, and one an official of the International Labour Office who attended the Mandates Commission as an expert on native labour questions.

The first task of the Committee was to delimit its competence and to settle its sources of information. Its proposals on these points were approved by the Council and the Fifth Assembly, and the Committee then held a second session in 1925, in which it drew up a report on the question of slavery as a whole, and made suggestions as to the action which might be taken to improve the position.

The Slavery Convention.

The report and suggestions were referred, together with a draft Convention submitted by Lord Cecil as British delegate, to the Sixth Committee of the 1925 Assembly, which framed a draft General Convention. The Sixth Assembly circulated this draft Convention and asked the Council to bring it to the attention of all Governments, with a request that they should empower their delegates to the Seventh Assembly to negotiate, adopt and sign the Convention.

The Council followed the development of the matter during 1926, and the Seventh Assembly in September adopted and opened to signature the Slavery Convention. It requested the Secretary-General to take the necessary steps to bring this Convention to the notice of all States with a view to signature or accession. The Council was requested to prepare and to communicate to the Assembly an annual report on the laws and regulations for the suppression of slavery, communicated to the Secretary-General by the parties to the Convention in accordance with its terms, and any supplementary information furnished by Members of the League. The Assembly also requested the Council to inform the Governing Body of the International Labour Office that the Slavery Convention had been adopted, and to draw its attention to the importance of the work undertaken by the Office with a view to studying the means of preventing forced or compulsory labour from developing into conditions analogous to slavery.

The preamble of the Slavery Convention declares that its purpose is to secure the complete suppression of slavery and of the slave trade, thus supplementing and making effective the provisions of the General Act of the Brussels Conference of 1889–90 and of the Convention of St. Germain-en-Laye of 1919, revising the General Act of Berlin of 1885 and the Brussels Act of 1890. Slavery is defined as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." This definition was intended to cover, not only ordinary slavery, but serfdom, peonage, the abuse of forced labour, "debt slavery," the enslavement of children under the guise of adoption, and the purchase of girls on the pretext of paying their dowry. An equally comprehensive definition is given of the

slave trade, and the parties pledge themselves to prevent and suppress the latter and to bring about "progressively and as soon as possible the complete abolition of slavery in all its forms."

Further articles provide for measures to put down the slave trade by sea and land and to render assistance in abolishing slavery and the trade. Forced labour is forbidden except for public purposes, unless the competent central authorities in territories where such labour still survives allow it as an exceptional measure in return for adequate remuneration and without involving the removal of the labourers from their usual place of residence. But the Convention pledges the parties "progressively and as soon as possible" to put an end to this practice, and this is reinforced by a resolution of the Assembly declaring that forced labour for public purposes should not be resorted to as a general rule, unless it is impossible to obtain voluntary labour, when it should be adequately paid. The parties undertake to pass laws and regulations giving effect to the Convention and to communicate to each other and to the Secretary-General of the League any laws and regulations they may enact for the purpose. Disputes arising out of the interpretation of the Convention are to be referred to the Permanent Court or to arbitration. Parties may declare, on acceding to the Convention, that it does not apply to certain of their territories in whole or in part.

Subsequent Developments.

Since the adoption of the Convention by the Seventh Assembly, the efforts of the League have been concentrated on securing the largest number of ratifications and the promptest and most abundant information on the way the Convention is working and on the actual conditions in the territories concerned.

At the Tenth Assembly, in September 1929, as comparatively few Governments had forwarded information on the progressive abolition of slavery, the British delegate, Lord Cecil, drew attention to what he considered the unsatisfactory number of such communications and of ratifications (thirty by the end of 1929). He proposed to revive the temporary Slavery Committee to consider the causes of the situation, but the Assembly preferred to continue its endeavours to obtain ratifications, and to tabulate the results of the application

of the Convention, and requested the Secretary-General to collect information on the present state of the problem.

The Liberian Enquiry.

At the request of the Liberian Government, the Council, early in 1930, appointed a member of the International Commission set up by the Liberian Government to enquire into the alleged existence of slavery or forced labour in Liberia. The Commission was composed of three members, one appointed by the Liberian Government, one by the United States and one by the League Council. The Liberian Government gave the following reasons for its request:

> "For some time the Liberian Government has been the victim of a systematically organised campaign to persuade public opinion, and especially Members of the League of Nations, that slavery and forced labour are still rife in Liberia as a recognised social system, despite the efforts made by the League of Nations for the defence of human liberty, and despite the abolition of slavery proclaimed by the International Convention concluded in Geneva in September 1926, a Convention to which the Liberian Government is a signatory. . . .
>
> "The Government's policy and the Republic's social and economic life have always been based on the principle of condemnation of slavery in all its forms. The Government has begun by declaring every form of slavery and forced labour and condemning them as illegal under penalty of severe punishments, while at the present moment all slavery or traffic in slaves in the Liberian Republic is severely punished, and severely condemned by public opinion.
>
> "On the other hand, it will be easily understood that an inveterate scourge cannot be extirpated root and branch in the space of a few years. However, owing to the energetic measures taken by my Government during the last twenty-five years, the practice of slavery and forced labour has, little by little, been considerably diminished, and it can be asserted to-day that slavery and forced labour are no longer practised in principle as a normal social system in Liberia."

III. Traffic in Women

History of the Subject.

The campaign against the traffic in women for purposes of prostitution is one of the permanent activities of the League based on a paragraph of the Covenant—namely, Article 23 (*c*), which states that the Members of the League "will entrust the League with the general supervision for the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs." Like many of the League's activities this work may be traced back more than a quarter of a century. The first International Congress to consider methods of combating the traffic in women was held by voluntary organisations in 1899, and led to the establishment of the International Bureau for the Suppression of the Traffic in Women and Children. It was recognised that the problem was international, since traffickers generally took their victims abroad—the various acts constituting a single case of trafficking might indeed be perpetrated in a number of countries. It was also recognised as a problem directly concerning Governments, since to repress the traffic there must be laws and regulations, supervision and punishment of traffickers. The 1899 Congress was therefore soon followed by Governmental action. On the invitation of the International Bureau, the French Government convened diplomatic conferences in 1904 and 1910 to deal with the traffic, and these led respectively to an agreement and a convention.

The parties to the 1904 Agreement undertook to appoint central authorities with the duty of collecting information about the traffic, watching ports where it might be carried on and assisting its victims. By the 1910 Convention, they bound themselves to punish those guilty of the traffic, even though the offence had been committed in other countries. So slow was the pace of international co-operation before the war, when no central agency existed to follow up the results of conferences and stimulate Governments and public opinion to action, that, by January 1920, when the League came into being, there were only sixteen States parties to the 1904 Agreement and nine States parties to the 1910 Convention.

The League's Action.

The first action of the League was the appointment by the Council, in May 1920, of an official on the League Secretariat "to keep in touch with all matters relative to the white slave traffic." At the First Assembly, the position was exhaustively discussed and the Council was requested to prepare a report for the next Assembly on what had been done to apply the 1904 Agreement and the 1910 Convention. Governments were urged to accede to these instruments as rapidly as possible, and a Conference was summoned by the Council on the invitation of the Assembly, which met in the summer of 1921 and was attended by thirty-four States. Its purpose was to ascertain the views of the Governments in accordance with a questionnaire that had been sent out, and to "endeavour to secure a common understanding between the Governments with a view to united action."

The findings of the Conference were embodied in a Final Act, which was directed to amplifying and strengthening the obligations contained in the 1904 and 1910 Conventions. The Conference recommended:

(*a*) That the age of consent be raised from 20 to 21. The age of consent in the 1910 Convention means the age at which a woman may agree to being recruited for the traffic; below the age of 20, the 1910 Convention made it an offence to recruit a woman for this purpose in any circumstances; above this age, the act was an offence only if an element of fraud or intimidation could be proved.

(*b*) That not only procuration, but attempts to procure women for the traffic be made punishable.

(*c*) That the Governments be urged to make annual reports to the League on the way they were applying the Conventions, and that an Advisory Committee be set up by the League.

At the Second Assembly, the recommendations of the Final Act were converted, on the initiative of the British Government, into a Convention which was opened to signature. This was done after an interesting constitutional debate, for the Assembly was still at the beginning of its career, and there were no precedents for the proposal that it should conclude a convention (compare this procedure with the conclusion of the Slavery Convention

described above when the Assembly's procedure had been settled by several years' experience).

The 1921 Convention.

The 1921 Convention, which by the end of 1929 had long been in force and was ratified by thirty-four States—a striking example of the difference between pre-war and League procedure in the matter of ratifying conventions—supplements the 1904 Agreement and the 1910 Convention. In addition to raising the age of consent, punishing attempts to procure and providing for the exchange of information and for a Central Committee, the Convention tightens up the machinery of extradition and prescribes regulations to protect women and children emigrants.

The Advisory Commission.

The Council, at the request of the Assembly, set up the Advisory Committee on the Traffic in Women and Children. The Fifth Assembly in 1924 decided to add the protection of children to the work of the League (see below) and requested the Council to re-organise the Advisory Committee accordingly. The Committee in its present form is known as the Advisory Commission for the Protection and Welfare of Children and Young People and is divided into two Committees—Traffic in Women and Children, and Child Welfare. The Belgian, British, Danish, French, German, Italian, Japanese, Polish, Roumanian and Spanish Governments are represented on both Committees, generally by the same delegate (who may be accompanied by deputies and experts). The United States Government is represented in an advisory capacity. The two Committees hold their sessions immediately after each other. In each Committee, there are assessors or advisory members representing the chief international private organisations concerned with the traffic in women or child welfare respectively. The organisations represented in the Traffic in Women and Children Committee are the International Catholic Association of the Organisations for the Protection of Young Girls, International Women's Associations, the International Federation of Girls' Friendly Societies, the International Bureau for the Suppression of the Traffic in Women and Children, the Jewish Association for the Protection of Girls and Women, the International Union of Catholic Women's Leagues.

The voluntary organisations represented on the Child Welfare Committee are the International Child Welfare Association, the League of Red Cross Societies, International Boy Scout and Girl Guides Organisations, the International Union of the "Save the Children" Fund, International Women's Organisations, the International Federation of Trade Unions (Amsterdam), the International Union of Catholic Women's Leagues. The International Labour Organisation is represented by a liaison officer on both Committees, and the League Health Committee sends one of its members to the Committee on Child Welfare. Both Committees hold a meeting in common as the full Advisory Commission to discuss matters of concern to both, and are served by a special section of the Secretariat, known as the Social Section.

The League's work on the subject may conveniently be divided into the traffic in women, with a subdivision on the connected subject of the traffic in obscene publications, and the protection of children.

Enforcing the Conventions and Exchange of Information.

Here, as in other similar activities, the prime object of the League has been to get as many States as possible, not only to ratify the 1921 Convention, but to apply it effectively. One of the best means to this end is the yearly session of the Traffic in Women and Children Committee, at which the annual reports of the Governments are considered. The private organisations and the International Labour Office also submit annual reports, and the discussion that follows probes all the issues thoroughly and follows up any obscure points, with requests for further information and explanations. The report and recommendations of the Committee go, through the Council, to all the Governments and to the Assembly, and at every stage are the subject of fresh discussion. They provide the private organisations with a basis for action in their respective countries.

A collection of the laws and administrative regulations in force in the different countries is being made as a further contribution to getting all relevant information.

Enquiry into the Traffic.

On the proposal of its American member and with the help of 75,000 dollars voted by the American Social Hygiene Bureau, an enquiry was undertaken into the nature and extent of the Traffic in Europe, the Mediterranean Basin and America.

The results of this enquiry attracted a great deal of attention, and have helped to strengthen public opinion in support of measures against the traffic and to supply the Committee with much valuable knowledge. The enquiry revealed that a traffic of considerable dimensions is being carried on. Many hundreds of women and girls—some of them very young—are transported each year from one country to another for purposes of prostitution. The traffic is supplied mainly from four classes of women: (*a*) the regular prostitute who has gone abroad to better her fortunes, but may as a result find herself helpless and at the mercy of her *souteneur*; (*b*) girls, usually minors, termed "semi-professional" or "complacent," who are early led astray by the love of finery which they cannot afford; such girls are readily victimised by the *souteneur* and may be beguiled abroad as mistresses, when they are persuaded or compelled to engage in prostitution to provide for themselves and their *souteneurs*; (*c*) girls who join travelling troupes and perform in low-class music-halls and cabarets; their contracts are often misleading, their wages inadequate and they may find when too late that their real business is to act as prostitutes and to secure clients as well as profits for the establishment; (*d*) the worst case of all, innocent girls from poor surroundings and with ignorant parents who are deceived by *souteneurs* into contracting real or fictitious marriages.

The enquiry brings out the extent to which prostitutes and particularly foreign prostitutes are minors—sometimes children of 14 to 16—when brought into the country, in spite of laws to the contrary. In most cases, the movements of the women and girls are controlled by third parties for the sake of profits, such as *madames* who manage houses of prostitution, *souteneurs* who are mainly responsible for securing the girls and controlling their movements, principals who lend money to *madames* and *souteneurs*, and intermediaries who sometimes secure and transport girls for both. The traffic in obscene publications is closely connected with the traffic in women. Alcohol and the illicit traffic in drugs are also factors.

The main routes of traffic disclosed by the investigation appear to be from Europe, particularly Austria, France, Germany, Greece, Hungary, Italy, Poland, Roumania, Spain and Turkey; to South and Central America, particularly the Argentine, Brazil, Mexico, Panama and Uruguay; and to

Egypt and other places in North Africa. Alexandria is one of the chief ports used in the traffic.

A wealth of information is given on the methods used to evade troublesome enquiries or official regulations. False birth, marriage and death certificates are commonly used. Every trafficker who knows his business is supplied with half-a-dozen forged passports and gets into England, for instance, with a forged Spanish or French passport, into France with a forged German or Polish passport, and so forth. There are regular agencies supplying traffickers with such documents. Travelling by indirect routes or separate stages and securing entry to a country by means of smuggling, bribery or other clandestine methods, are part of the traffickers' technique, which is altered and developed as measures are taken to combat the traffic.

The Tenth Assembly in 1929 decided that the enquiry should be extended to the Far East, and in 1930 various arrangements were made for this purpose—to which the American Bureau of Social Hygiene is contributing $125,000—including the appointment of a small committee.

Women Police and Police Co-operation.

The importance of women police and co-operation between the International Criminal Police Commission and the Traffic in Women and Children Committee were among the subjects considered at the session of the Committee held in the beginning of 1930.

Heavier Punishments.

Heavier and more effective punishment for *souteneurs* and the measures to be taken to protect music-hall artistes touring abroad (scrutinising contracts and agencies for the recruiting of artistes, etc.) are further aspects of the subject.

The Question of Licensed Houses and Repatriation of Foreign Prostitutes.

At the Third Assembly, the Polish delegate urged the necessity of forbidding licensed houses in countries where prostitution is regulated to engage foreign prostitutes. His argument was that the presence of foreign prostitutes meant that they had been recruited through the traffic in women. In any case, a woman in a foreign country was helpless and at a disadvantage compared with her situation at home.

To make the repatriation of foreign prostitutes compulsory would therefore strike a heavy blow at the traffic. This proposal raised the international side of the question of licensed houses, which had hitherto been considered a matter of domestic jurisdiction. The League has obtained a wealth of information from the States which have recently (*e.g.* Germany) or a quarter of a century ago (*e.g.* Denmark) abolished the system of regulation. The experience of Strasburg and twelve other French towns in abolishing licensed houses (in Belgium and France this is a matter not of State, but municipal regulation) was also discussed. As a result of the information obtained, the Traffic in Women and Children Committee, at its session in April 1930, noted that, in the opinion of the Governments that had abolished the system, "the fear that abolition would result in an increase of venereal disease or would be prejudicial to public order has been proved to be unfounded, and the danger of the international traffic has been diminished by the closing of the houses." The information obtained has been forwarded by the League to the States Members and non-members that still retain the licensed house system. The majority of the Committee are strongly of the opinion that the existence of licensed houses acts as an incentive to the traffic, owing to the necessity of replenishing their staff from abroad.

The question of repatriating foreign prostitutes is still being studied by the Committee. The main object would be to assist prostitutes to abandon their present mode of life and to become self-respecting members of the community. For this reason, it would be difficult to repatriate prostitutes against their will and without some means of helping them to make a fresh start when they returned to their own countries.

Another matter before the Committee is the question of assistance to discharged female prisoners, who may often find themselves in a situation where they are tempted to take to an immoral life.

Revising the 1921 Convention.

At its session in April 1930, the Committee discussed the question of revising the 1921 Convention in the light of the experience gained of its working. General agreement was reached on the point that it would be desirable to remove the age-limit of 21 below which it is an offence to recruit a woman

for the traffic even with her full agreement. It was argued that the existence of the age-limit enabled traffickers to escape punishment by alleging that they believed their victims were really over 21, and that recruiting a woman of any age was an offence, although it was more serious in the case of minors. On the other hand, it was pointed out that to revise the Convention in this sense would really mean making licensed houses illegal, since the proprietors could no longer recruit their staff without violating the revised Convention. This and other proposals for the revision of the Convention were therefore postponed for further consideration of the various difficulties.

IV. Traffic in Obscene Publications

The traffic in obscene publications is closely connected with the traffic in women and is equally international. Here, too, a Congress of voluntary organisations held in 1908 led to a diplomatic Conference in 1910 (consisting of the delegates of the Governments represented at the Conference on Traffic in Women and Children). The Conference drafted an international administrative agreement (by which the contracting parties each undertook to appoint a central authority to combat the traffic and to communicate information to each other), and an international convention. When the matter was brought before the League in 1922 at the Third Assembly, seventeen States were parties to the agreement, but the convention remained a draft—another striking instance of the slowness of pre-war procedure.

After the war, there were signs of an increase in the traffic, and a proposal for an International Conference was accordingly made to the Third Assembly by the British Government. The French Government, in recognition of its initiative in summoning both the traffic in women and children and the obscene publications conferences in 1910, was invited to summon the Conference under the auspices of the League. It took place in Geneva in September 1923, and was attended by thirty-five States. It had been prepared in the usual way by a questionnaire to Governments sent out by the Secretariat. The report based on the replies and the draft Convention of 1910 served as the basis for the Conference, which drew up an International Convention for the Suppression

of the Circulation of and Traffic in Obscene Publications. This Convention was in force and ratified by thirty-five States by the end of 1929. It stiffens and amplifies the punitive and preventive clauses of the 1910 draft, and provides for the convocation of further conferences to revise the Convention should need arise, and for the submission of disputes arising out of the interpretation of the Convention to the Permanent Court. The Traffic in Women and Children Committee discusses the way in which this Convention is being applied and the results obtained. At its meeting in April 1930, it considered the question of obtaining regular annual information from Governments.

The Final Act of the 1923 Conference referred to a highly important question on which opinions at the Conference were sharply divided: some delegates wished to insert an article punishing "birth control" propaganda, while others took the view that, in so far as such propaganda was obscene, it was already provided for by the Convention, but that it could not be considered as in itself obscene. The Final Act expresses the desire, with which some delegates disagreed, that steps should be taken to arrive at an international agreement on the subject.

V. Protection of Children

The way in which this subject came under the auspices of the League resembles the course of events already described for the traffic in women and obscene publications, and also furnishes an example of an outside organisation being put under League auspices.

The idea of an international association for the protection of children was first put forward officially in 1911, and led in 1913 to an International Congress summoned in Brussels by the Belgian Government. The intention was that the various national societies concerned with child welfare should co-operate and exchange information, and that Governments should be associated with this work. The 1913 Conference decided to establish an international office and drew up a draft constitution, which was submitted to the various Governments through diplomatic channels. The outbreak of the world war stopped further proceedings, but, soon after the conclusion of peace, the Belgian Government summoned a second Congress, which

met in Brussels in July 1921. At this Conference, thirty-three countries were officially represented, as well as a large number of voluntary societies. The majority of the States represented wished to establish an international organisation with headquarters at Brussels, to be called the International Association for the Protection of Children. Great Britain, Australia, India and the Union of South Africa considered that at least part of this work properly belonged to the sphere of the League, while the Netherlands and Denmark did not vote. The International Association was accordingly set up as desired by the majority and ten States became members. It asked almost immediately to be put under the auspices of the League, in virtue of Article 24 of the Covenant, which declares that, subject to the consent of the parties, all international bureaux already established by general treaties shall be placed under the direction of the League.

The Council of the League suggested the desirability of re-organising the Association so as to give Governments a majority—the League as an inter-State association had by this time (end of 1922) established the principle that, on such committees, Governments alone should have the power to vote, although the appropriate private organisations were represented on a footing of equality in every other respect. After a good deal of negotiation and discussion in the Council and at the Fourth Assembly (September 1923), the International Association for the Protection of Children was re-constituted as a co-ordinating link between the national voluntary organisations, and the work hitherto done of an inter-Governmental character was brought under the auspices of the League. For this purpose, the Social Section in the Secretariat was strengthened, and the Advisory Commission re-constituted as described above, with liaison officers from the Health Committee and the International Labour Organisation on its Child Welfare Committee, so as to make certain there was no overlapping. Included in the work done by the Child Welfare Committee up to the end of 1929 was the framing of two draft conventions. One deals with the repatriation of children and young people stranded abroad, and provides for children who have escaped or been removed abroad from the authority of their parents or guardians and have got into difficulties. Under this draft convention, minors can be

returned to persons and institutions legally invested with parental power or entitled to custody, more simply, rapidly and cheaply than through existing channels.

The second draft is of wider scope and aims at solving the problem of all indigent foreign minors by granting them equality of treatment with minors who are nationals of the country concerned, except that the foreign minor may be repatriated. The draft abolishes the right to expel indigent foreign minors on the ground of indigence alone, and includes the right not only to maintenance and hospital and medical assistance, but also to education. It reserves the rights of parental power and custody, and the right of States to proscribe the settlement or residence of foreigners for reasons of general security, health or public morality.

The questions of the age of marriage and consent are also being studied, with the result that the age-limit has been raised in certain countries. Auxiliary services of juvenile courts, effective protection and equality of treatment for illegitimate children and the influence of the cinematograph on child welfare are among the subjects before the Committee. The American Social Hygiene Bureau has contributed 5,000 dollars for part of this work.

VI. Control of the Traffic in Opium and Dangerous Drugs

This is perhaps the most important branch of the League's social work as measured by the extent of the interests at stake, the attitude of public opinion all over the world, and the magnitude of the evils with which the League is grappling.

China and the United States.

Here, too, the history of the subject goes back long before the war. What drew the world's attention to the subject was China's courageous undertaking soon after her revolution to rid herself of the scourge of opium-smoking. Opium-smoking is not, it must be remembered, an indigenous vice, but was originally imported to China by Arab and other traders, and has been to some extent strengthened and maintained by outside influences.

In 1906, China undertook to stamp out the smoking of opium throughout her territories within ten years. Certain missionary societies of China and other organisations urged the Government

of the United States to take the initiative in summoning a Conference of the Governments concerned in the opium traffic. After lengthy negotiations, consultations and correspondence, an International Opium Commission met at Shanghai in 1909, on the invitation of the United States Government, and was attended by thirteen States.

The recommendations of this Commission indicated the lines on which the subsequent campaign was conducted and the Hague Opium Convention eventually framed. International public opinion was aroused, the way paved for further conferences, the abuse of opium denounced as an evil and a degradation to the countries countenancing it, and measures were agreed upon to assist the efforts of China. These recommendations were followed up by the United States proposal for an International Conference, which was summoned at The Hague in 1912.

The Hague Convention.

The Opium Convention adopted by this Conference defines raw, prepared and medicinal opium, morphine, heroin and cocaine. It binds the contracting parties to control the distribution of raw opium and gradually to suppress the use of prepared (smoking) opium. The parties must also adopt measures controlling the export and import of these products, and confine the manufacture, sale and use of cocaine and morphine to medical and legitimate purposes; all those engaged in the manufacture, sale, distribution, export and import of morphine, cocaine and their derivatives may do so only under Government licence. A chapter of the Convention is devoted to measures for the assistance of China, who, on her part, undertakes to press forward her campaign against opium-smoking and to prevent smuggling and the illegal use of postal facilities.

The Peace Treaties and the Covenant.

The fate of the Hague Convention is the classic instance of the difficulty of conducting international co-operation on a large scale before the war. A number of signatures were obtained at the 1912 Conference, but a second Conference had to be summoned in 1913 to discuss ratification and, as this failed to produce the required results, a third Conference was summoned for June 1913. Eleven countries ratified the Convention and seven others stated their willingness to do so, whereupon it was decided to bring the Convention into force. The

world war then supervened. At the Peace Conference, among many other items of world settlement considered was the question of opium. A clause was inserted in the Peace Treaties automatically bringing into force for each of their signatories the Hague Opium Convention of 1912. Article 23 (*c*) of the Covenant provided that the Members of the League "will entrust the League with the general supervision over the execution of agreements with regard to . . . the traffic in opium and other dangerous drugs."

Far-Eastern Opium-Smoking and Worldwide Drug Smuggling.

At the outset the world's attention was concentrated on the question of opium-smoking in the Far East, with special attention to assisting China. This aspect of the matter remains a vital element in the situation, but the ten years since the war have seen a shifting of emphasis to the wider problem of the abuse of manufactured drugs (cocaine, morphine, heroin and their numerous derivatives and variants). China's internal difficulties during and since the war have greatly impeded the Central Government's efforts to combat opium-smoking and have led to a recrudescence of poppy-growing in remote provinces or in places beyond the control of the central authorities. The Chinese Government is pledged to resume the campaign and to press it to a conclusion at the earliest possible moment. However, in the meantime, not only China and India, but also the countries of the West are suffering from the illicit traffic in drugs far more potent and deadly than prepared opium. That is, the problem has become worldwide and is graver than it was before the war.

The Advisory Committee.

At the First Assembly, it was decided to establish an Advisory Committee on Traffic in Opium and other Dangerous Drugs to help the Members of the League to discharge their responsibilities under the Covenant and the Opium Convention. This was done with the full consent of the Netherlands Government, which since 1912 had acted as the channel of communication between the signatories to the Hague Opium Convention on matters affecting its application. The Netherlands Government, however, remains the intermediary between the signatories not Members of the League and the Advisory Committee.

The Advisory Committee, as re-modelled early in 1929, consists of representatives of the Austrian,[1] Bolivian, British, Chinese, Dutch, Egyptian,[1] French, German, Indian, Italian, Japanese, Mexican,[1] Polish,[1] Portuguese, Siamese, Spanish,[1] Swiss, United States, Uruguayan [1] and Yugoslav Governments. If and when Persia and Turkey have ratified the Hague and Geneva Conventions, they will be invited to sit on the Committee. The United States representative sits in an advisory capacity.

In addition to the members there are three assessors—that is, independent experts—one of whom is the Chairman of the Central Opium Board (see below).

The Advisory Committee is served by the Social Section in the League Secretariat.

It would require a book to describe the dealings of the League with the traffic in opium and dangerous drugs in all its ramifications and complexities. Space forbids anything but a brief review of the situation as it appeared at the end of the League's first ten years.

Applying the Hague Convention.

The first step was to get the Hague Convention applied as widely and effectively as possible. For this purpose, Governments were requested to send in annual reports, which are discussed by the Advisory Committee. The Committee acts as a clearing-house for all information about seizures. Governments report such information to Geneva, which circulates it at once to all the other Governments concerned. The information received is discussed by the Committee. This system has been a valuable aid to the capture of traffickers and the exposure of their methods. The Committee, through the Council and Assembly, has urged Governments to institute severer control and penalties for the internal traffic in and consumption of dangerous drugs, and to punish promptly and effectively factories revealed as supplying drugs to the illicit traffic.

In co-operation with the Transit Organisation of the League, a regime has been worked out for preventing free ports and free zones from being used for the purposes of the traffic. Special provisions have been inserted in the international conventions for the simplification of Customs formalities and international railway transport to prevent these instruments from interfering

[1] Invited to become members for a period of three years by the Council in May 1930.

in any way with the effective application of the Opium Convention.

The Committee devised the import certificate system, on which most of its work for making the Hague Convention effective has been based. By this system Governments grant licences to export drugs only when the exporter can produce a certificate from the Government of the importing country stating that the drugs are required for legitimate purposes. The Committee prepared a model scheme for the application of the system.

A further step was to undertake, with the help of the League Health Committee, a survey of the world's medical and scientific needs of the drugs manufactured from opium and cocaine. The result of this survey was to show that, even on a most generous estimate of these needs, the amount of dangerous drugs manufactured was roughly ten times what was required.

The Geneva Opium Conferences.

The revelation of this state of affairs and the increasing knowledge gained by the Committee on the enormous extent and huge financial resources of the illicit traffic, led to the preparation of two Opium Conferences: one to carry out the pledge that opium-smoking should be gradually and effectively suppressed, the other to reduce the production of the raw material (opium and coca leaves) from which drugs were manufactured and to make effective the limitation of manufacture to which the signatories of the Hague Convention were already pledged. In the course of this preparatory work, the American delegation attended the Fifth Committee of the Assembly to discuss the organisation of the Conferences.

The Geneva Opium Conferences were held at the end of 1924 and the beginning of 1925, and ended with an Agreement and Convention after the withdrawal of the United States and China from both Conferences. The motive for withdrawal was that, in the view of these countries, the Agreement should have fixed a definite date after which opium-smoking would be prohibited throughout the Far East, and the Convention should have provided for drastic limitation of manufacture and for reducing the production of opium and coca leaf to the amounts required for medical and scientific purposes. The Americans and Chinese argued that the 1912 Convention pledged the parties to the "gradual and effective" suppression of opium-smoking, whereas thirteen years later opium-smoking still flourished in the Far-

Eastern territories of the Powers concerned, while some of these territories derived the bulk of their revenue from the opium monopoly. Until the 1912 obligations were effectively carried out, there was no possibility of giving the assistance to China which had been promised in the Hague Convention. As to the Geneva Convention, the Americans and Chinese argued that the Powers were already obliged by the Hague Convention to limit manufacture and ought to limit production as well, since, so long as ten times the amount required for legitimate purposes was produced and manufactured, the great bulk of the drugs would inevitably find their way into the illicit traffic, and all measures of control would be illusory.

These two countries took the view that the Geneva Agreement and Convention, so far from being an improvement on the Hague Convention, in some respects tended to weaken its obligations.

The countries that accepted the Agreement and the Convention held that, on the contrary, these instruments represented a great advance on the Hague Convention and made it easier to tackle the twin evils of opium-smoking and illicit traffic in drugs. It was impossible, they argued, to fix a date for the complete suppression of opium-smoking so long as China remained in a condition where the Central Government could not prevent the growing and smuggling of vast quantities of illicit opium. In such circumstances, the only result of ending the controlled and licensed sales of prepared opium would be to throw the market wide open to smuggled opium brought in without any form of control. In the circumstances, the signatories to the Agreement —the British Empire, France, India, Japan, the Netherlands, Portugal and Siam—undertook, in a Protocol to the Geneva Opium Convention of 1925, that, within five years from the coming-into-force of this Convention, the smuggling of opium should be reduced to the point where it no longer was a serious obstacle to the effective suppression of opium-smoking in territories where this practice was authorised. A Committee appointed at the proper time by the League Council should ascertain whether this pledge was being carried out. If and when this had been done, the signatories to the Geneva Opium Agreement would be automatically obliged to end the use of prepared opium in their territories within a period of fifteen years. They should meet from time to time, the first time not

later than 1929, to discuss what progress was being made and how to make good their pledges. That is, instead of fixing a definite date, a tentative period of five years to put down smuggling was fixed, with a period of fifteen years for the suppression of opium-smoking if and when smuggling had been sufficiently reduced in the tentative five-year period, and provision made for progress reports.

On the point of limiting production, the powers accepting the Geneva Convention argued that, of the chief opium-producing countries (China, India, Turkey and Persia), only one, namely India, was effectively applying the Hague Convention, while two, namely Turkey and Persia, had never ratified the Convention. The only result, therefore, of reducing the strictly controlled exports of India would be to throw the market open to the loosely controlled or wholly uncontrolled traffic of the other three countries, not to mention the possibility of increasing the area of cultivation of the poppy in Greece, Turkestan, Afghanistan, Bulgaria, Yugoslavia and Siberia. In any case, raw opium was used in India for certain medicinal purposes much as alcohol was used in the West, and the Indian Government could not forbid the cultivation of the poppy in the Indian States. As for the coca leaf, it grew wild in certain parts of Java, Peru and Bolivia, so that it was difficult to envisage the limitation of production. When it came to limiting manufacture, the argument was that, if the import certificate system were strictly applied, it would suffice to put an end to the traffic. In practice, it had proved extremely difficult to get States to apply effectively the far-reaching obligations involved in the system, and it would, *a priori*, be far more difficult to get them to accept a fresh set of even more drastic obligations. Until the import certificate system was properly applied, the only result of limiting manufacture would be that the illicit traffic would get most of the drugs produced, so that the world's medical and scientific needs would be starved and the price of drugs for legitimate purposes be immeasurably increased.

The Geneva Convention.

The view on which the League has acted is that the Geneva Convention should be ratified and applied as widely as possible, since it supplements and goes beyond the Hague Convention in many respects: it makes the import certificate

system compulsory, and provides for the more effective control of production and limitation of manufacture, as well as for closer supervision of the internal and international trade. It extends the list of substances to be controlled and amplifies the definitions given in the Hague Convention. It also provides a system by which the League Health Committee and the International Public Health Office in Paris acting together can add fresh substances to the list so as to cope with the wiles of traffickers who escape the restrictions of the Convention by inventing new chemical combinations from which it is easy to recover cocaine, morphine, heroin or whatever dangerous drug is being purveyed. Finally, the Convention provides for a permanent and independent Central Board, and obliges the contracting parties to send in quarterly returns on the amounts of drugs they have imported and exported or manufactured, their estimated needs for the next quarter, and so forth. By collating and checking such information, the Board will be able to follow closely what are the actual movements of drugs up and down the world, whether there are any serious leakages, and, if so, at what points. It will also be able to ascertain whether a country is receiving or exporting more drugs than its statistics show and whether the stocks in the country appear excessive. On all these points it can ask for explanations and, if the supply of drugs in a country seems persistently excessive, may call upon the other parties to refuse further supplies.

Since 1925, the efforts of the Committee have been concentrated on getting both the Hague and Geneva Conventions ratified and applied. The Central Opium Board was appointed in 1928; by the beginning of 1930, the Geneva Convention had been ratified by thirty-seven States. At its thirteenth session, in January 1930, the Committee noted that four Latin-American States were not yet parties to the Hague Convention of 1912, and seventeen had still failed to accept the Geneva Convention, while a large number were not even sending annual reports to the League. The failure of Turkey and Persia [1] to ratify has also been frequently commented upon by the Committee.

[1] The Persian delegate to the Tenth Assembly (September 1929) described the difficulties that had for the time prevented his country from ratifying the Opium Conventions, and added that, in spite of all Persia's economic difficulties,

Nevertheless, in spite of various gaps and deficiencies, a worldwide system for the control of narcotic drugs is gradually being established.

The chief international aspects of this machinery are the import certificate system, which has been incorporated in the Geneva Opium Convention, and the system of regular periodical reports to the League. This latter system comprises :

(1) Detailed annual reports made by Governments on all aspects of the traffic ;

(2) The provision by Governments in accordance with the terms of the Geneva Convention of quarterly and annual statistics to the Permanent Central Opium Board at Geneva ;

(3) Special reports forwarded by Governments on all important cases of illicit traffic. (In addition to such reports, the League has encouraged the practice of direct communication between the police authorities of the various countries.)

On its national side, the machinery takes the form of an elaborate administrative system, based on certain common principles, which is now in more or less effective operation in a large number of countries. This system, which arises out of the Geneva Opium Convention, has been generalised by the Opium Advisory Committee into a model administrative code, which has been circulated by the League to the Governments for their assistance and guidance in framing their laws and regulations.

The Enquiry in Persia.

In order to help Persia to replace the poppy by other crops, a Committee of Enquiry was sent to that country with the help of 20,000 dollars from the American Social Hygiene Bureau and a similar sum from the League. In this connection, it may be mentioned that, soon after the Geneva Opium Conference, India changed her opium policy and undertook to cut down exports not intended for scientific and medical purposes by 10 per cent. per annum, so as to cease exporting opium altogether in ten years. This policy means a drastic reduction of cultivation in India, and the encouragement of other crops in place of the poppy.

his country was trying to conform its policy to the work of the League to the greatest possible extent.

The Limitation of Manufacture.

But, in 1929, the main interest of the League was concentrated on the question of limiting manufacture. After some years of discussion in the Advisory Committee, the Assembly and Council, where the Italian Government had consistently and strongly advocated the policy of limitation in addition to the import certificate system and all other measures of control and supervision, the Tenth Assembly on the proposal of the British Government requested the Council to summon a Conference for the Limitation of Manufacture. The Advisory Committee prepared a scheme for this purpose. This plan provides for (1) fixing the world's production of the drugs; (2) allocating this amount by a quota system between the manufacturing countries; (3) distributing the amount so that each consuming country receives what it requires for its medical and scientific needs.

Each country is to supply an annual estimate for the ensuing year of its requirements for medical and scientific purposes in respect of the drugs covered by Article 4 (*b*), (*c*) and (*g*) of the Geneva Convention to the central authority designated in the proposed Convention for the Limitation of Manufacture. If a country does not furnish an estimate, the central authority is to make such an estimate. The estimate should be furnished by a date allowing the total world manufacture for the ensuing year to be determined a specified number of months before the beginning of that year. Estimates will be binding, but revised estimates may be submitted with an explanation of the circumstances justifying the change. The central authority may ask for explanations in the case of any estimate that appears extravagant.

The allocation of the production quotas should be arranged between the Governments of manufacturing countries or between the manufacturers themselves with the approval of their Governments. The allocation is to be based on the production for medical and scientific purposes, and production which has gone to supply the illicit traffic shall, so far as it can be estimated, be excluded. Each Government is to enforce the production quota for its manufacturers. Each manufacturing country may provide for its own medical and scientific needs. If a country not at present manufacturing drugs wishes to do so, it must give notice in time to allow the manufacturing quotas to be readjusted accordingly.

A central office is to be kept currently informed of all orders received and supplies made, so that the Governments of countries to which orders are sent can satisfy themselves, before giving an export licence, that the country from which the order is received is entitled to the quantity ordered.

The Council, at its May 1930 session, decided to summon a Conference for the adoption of this plan, to meet if possible by December, and invited Austria, Belgium, Canada, China, Egypt, Finland, France, Germany, Great Britain, Hungary, India, Italy, Japan, Mexico, Netherlands, Norway, Persia, Peru, Poland, Spain, Switzerland, Turkey, United States, Uruguay and Yugoslavia. At the same time, the Advisory Committee was enlarged by the admission of several new members, so as to provide for a fair representation on it of States not manufacturing drugs or producing opium or coca, but specially interested in the illicit traffic, either as sufferers from it or because of their geographical position.

The Far-Eastern Enquiry.

In September 1929, a Committee of Enquiry was sent to make a comprehensive review of the situation on opium-smoking in the Far East, of the measures taken by the Governments concerned to suppress this practice in accordance with the Hague Convention and the Geneva Agreement, the nature and extent of the illicit traffic, the difficulties in the way of suppression and of the action which should be taken in the circumstances by the Governments and by the League. This enquiry was undertaken at the suggestion of the British Government, which pointed out that, under the Geneva Agreement, the first of the conferences to discuss the progress made in suppressing the use of prepared opium was to take place in 1929, and also that the five-year period during which smuggling was to be prevented had almost come to an end, but that the situation was worse than ever. Consequently, the first conference would find itself faced by a difficult situation and might profitably be adjourned for a year at least, so as to give time for the preparation of a complete report on the position that should serve as the basis for its discussions. This was the origin and object of the enquiry, in which the Chinese Government did not wish to participate unless the field of investigation were extended to all countries producing or manufacturing opium, its derivatives

and other drugs, and unless China were represented on the Commission.

The Illicit Traffic in 1929.

Much, however, still remains to be done, as the Committee noted at its thirteenth session, in the beginning of 1930. For many years, several hundred tons a year of Persian opium have been exported in foreign bottoms through the Persian Gulf, the bulk being consigned to Vladivostok, but in fact transhipped for illicit purposes to China and other parts of the Far East. Through the efforts of the Committee, insurance companies in most countries have made it impossible for such cargoes to be insured, and the British and some other Governments have taken steps to prevent ships on their national registers from being used for this traffic. The bulk is now being handled by ships on the Chinese and Japanese registers, and most of this opium is smuggled into China. On the other hand, large seizures of Chinese opium, both raw and prepared, were made during 1929 in Hong-Kong, the Dutch East Indies, Malaya, the Philippines, etc.

Large seizures of opium are still being made in the Far East, and large quantities of drugs and opium are being smuggled into the United States and Canada. Important seizures of prepared opium have also been made in Australia.

Cocaine is streaming into India, Burma and other regions in large quantities from centres of distribution which at present are only partially known. In some cases, such seizures bear the labels of licensed Japanese firms.

Egypt is being flooded with drugs to such a degree that the number of addicts is estimated by the Egyptian Government to reach a total of 500,000 out of a population of 14 millions.

During 1927–1929, there were a number of seizures, some of the first importance. But the illicit traffic still remains enormous, involving tons of drugs and hundreds of thousands of pounds. Several Swiss, French, German and Japanese firms and one big Dutch firm have been or are being proceeded against because of discoveries showing that they had been supplying enormous quantities of drugs to the illicit traffic. An important part of the Committee's activity consists in giving publicity to the transactions of such firms and asking for full details of measures taken by the Governments concerned to put an end to their activities.

At the thirteenth session, in January 1930, the French Government stated that the import certificate system had now come into force in France, and a Central Narcotics Bureau had been established; the export of dangerous drugs to China had been stopped altogether.

The Japanese delegate announced that his Government had decided to decrease the manufacture of cocaine in Japan by 10 per cent. per annum for a period of four years, and was investigating the question of the large surplus of over a ton of cocaine in that country (to which the Committee drew attention), when the Japanese export figures and probable internal consumption were deducted from the figures of Japanese production for the years 1923–1928.

On the same occasion, the Swiss delegate stated that, since Switzerland had ratified the Geneva Convention and applied the import certificate system, her manufacture of morphine and heroin had been reduced about 75 per cent. and that new regulations would bring about a further decrease in both manufacture and export. Practically all exports of drugs to China had been stopped.

Another point being taken up by the Committee is the question of the smuggling of drugs through the post. Serial numbers for receptacles for drugs to enable seizures to be traced to their source, heavier penalties for infractions of the drug laws so as to prevent firms from continuing in business after they have been revealed as contributors to the illicit traffic, close co-operation between the police authorities in different countries so as to lay traffickers by the heels and the preparation by the Secretariat for circulation to the Governments of a black list of persons concerned in the illicit drug traffic were among the measures recommended at the thirteenth session of the Committee.

Drugs in China.

In view of the extent to which China is suffering from the illicit traffic and the difficulties experienced by the Chinese Government in combating the traffic in existing circumstances, the Committee decided to take up the drug situation in China at its 1931 session; it asked the Council to call the attention of the Treaty Powers to the matter, and to set on foot a study by these powers and by the Chinese Government of the situation and of the best way of giving effect to Chapter 4 of the Hague

Convention, by which the Treaty Powers and China have undertaken to collaborate in suppressing the production, use and traffic in opium and dangerous drugs in that country.

Conclusion

The League's social and humanitarian work has been varied and far-reaching, the League machinery has been rapidly adjusted to cope with emergencies and situations that the framers of the Covenant never contemplated and, through the League, Governments and private initiative have been brought together so as to obtain the best possible results. The framers of the Covenant were careful to make the League system as elastic and comprehensive as possible, and their handiwork was put to a severe test in the years immediately following the war. In the field of social and humanitarian endeavour the League has emerged honourably from this test, and the experience gained shows that the civilised nations can, through the League, carry out most forms of international co-operation to which they may set their hand.

CHAPTER IX

INTELLECTUAL CO-OPERATION

The Beginning—The Committee of Intellectual Co-operation—The Paris Institute—The Work of the Committee—The Cinematograph and the Rome Institute—Instruction in the Ideals and Work of the League of Nations.

THE League's work in the field of what is known as intellectual co-operation represents an adventure into an entirely new region of official international activity. Its chief interest during the period under review lies therefore rather in the exploration of the ground and in the gradual discovery of the special methods needed for dealing with it than in any striking positive achievement.

It was M. Hymans, the representative of Belgium in the League of Nations Commission at the Peace Conference, who proposed that "international intellectual relations" should be provided for in the Covenant. The idea found no favour at the time, but it was raised once more at the First Assembly by Senator Lafontaine and a resolution adopted on the subject. The Council therefore felt justified, on the motion of M. Léon Bourgeois, in proposing the appointment of a Committee "to deal with questions of intellectual co-operation and education." When the matter came before the Second Assembly, it was thought wiser to confine the scope of the proposed Committee, in the first instance at any rate, to intellectual questions outside the range of teaching proper, and the reference to education was therefore dropped. The Committee was finally set on foot in 1922 and held its first meeting in August of that year.

I. CHARACTERISTICS OF THE COMMITTEE

Composition.

The Committee on Intellectual Co-operation consists entirely of persons chosen for their individual eminence in the world of thought. The object of the League in establishing it was to summon to its councils a carefully selected group of the best thinkers of the age drawn from the chief intellectual disciplines. Thus philosophy has been represented by the first Chairman,

M. Bergson, physics by Dr. Einstein, Mme. Curie, Dr. Lorentz, M. Tanakadate, Dr. Hale and his successor Dr. Millikan and, more recently, by M. Painlevé, Greek studies by Professor Gilbert Murray, literature by M. de Reynold, medicine by M. de Castro, biology by Mlle. Bonnevie and later by Sir Jugadis Bose, the arts by M. Destrée, history by M. Susta, and law by Professor Ruffini (succeeded later by M. Rocco) and by M. Mariano H. Cornejo.

To gather together such an array of talent, representing such a variety of specialisms, countries and intellectual traditions, was in itself no mean achievement, particularly at a moment when the contacts between scholars, which had been interrupted during the war, had not yet been renewed. The mere existence of the Committee has certainly been a considerable moral influence in favour of international understanding.

Relations with Existing Organisations.

A second feature which distinguishes the work of the Committee is the nature of its relations with other organised bodies in the same field of work. In this respect, intellectual co-operation presents a marked contrast with other departments of League activity. The intellectual is solitary by nature. His best work is done in the seclusion of his study or laboratory and he has a natural tendency to shun publicity and to regard organising activities as an unwelcome encroachment upon higher things. This state of mind is clearly reflected in the history and existing condition of national and international organisation in the field of learning. Before the war such international organisation as had been brought into existence was either of a purely specialist character, as exemplified by the congresses dealing with individual branches of study, or was centred in the closed circle of the learned academies. Neither of these forms of activity concerned themselves with what may be called the material or external problems of intellectual life, still less did they enter into any contact with Governments. It was indeed generally considered that the thinker and the statesman moved in two wholly separate orbits, and that, whereas the art of government had little to learn from the species described by Napoleon as " ideologues," the scholar in his turn would be out of place, and might even compromise his intellectual integrity, if he sought to interfere with affairs of State. Thus, for instance, when the International Convention for the Exchange of Official

Publications was drawn up in 1886, it did not occur to anyone at the time that the principle involved might be of interest to scholars and invited a possible extension to certain classes of scientific matter. In the same way, occasional loans of manuscripts and other material from library to library across national frontiers were arranged through the ordinary diplomatic channels.

The *International Association of Academies* necessarily discontinued its activities during the war. At its close, two new organisations sprang into existence, dividing between them practically the whole range of the higher studies: one of these is the International Union of Academies, which devotes itself to humane studies; the other the International Research Council, covering the natural sciences. In 1922, when the Committee on Intellectual Co-operation was established, neither of these two bodies had succeeded in re-knitting the contacts broken during the war or in gaining the full confidence of scholars in all the leading countries. It was not until the formation of the International Committee on Historical Studies in 1926 that a completely international organisation was brought into existence in any one branch of learned study. Repeated attempts have since been made to overcome the reluctance of the representatives of certain countries to co-operate with the other two organisations, but up to the end of the League's first decade these had not proved successful.

Thus, whereas in the realm of economics or health or social welfare, problems could be thrashed out by non-official international organisations with effective groups in most of the leading countries, the scholars who accepted the Council's invitation were at first compelled to deal unaided with the problems of the vast area assigned to them by the Council, and with the proposals submitted in regard to them. How multitudinous and how heterogeneous these proved to be can be seen by anyone who will glance through the Minutes, or even the indices, of the eleven sessions of the Committee between 1922 and 1929.

Difficulty and Complexity of the Committee's Task.

Not only, however, were international intellectual relations almost entirely unorganised, but the problems which claimed the Committee's attention were of special seriousness and urgency. It is true that the Economic Organisation of the League had to deal with the long-continued dislocation resulting from the war, and

the Health Organisation with such emergencies as the outbreak of typhus in Eastern Europe; but the problems in intellectual life, whilst equally urgent, were far more deep-seated and more difficult to adjust. The war had in fact brought to its culmination a process of revolutionary change in the whole material basis of intellectual life. Whereas, in the 19th and preceding centuries, those who devoted themselves to a life of study and research, whether attached to universities or not, belonged on the whole to a class assured of a reasonable degree of comfort and stability, the 20th century, and post-war conditions in particular, have exposed intellectuals to the full rigours of the competitive struggle in which so much of the rest of the community is engaged. The vast extension of State instruction, and the close relationship established between applied science and business enterprise, have greatly increased the proportion of intellectual workers in the community and correspondingly endangered the older standards of thorough and disinterested work. The incursion of mechanical inventions into new fields—as for instance in music and the drama—has suddenly confronted scholars and artists with problems analogous to those with which manual workers have been familiar from the end of the 18th century. At the same time, Governments and business enterprises of a large-scale character have awakened to the practical importance, not only of the applied sciences, but also of the basic studies, and specialists in a great variety of subjects are therefore being called upon to face wholly new practical responsibilities. In League work alone, it is worth while recalling that the League had recourse during this first decade to chemists, agricultural experts, theoretical economists, geographers, biologists and bacteriologists, and this is only one example of a procedure that is being increasingly adopted by individual Governments.

Moreover, the Committee had to face one further difficulty of a more immediate character. Important and urgent as were the problems before it, the fact that little precision had been given to them by discussion in individual countries deprived it of the public support which was necessary to secure the full co-operation of the Assembly. Since its work was both unfamiliar and undefined, some delegations were unwilling to assign to it funds such as would have permitted a thorough preliminary exploration of the ground. The sums voted during

the first two years were indeed hardly sufficient to meet the needs of the small staff of the newly formed section of intellectual co-operation.

International Institute of Intellectual Co-operation in Paris.

So discouraging was the position in this regard that, in 1924, the Committee decided to issue an appeal for aid from external sources. As it turned out, the moment chosen was propitious; for in France, where public opinion has always been specially alive to intellectual problems, a Government had just come into power, pledged to support the League and anxious to show its interest in its activities. Thus, when the Committee met in July 1924, its Chairman, M. Bergson, was able to lay before it a letter from the French Minister of Public Instruction, M. François Albert, offering the Committee a permanent executive organ in the shape of an institute to be established in Paris in premises provided by the French Government, together with an annual income adequate for the carrying on of its work.

The proposal was accepted by the Committee and subsequently by the Council and the Assembly, and a formal agreement was drawn up between the League and the French Government. The new Institute opened its doors in November 1925. Since that time, therefore, intellectual co-operation, in its early years the Cinderella of the Secretariat, has been as well equipped as the other sections of the Secretariat; for the Institute, despite its name and its situation outside Geneva, performs functions similar to those carried out by the sections of the Secretariat. Its programme of work is drawn up each summer at the annual meeting of the Committee of Intellectual Co-operation at Geneva.

Formally speaking, the Institute is an independent corporate body, recognised under French law, with a Governing Body of its own; but in fact that Governing Body consists of the members of the Committee of Intellectual Co-operation. The sole difference between the Governing Body and the Committee is that the Chairman of the former must be of French nationality, the position thus devolving upon the scholar of French nationality on the Committee. A similar method of organisation, slightly adapted to meet the special circumstances, has been adopted in the case of two other institutes since offered to the League, in both cases by the Italian Government—

the International Institute for the Unification of Private International Law established in 1928 and the International Educational Cinematographic Institute, which was inaugurated in 1929.

Development of the Movement for Intellectual Co-operation.

The League organisation of Intellectual Co-operation has developed rapidly since the establishment of the Paris Institute. Already before that date, the International Committee had adopted the practice of forming permanent sub-committees and, when the Institute was organised, it was divided into sections arranged so as to correspond with these. There has also been a considerable development of national organisation to fill the gap to which reference has already been made. As early as 1923, "national committees of intellectual co-operation" were established in twelve countries in Central and Eastern Europe, mainly in connection with the provision of relief for intellectuals, a problem to which the International Committee was at that time devoting its attention. Once formed, these committees discovered a wider sphere of usefulness, and their number rapidly increased in the succeeding years. At the present time there are thirty-five national committees in existence. They are variously composed and not always fully equipped for carrying on their duties, but in nearly all of the larger, and some of the smaller, countries, there are now, following the example set by the United States National Committee from 1926 onwards, regular offices with whole-time secretaries. There has also grown up a system of Government delegates attached to the Paris Institute.

In January 1930, the League organisation of Intellectual Co-operation consisted of the main Committee, composed of fifteen independent scholars, six sub-committees dealing respectively with:

(1) University relations;
(2) Science and bibliography;
(3) Arts and letters;
(4) Intellectual rights;
(5) The instruction of youth in the aims of the League of Nations;
(6) Interchange of teaching staff;

thirty-five national Committees and about forty Government delegates accredited to the Institute, the actual work being carried on by a whole-time staff of close on 100 persons in Paris and Geneva.

The International Committee and the Sub-Committees ordinarily meet once a year [1] and the Government delegates twice or three times a year. A meeting of representatives of national committees was held for the first time in July 1929 and is likely to become periodical.

Revision of Programme of Work and of Organisation.

The Committee's activities which, to quote the words of its Rapporteur, have "grown up in an empirical manner as and when problems arose and suggestions were made," have become exceedingly complex: at its last meeting in July 1929, it was therefore decided that the time had come for a systematic survey of its programme, work and organisation. This task was entrusted to a small committee, consisting of five members of the International Committee and three outside experts, and its report, after submission to the plenary Committee and the Council, will be considered by the Assembly.

II. Work of the Committee

It is now necessary to glance briefly at these activities themselves. As has been stated, the field of work before the Committee in 1922 was vast, ill-defined, yet at the same time filled with pressing problems. This situation is well illustrated by the list of subjects which have occupied the attention of the Committee in the last eight years. Over a hundred questions have come under consideration—a considerably larger number than have been dealt with by any other technical section of the League. This arises, as has already been explained, from the lack of adequate agencies for sifting and selecting the material submitted, so that the Committee and its Sub-Committees have had their attention called to proposals of greatly varying interest, importance and practicability.

The topics which have been discussed can be conveniently grouped under three heads:

[1] With the exception of No. 5—Instruction of Youth—which met in 1926 and 1927 and is convened again for 1930.

1. General questions.
2. Enquiries undertaken by the Institute and the Secretariat.
3. Enquiries undertaken with the aid of outside experts.

1. *General Questions*

The general questions submitted to the Committee range from the problem of an auxiliary international language and the discovery of means for persuading scientists to make public their discoveries with regard to chemical warfare to questions of educational administration such as the *numerus clausus* applied to certain classes of students in certain countries. That problems of this kind were submitted to the Committee at all is evidence of the need felt in the modern world for some authoritative expression of opinion on questions involving broad intellectual principles. The Committee has, however, during its early years been very careful not to arrogate to itself any such authority and the resolutions adopted have been marked by great caution. On the question of poison gas, for instance, it regretted its inability to take action, whilst, as regards the *numerus clausus*, it disclaimed interference with questions of domestic politics. It did, however, at its second session, hold a full debate on the problem of an auxiliary international language. As a result, it declared that it did not feel justified in recommending an artificial language to the consideration of the Assembly of the League, considering that its efforts should be mainly directed towards the study of modern languages and foreign literatures, in view of the fact that such study constitutes one of the most effective methods of bringing about a moral and intellectual understanding between persons of different nationalities.

2. *Enquiries by the Institute and the Secretariat*

Most of the questions that have come under the consideration of the Committee have simply been referred to the Paris Institute as its working organ.

In many cases little progress has resulted owing to the lack of preliminary study. To select a few instances, resolutions have been passed for the collection of information on the different national systems of education, for the formation of an International Universities Association, for an enquiry regarding archives, for the unification of archæological and

scientific nomenclature, for an international convention on archæological research, for the protection of natural beauties, for the establishment of an organ of financial aid for intellectuals, for Government loans for the development of intellectual life, for the protection of professional titles, for the publication in learned reviews of studies which their authors were unable to publish, for the promotion of scientific publications in lesser-known languages, for the establishment of an international bureau of meteorology, for the development of international dramatic relations, for a scheme of historical publications, for the institution of international scholarships and for the exchange of professors and of students. All these are examples of matters on which no action proved possible, either because they were unsuitable for international treatment or because the appropriate specialised body for dealing with them had not yet been evolved.

3. *Enquiries by Experts*

The third group of questions is composed of those on which the Committee called in the aid of outside experts. Here a steady progress can be observed in the technique adopted, as each particular question was subjected to closer analysis. The Committee gradually discovered that results, as in other types of League work, could only be reached through the co-operation of those best qualified to express an opinion. The meetings of experts which took place led to new and valuable international contacts which have in some cases developed into new forms of regular international co-operation and even of permanent corporate association. The process involved can best be made clear by some particular instances.

International Co-ordination of Libraries.

One of the problems which early attracted the Committee's attention was the improvement of library facilities. When this idea first presented itself, it took the shape, in some quarters, of a project for a single international library with a complete outfit of material on every branch of learning. When submitted to analysis, it passed through an evolution from centralisation to organised co-operation very similar to that observable on the larger stage of general politics. A group of library experts, representing some of the greatest existing libraries, was called into council, and practical arrangements set on foot for co-operation. It was found that international co-operation

could only proceed on the basis of effective organisation within individual countries, and that this helped the levelling-up of national library systems to the standards of the most advanced countries. National centres to receive and transmit demands for books from abroad came into existence, and the international contacts so formed have been found to require very little in the way of a definitely international organisation. Side by side with this promotion of direct contact between national library centres has been the development of international organisation amongst librarians. Recent developments have culminated, at a conference in Rome in the summer of 1929, in the formation of an International Federation of Library Associations, which elected as its permanent secretary the Librarian of the League of Nations Library. An idea which first found expression in 1923 in the form of a broad statement of policy has now taken shape in a regular network of co-operation between national institutions and the members of the profession concerned with them.

International Museum Office.

A somewhat similar development has taken place in regard to museums. In this case the formation of the framework was the work of the Commission itself rather than of a corporate gathering of experts. Thanks to the activity of the Arts and Letters Sub-Committee and of the Artistic Relations Section of the Institute, an International Museums Office was set on foot in 1926 with a Governing Body composed of members chosen by invitation from a variety of countries. Under its auspices, conferences of experts have been held on the use of museums for education, and on other more technical problems. Various exhibitions have also been organised. But, possibly owing to the complexity of the subject, the resolution adopted in 1926 under which it was hoped to relieve the Paris Institute of financial responsibility by developing the office on an autonomous basis has not yet become operative.

Co-ordination of Institutions for the Scientific Study of International Relations.

Another example is afforded by the action taken in regard to the teaching of politics. At its session in 1923, the Committee adopted a general resolution recommending that universities should attempt to remove misunderstandings between nations by means of courses on the political, economic and moral conditions in other countries. Two years later, the subject was taken up

anew in a more practical form. At its sixth session in 1925, its attention having been drawn to the matter by a scheme for an international university, the Committee passed a resolution advocating co-operation between the existing national and international institutions concerned with international studies and authorising the Paris Institute to use its best endeavours to this end. Here, again, as in the case of libraries, the first step was the promotion of co-operation between institutions in individual countries. Action ensued on the part of the French and German institutions, and by 1928 the process had been carried to a point which enabled an international conference to be summoned with some hope of success. Representatives of national institutions in eight countries and of four international institutions met in Berlin in March of that year and discovered that their common studies and outlook provided a firm basis for corporate action. At a second conference in London in the following year, a regular executive committee was appointed and certain common tasks set in hand.

Thus the stimulus provided by the International Committee has helped to awaken a corporate consciousness in what is, practically speaking, a new department of learning, and the Conference of Institutions for the Scientific Study of Politics is likely to become an annual event.

International Committee of Popular Arts.

A further example of the same technique is the formation of an International Committee of Popular Arts as the result of an international congress sponsored by the Committee on Intellectual Co-operation and organised by the Paris Institute. In this case, the establishment of a regular Committee was preceded by a congress held in Prague in 1928 with all the difficulties involved in organising a scientific meeting without a representative scientific committee to direct it; but possibly the result could have been achieved in no other way. Here, too, as the result of League action, a form of international organisation has been evolved in a branch of study hitherto unprovided for.

Co-ordination of Bibliography.

Considerable attention has been paid by the Committee and the Institute to questions of bibliography. Physics, social and economic science, Græco-Roman antiquity, biology, general linguistic studies, and the Romance languages in

particular, have all formed the subject of deliberation by committees of experts chosen by the League organisation. In the absence of specialised international organisations qualified to undertake the work, action through the League Committee seemed the only available course if progress was to be achieved. But, as the International Research Council with its constituent Unions and other similar bodies develop and complete their organisation and membership, bibliographical work will necessarily be undertaken on a wider and more representative basis.

Literary and Scientific Property.

Much activity has been displayed in regard to literary and scientific property. Apart from the question of copyright (on which an international conference took place in the spring of 1929, showing a marked advance in certain particulars), the chief effort has been concentrated on a plan, put forward by Senator Ruffini in 1923, for the recognition of the legal right of the scientist to share in the profits derived from the practical applications of a new idea or discovery originated by him. The question has been most exhaustively discussed, both in its theoretical and practical bearings, and has reached the stage of a draft international convention. It must be confessed, however, that it has not yet succeeded in attracting a sufficient measure of corporate support from those in whose interest it has been devised.

Equivalence of University Degrees.

Another question which well illustrates the evolution of the Committee's technique is that of the equivalence of university degrees. The provision of facilities for students to pursue their studies, without breaking their university course, in institutions outside their own countries is obviously desirable for the promotion of international understanding, and the Committee, at its second session, in 1923, passed a general resolution to this effect; but no progress could be made until contact was established with the authorities in each country familiar from daily practice with the problems involved.

After the establishment of the Paris Institute in 1925, the question was discussed successively by meetings of directors of National University Offices and of the International Students' Organisations. In this way, both those responsible for the

regulations for the admission of foreign students and the representatives of the organised students themselves were called into council. The problem has proved to be far more complex than the framers of the first resolution can have imagined, for analysis has revealed unexpected differences, not only between educational levels in different countries, but also between types of institutions and the place occupied by them in the different national systems of education. But in no other way than through regular collaboration between the administrative officers concerned could any progress have been hoped for at all.

Translations of Important Literary Works.

In the problem of translations, it is obviously desirable, especially in the case of languages with a limited range, that important and valuable literary works should be made available to readers unable to understand them in the language in which they are written. But the embodiment of this idea in practical shape involves very considerable difficulties. The Committee first adopted resolutions on the subject in 1926, but it was not until co-operation was established with representative international literary associations, such as the P. E. N. Club, that the basis was laid for effective action.

This analysis of the chief activities of the Committee has already revealed the general method towards which it has been tending—the institution of regular conferences between those interested in the several problems taken up. Three such conferences have now become regular features of the work of the Committee. Two of these, the Conference of Directors of National University Offices and the Conference of International Students Associations, have been held annually since 1926, and the third, the Conference of Institutions for the Scientific Study of Politics, since 1928, the Paris Institute being responsible for the arrangements in each case. A conference of associations engaged in international school correspondence was held in the summer of 1929 and decided to make use of the Paris Institute as its secretariat. There have also been annual conferences of library experts since 1927, but in this case the organisation has not taken so clearly defined a shape.

III. Relations between the Cinematograph and Intellectual Life—Foundation of the Rome Institute

Two other activities arising out of the Committee's work must be briefly referred to. The first is the action taken in connection with the cinematograph. A report on the relations between the cinematograph and the intellectual life of the world was drawn up on behalf of the Committee in 1924 and led to the adoption of a general resolution. Following on this, the French National Committee on Intellectual Co-operation took the initiative in organising an international cinematograph congress which took place at the Paris Institute in September 1926. Although the League Committee itself was not here directly concerned, the Congress proved valuable in drawing attention to the social and educational possibilities opened up by the development of the cinematograph. The interest thus aroused led the Italian Government, at the Assembly of 1928, to offer to the League the foundation of an International Institute of Educational Cinematography to co-ordinate and stimulate the work done throughout the world in this connection. The offer was accepted by the Assembly and the Council, and the new Institute, which is housed in the Villa Torlonia at Rome, entered upon its activities in 1929.

IV. Instruction of Youth in the Existence and Aims of the League of Nations

The last question to be treated is the action taken under the auspices of the Committee for the promotion of education on the League of Nations and international co-operation. This subject was first brought before the League at the Assembly of 1923 by Dame Edith Lyttelton, of the British delegation. As a result, the Assembly passed a resolution urging "the Governments of the States Members to arrange that the children and youth in their respective countries . . . be made aware of the existence and aims of the League of Nations and the terms of its Covenant." The matter was not allowed to drop, and the Assembly of the following year instructed the Secretariat to investigate the action which was being taken and to report to the Assembly of 1925. These reports, which were prepared in the Information Section of the

Secretariat, marked the establishment of the first contact between the League and official and non-official educational bodies in the member States. Not only did they bring together a mass of detailed information, but they explored new territory and drew the attention of the League for the first time to the activities of the more important international associations working for peace through education. One of the results of this exploration has been that these organisations themselves have been brought into permanent mutual association through a "Liaison Committee" (*Comité d'entente*) which has, since 1926, held regular meetings at the Paris Institute. In this way, representatives of primary and secondary teachers and of students and ex-students (such as the International Federation of University Women) have been brought into closer touch with bodies with a more general membership, but equally interested in the aims of the movement.

Up to this point, the Assembly had not referred the problem to any permanent technical body. In 1925, however, it decided to take a further step and to draw in the Committee on Intellectual Co-operation. The Committee was asked to consider whether it would be desirable to summon a sub-committee of experts to deal with the question, and at the same time the range of the problem itself was extended so as to cover, not simply the teaching of the League of Nations and its Covenant, but also the question of how "to train the younger generation to regard international co-operation as the normal method of conducting world affairs." The Committee endorsed this proposal and the Council then appointed the Sub-Committee, which was composed of fourteen members, several of them high officials in national Ministries of Education. Their report, which was issued in 1927, made a number of practical recommendations for action in the member States, arousing considerable interest and attaining a wide circulation. Among its proposals was one for the setting up of an official League educational information centre, to consist of two sections, one at Geneva to deal more particularly with the Governments and the other at the Paris Institute to keep in touch with the work of non-official organisations. The centre was set up by a resolution of the Assembly of 1927, and its working soon revealed that the mere accumulation of material received from Governments, non-official associations and private individuals, did not meet the need which the experts had in view. Some

means was clearly needed for enabling the information to bear fruit by being passed on to those interested throughout the world. The Assembly of 1928, therefore, on the recommendation of the Committee on Intellectual Co-operation, authorised the periodical publication of an *Educational Survey*, and at the Assembly of 1929 this new publication was definitely established on a six-monthly basis.

The Secretary-General of the League gave effect to another important recommendation of the Sub-Committee of Experts by preparing a pamphlet known as the "Aims and Organisation of the League of Nations," which is intended to provide educational authorities who wish to give instruction on the League of Nations with useful information as to its aims, constitution, organisation and working.

Perhaps the most striking result has been that here, as elsewhere, the adoption of the method of co-operation has revealed an unexpected variety of local conditions and of individual techniques for dealing with what, reviewed from the outside, seemed a relatively simple common problem. Just as, in the early days of the discussions on library facilities and international organisation in bibliography, the task was envisaged in terms of centralisation, so, in education for peace, voices had been raised urging the adoption of a single method and even a single text-book in schools throughout the world. It was soon discovered—if indeed the discovery needed to be made—that the problem of how to teach the League of Nations and international co-operation is being faced, and must necessarily be faced, in different ways in different countries, and that the League of Nations itself, if one may so express it, cannot mean quite the same in any two countries. The League is here confronted, in the most practical form, with the problem of reconciling a common international purpose with all that is most intimate and deep-rooted in national temperaments and traditions. If the younger generation is to acquire the habit of peace and to realise that it is growing up in a new era of world history, the adjustment that is involved must be carried through in harmony with its own social environment and within the framework of its own cherished institutions. No doubt this task of adjustment, with all its accompanying psychological difficulties, is one of great delicacy—more delicate perhaps in its own sphere than

political adjustments dealt with under Article 11 or 15 of the Covenant. Happily, however, it is taking place under conditions which allow time for growth and harmonisation. It is perhaps not too much to say that it involves the severest test to which the method of co-operation is being subjected during these early years. Upon its success or failure largely depends the fulfilment of the promise held out in the Covenant of the permanent elimination of war from human affairs.

CHAPTER X

THE MANDATES SYSTEM

I. Article 22 of the Covenant and the Mandates: C Mandates, B Mandates, A Mandates; Palestine and the Balfour Declaration; Trans-Jordania, Iraq. II. The Exercise of the League's Supervision: Constitution and Working of the Permanent Mandates Commission; Examination of Annual Reports. III. General and Special Problems: General Problems of a Legal, Economic or Social Nature; Political Disturbances; Rebellions, the Bondelzwarts Affair; the Syrian Revolt, Western Samoa; Palestine.

THE Mandates system is a new conception in international law and a novel experiment in colonial policy. Article 22 of the Covenant of the League of Nations defines the governing principles. The charters subsequently drafted for each of the mandated territories are, in a way, executive conventions for the application of these principles.

The Covenant gives no indication as to the choice of the mandatory Powers, nor does it deal with the distribution of the mandated territories. On these two points, the decision was taken by the Supreme Council, which, on May 7th, 1919, assigned Togoland and the Cameroons to France and Great Britain, German East Africa (Tanganyika) to Great Britain, South West Africa to the South African Union, German Samoa to New Zealand and the island of Nauru to the British Empire.[1] The other German possessions in the Pacific south of the Equator, including German New Guinea, were assigned to Australia, the German islands north of the Equator to Japan.

As the result of subsequent negotiations, the North-Western District of German East Africa (the provinces of Ruanda and Urundi) was placed under Belgian mandate.

The Mandatories for Syria, Palestine and Mesopotamia (A Mandates) were appointed by the Supreme Council at San Remo

[1] The mandate for Nauru was assigned to the United Kingdom, Australia and New Zealand. These three Governments delegated to the Australian Government powers of administration for the first five years, but on all essential questions they have to take a concerted decision. The arrangement with the Australian Government has since been renewed for a further period of five years.

on April 25th, 1920. France was entrusted with the administration of Syria, Great Britain with that of Palestine and Mesopotamia (Iraq).

I. Article 22 of the Covenant, and the Mandates

Article 22 of the Covenant reads as follows :

" To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

" The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations which, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and which are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

" The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

" Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

" Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms

traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

"There are territories, such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, or other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

"In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

"The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

"A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates."

Thus the object of the mandates system is to ensure the "well-being and development" of the inhabitants of these territories, as a "sacred trust of civilisation." The mandate is described as a "tutelage," exercised on behalf of the League and in its name. Without entering into the controversies to which the legal status of the mandate has given rise, it may be observed that this notion of tutelage is borrowed from private law and is a novelty in international law.

The acceptance of a mandate therefore entails an obligation, which is provided with a legal sanction: the Mandatory is responsible to the Council of the League, to which it must report annually on the territories committed to its charge. A permanent Commission assists and advises the Council on matters relating to the observance of the mandates.

Although based on a uniform principle, the system varies in its application. Article 22 of the Covenant recognises three kinds of mandates, which differ according to the development of the population, the geographical situation of the territory, its economic conditions and other circumstances.

The first category (A Mandates—Syria and Lebanon, Palestine and Trans-Jordania, Iraq) includes nations "recognised as independent subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone." In the second group (B Mandates—the Cameroons, Togoland, Tanganyika, Ruanda Urundi), the Mandatory is responsible for the administration. The territories of the third group (C Mandates—South West Africa and the South Pacific Islands) are "administered under the laws of the Mandatory as integral portions of its territory."

The degree of authority, supervision or administration exercised by the Mandatory consequently varies according to the territory, and this circumstance was taken into consideration in the drafting of the different mandates, which contain provisions for the application of the principles laid down in Article 22 of the Covenant.

The Mandates

Certain clauses are common to all the mandates. Subject to the provisions of the mandate, full powers of legislation and administration are given to the Mandatory. The Mandatory agrees that disputes arising with other Members of the League on the interpretation or the application of a mandate which cannot be solved by negotiation shall be submitted to the Permanent Court of International Justice. The consent of the Council is required for any modification of the mandate.

The other clauses vary according to the three classes of territory to which they apply.

C Mandates. For all the C Mandates (former German South West Africa and the Islands in the Pacific), the terms of the mandates are almost identical and fairly simple. The Mandatory is given the right to administer the territory as an integral portion of its home territory, and may apply its laws.

As a general principle, it is laid down that the Mandatory "shall promote to the utmost the material and moral well-

being and the social progress of the inhabitants of the territory subject to the present Mandate."

The mandate particularly provides that the slave trade shall be prohibited and no forced labour be permitted except for essential public works and services, and then only in return for adequate remuneration. A strict control must be exercised over the traffic in arms and ammunition, and the supply of intoxicating spirits and beverages to the natives must be prohibited. Military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, and the erection of military or naval bases and fortifications are not allowed. The Mandatory must ensure freedom of conscience and the free exercise of all forms of worship; all missionaries nationals of any Member of the League may enter into, travel and reside in the territory for the purpose of their calling.

The C Mandates contain no provisions regarding economic equality or freedom for the trade and commerce of all Members of the League. On the other hand, the provisions regarding the liquor traffic are somewhat stricter than for the B Mandates. The C Mandates prohibit absolutely the supply of intoxicating spirits and beverages to the natives, while the B Mandates only lay down that the Mandatory shall "exercise a strict control" over the sale of spirituous liquors.

B Mandates.

The provisions contained in the B Mandates are more elaborate. The Mandatory, which is responsible for the peace, order and good government of the territory, and invested with full powers of legislation and administration, may constitute the territory into a Customs, fiscal and administrative union with the adjacent territories, provided that such measures do not infringe the provisions of the mandate. The Mandatory is to apply to the territory committed to its charge any general international conventions already existing, or concluded hereafter with the approval of the League, respecting such matters as the slave trade, liquor traffic, freedom of transit, etc.

The military clauses are virtually the same as for the other mandates. On the holding or transfer of native lands, it is laid down that the Mandatory, in the framing of laws, shall take into consideration native laws and customs and respect the rights and safeguard the interests of the native population. Strict regulations against usury are to be promulgated.

The provisions regarding freedom of conscience and free exercise of worship are much the same as for the C Mandates.

The principle of the "open door" is carried out in detail. The Mandatory is to secure to all nationals of States Members of the League the same rights as are enjoyed by its own nationals in respect of immigration, acquisition of property, exercise of profession or trade. Freedom of transit and navigation, and complete economic, commercial, and industrial equality are to be ensured. Concessions for the development of the natural resources of the territory are to be granted without distinction on grounds of nationality, but concessions having the character of general monopoly are not to be granted. This provision does not affect the right of the Mandatory to create a monopoly of a purely fiscal character in the interests of the mandated territory, or in certain cases to carry out the development of its natural resources either directly by the State or by a controlled agency.

A Mandates.

The A Mandates, for Syria and Palestine, are rather different from the B and C Mandates. Here the Mandatory has to deal with more developed populations which will probably in time become self-governing, and it will therefore be expected to promote the capacity of these populations for self-government. For the Syrian Mandate it is expressly laid down that the Mandatory must frame an "organic law" for Syria and Lebanon, taking into account the rights, interests and wishes of the population. The progressive development of Syria and Lebanon as independent States is to be facilitated, and local autonomy as far as possible encouraged.

The Mandatories for Syria and Palestine are entrusted with the exclusive control of the foreign affairs of these countries, and are responsible for preventing any part of the territory from being placed under the control of a foreign Power. The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed in the Ottoman Empire, are not applicable in Syria or Palestine; the Mandatory has, however, to see that the judicial system established assures to foreigners as well as to natives a complete guarantee of their rights.

The respective Mandatories are to adhere on behalf of Syria and Palestine to any general international conventions already

existing, or which may be concluded, in respect of certain important matters such as the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic and wireless communication, or literary, artistic or industrial property.

Complete freedom of conscience and free exercise of all forms of worship consistent with public order and morality are to be ensured, and no discrimination of any kind made between the inhabitants on the ground of difference of race, religion or language. Each community may maintain its own schools for the instruction and education of its own members in its own language. The supervision exercised by the Mandatory over religious missions in Syria and Lebanon is limited to the maintenance of public order and good government.

The Mandatories are to see that there is no discrimination in Syria and Palestine against the nationals of any State Member of the League of Nations in taxation, commerce, navigation, the exercise of industries or professions, or the treatment of merchant vessels and aircraft. Freedom of transit is to be ensured and no tariff differentiation is allowed.

For Syria it is laid down that the Mandatory may maintain its troops in the territory for its defence, and the Mandatory is provisionally empowered to organise such local militia as may be necessary for the defence of the territory and to employ it for defence and the maintenance of order. This militia is later to come under the local authorities. The Palestine Mandate provides that "the administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country" subject to the supervision of the Mandatory. Except for such purposes, no military, naval or air forces are to be raised or maintained by the Administration of Palestine. The Mandatories have the right to make use of the ports, railways and means of communication for the passage of their troops and of all materials, supplies and fuel.

The Mandatories are to draw up and put into force a law for the protection of antiquities which will ensure equality of treatment in the matter of excavations and archæological research to the nationals of all States Members of the League of Nations.

In the Mandate for Palestine, certain particular circumstances had to be taken into account. By what is known as the Balfour Declaration of November 2nd, 1917, the British Government declared itself in favour of the policy of the establishment in Palestine of a National Home for the Jewish People, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country. These principles were agreed to by the Principal Allied Powers. When it came to the actual drafting of the mandate, it was evident that it must, on the one hand, contain the necessary provisions to carry out this policy and, on the other hand, be in agreement with the general provisions of the Covenant regarding the A Mandates.

The Palestine Mandate states that " the Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home and the development of self-governing institutions." A special organisation, known as the " Jewish Agency," is recognised as a public body for the purpose of co-operating with the administration in such matters as affect the Jewish National Home and the interests of the Jewish population in Palestine.

The Zionist Organisation was first recognised as such an agency, but, since 1929, these duties have devolved upon a body which includes representatives, not only of the Zionist Organisation, but also of other Jewish associations in various countries. This agency endeavours to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home. The administration is to facilitate Jewish immigration under suitable conditions and encourage settlement by Jews on the land, and the nationality law of Palestine is to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in the country.

The Mandatory must ensure that the rights and position of other sections of the population are not prejudiced by this policy and that the civil and religious rights of all the inhabitants of Palestine, irrespective of race, language and religion, are safeguarded.

Article 14 of the Mandate provides for the appointment by the Mandatory of a special Commission to study, define and determine rights and claims in connection with the Holy Places and the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission have so far been left open, but must be submitted to the Council of the League for approval.

A special clause of the mandate deals with Trans-Jordania. By an agreement of February 20th, 1928, the British Government recognised the existence of an independent government in this territory. The Council was informed by the British representative that the British Government considered itself responsible to the Council for the execution of the mandate in Trans-Jordania, and expressed the opinion that the agreement was in conformity with the principles of the mandate, which remained in full force.

Iraq. No mandate, in the strict sense of the word, has been drafted for Iraq. The Council recognised that the Treaty of Alliance between Great Britain and Iraq, concluded in 1922 and amended in 1926 following the settlement of the question of the frontier between Turkey and Iraq, gave effect to the provisions of the Covenant. This Treaty embodies the main general principles of the A Mandates (accession to general conventions, the fiscal and commercial position of nationals of States Members of the League, etc.).

The British Government undertakes, at the request of the King of Iraq, to provide the State with such advice and assistance as may be required during the period of the Treaty without prejudice to Iraq's national sovereignty; the British Government will be represented in Iraq by a High Commissioner and a Consul-General.

For the period of the Treaty, no gazetted official of other than Iraq nationality is to be appointed without the concurrence of the British Government.

The King of Iraq agrees to present to the Constituent Assembly, and to give effect to, an Organic Law, which shall take account of the rights, wishes and interests of all populations inhabiting Iraq.

The King agrees to be guided by British advice on all important matters affecting international and financial obligations

and interests of the British Government, and will consult the High Commissioner on what is conducive to sound financial and fiscal policy, ensuring the stability and good organisation of the finances of Iraq, so long as it is under financial obligations to the British Government.

The King has right of representation in London and in such other places as may be agreed upon, and where he is not represented he entrusts the protection of Iraq nationals to Great Britain.

Great Britain undertakes to use her good offices to secure the admission of Iraq to membership of the League of Nations as soon as possible. She undertakes to provide such support and assistance to the armed forces of Iraq as may from time to time be agreed upon.

No territory in Iraq is to be ceded or leased or in any way placed under the control of any other Power.

Following the Council's decision on the Mosul question, certain guarantees of local administration were granted to the Kurdish populations of Iraq. Measures were taken to ensure the protection of minorities, in particular the non-Moslem populations.

The various Mandates were approved by the Council on dates ranging from December 1920 to September 1924, after it had assured itself that they were in conformity with Article 22 of the Covenant.

II. The League's Supervision

The mandate is a system of administration by a responsible mandatory Power subject to international supervision. The mandated territories are administered on behalf of the League as a whole and this implies the moral responsibility of all its Members. Within the general lines of the League system as evolved in practice, the Assembly is free to discuss any questions relating to mandates, but the supervision of the administration rests primarily with the Council. The Annual Report of the Council to the Assembly contains a chapter on Mandates, which is discussed by one of the Assembly Committees. But the annual reports on mandated territories provided for by Article 22 of the Covenant are addressed by the mandatory Powers to the Council.

The principal agency through which the Council exercises its supervision is the Permanent Mandates Commission mentioned in the Covenant.

Constitution and Working of the Mandates Commission.

On December 1st, 1920, the Council approved the constitution of this Commission, which it definitely appointed on February 22nd, 1921. The Commission consists at present of eleven members, the majority of whom are nationals of non-mandatory Powers.[1]

The members, appointed for an indefinite period, are not Government representatives of the States of which they are nationals, but are selected on their personal qualifications, and must not hold any office of direct dependence on their Governments while serving on the Commission. This last clause is understood to exclude the appointment of a civil or military servant of any Government, even of one of the non-mandatory Powers, but not the appointment of professors at a State university, who cannot be said to occupy a position of direct dependence on their Governments.

The International Labour Organisation has the right to appoint an expert, who attends in an advisory capacity all meetings of the Commission at which labour matters are discussed. The Commission may summon technical experts to act as advisers on special questions.

The Commission is purely advisory; it has no power to render any decisions or to make direct recommendations to the Mandatories. On the other hand, the decisions of the Council are naturally based to a great extent upon the considerations and recommendations of the Commission.

The advisory capacity of the Commission does not mean that it is limited to the consideration of questions expressly referred to it by the Council; it may also on its own initiative put forward views on other questions. It is expected to consider the whole administration from the standpoint of the principles laid down in the Covenant. It does not content itself with ascertaining

[1] Mlle. V. DANNEVIG (Norwegian); Dr. RUPPEL (German); Lord LUGARD (British); M. MERLIN (French), M. Pierre ORTS (Belgian); M. L. PALACIOS (Spanish); Count de Penha GARCIA (Portuguese); Professor William RAPPARD (Swiss); M. D. VAN REES (Dutch); M. N. SAKENOBE (Japanese); Marquis THEODOLI (Italian), *President* Mr. WEAVER represents the International Labour Organisation.

whether the Mandatory has remained within the limits of the powers conferred upon it; it also examines whether good use has been made of these powers and whether the administration has been in the interests of the native population.

As a rule the Commission holds two sessions a year, one in the spring and the other in the autumn. If necessary, it also meets in extraordinary session.[1]

A Secretariat department, the Mandates Section, prepares its work and collects the necessary material. The best idea of the work of the Commission and the way in which the League accomplishes its task is furnished by a description of the methods adopted for the examination of the annual reports of the mandatory Powers.

Examination of Annual Reports.

These reports are prepared and printed by the mandatory Power on the basis of questionnaires established by the Commission. They are considered as public documents and distributed by the League Secretariat to Governments and the general public. They contain much more information than the administrative reports which the colonial officials submit to their Governments, and the entire series from any territory would give a succinct history of its development since the entry into force of the mandate. Several contain geographical, linguistic and ethnographical information which it would be difficult to find elsewhere.

The reports are forwarded to the Mandates Commission, which examines and discusses them in the presence of an accredited representative of the mandatory Power, who furnishes such supplementary information as may be requested.

Petitions from inhabitants of the mandated territories or from other quarters are a further source of information. All petitions from inhabitants of mandated territories must be forwarded to the League through the mandatory Powers, which are entitled to attach whatever comments they think fit. Petitions from other quarters are communicated to the Chairman of the Mandates Commission, who decides whether—by reason of the nature of their contents or the authority or disinterestedness of their authors—they require attention or whether they should be regarded as trivial. Those considered worthy of attention are communicated to the Government of the mandatory Power

[1] As in 1925 to consider the Syrian question.

with a request for any comments ; the others are reported upon by the Chairman. A number of petitions have been examined at each meeting of the Commission.

After the close of the discussion on the annual reports and petitions, the accredited representatives withdraw, and the Commission frames its report to the Council. The reports are subsequently communicated to the accredited representatives, who attach any comments they may desire to make. The nature and scope of the reports show how carefully the Commission examines all aspects of the administration—the social and labour conditions, the arms traffic, the trade in and manufacture of alcohol and drugs, liberty of conscience, military matters, economic equality, education, public health, land tenure, public finance, frontier delimitation, demographic statistics and the moral, social and material welfare of the natives in general.

The object of these observations is frequently to secure more detailed information on doubtful points. On many occasions, they have resulted in the introduction of reforms or some important measures ; examples of this are the rectification of the frontier of Ruanda Urundi, the settlement of the frontier between South West Africa and the Portuguese colony of Angola, the rectification of the frontier between Togoland and the Cameroons, etc. The Council forwards these observations and recommendations to the mandatory Powers, and the annual reports of the mandatory Powers, the report of the Mandates Commission to the Council and the Minutes of the discussions are published.

This examination of annual reports has resulted in close co-operation between the Commission and the mandatory Powers. It has become more marked since the Mandatories, which at first were represented by officials of the home Government, have adopted the custom of sending to Geneva the administrators and governors of the territories under their mandate. During the sessions of the Mandates Commission, it is by no means rare to meet at Geneva the High Commissioners for Palestine and Syria, the Administrator of South West Africa, the Commissioners for the Cameroons, Togoland and Ruanda Urundi. The relations so established between the members of the Commission (several of whom are themselves retired colonial administrators with a wide and varied experience of

colonial questions) and the officials directly responsible for the administration of the mandated territories greatly facilitate the working of the system. The members of the Commission are able to form an exact idea of the special problems and difficulties encountered in administration, while the officials of mandated territories gain a more accurate knowledge of the principles by which the League is guided in the application of the system. For several years, most of the mandatory Powers have been in the habit of sending to officials of mandated territories the League's publications on mandates, including the Minutes of the Commission, which are a veritable compendium of information on all kinds of colonial questions. Officials are thus able to realise that the results of their work are known and valued, and that the annual reports which they take so much trouble to prepare are really studied and discussed by a body which has sufficient administrative experience to appreciate their work.

III. General and Special Questions

On several occasions, the Mandates Commission has encountered general problems of importance to the working of the whole system, which both the Commission and the Council have had to investigate. It has frequently been obliged to interpret certain of the provisions of Article 22, which was not drafted in sufficient detail to solve all the difficulties that may arise in connection with the administration of such vast and widely differing regions as the mandated territories.

General Problems of a Legal, Economic or Social Character

One of the principal legal problems which the Council and the Commission have had to consider is that of the *concept of sovereignty*. This question arose in connection with the phrase "subject to the terms of the Mandate (the Government of the Union of South Africa) possesses *sovereignty* over the territory of South West Africa," used in an agreement over the delimitation of the frontier between the mandated territory of South West Africa and the Portuguese colony of Angola. The Commission asked the South-African Government to inform it whether, in its opinion, this term merely signified the right of

exercising, in virtue of the mandate and subject to its provisions and those of Article 22 of the Covenant, full administrative and legislative powers in the territory of South West Africa, or whether it implied that the Government of the Union considered itself as actually possessing sovereignty over the territory.

In September 1927, the Council pointed out that the Covenant, certain articles of the Treaty of Versailles, the mandates themselves and several of its own decisions in regard to the administration of mandated territories had had their part in determining, or in giving precision to, the legal relationship between Mandatories and the territories under their mandate. The relationship was new in international law, and for this reason the use of time-honoured terminology in the same way as previously used might sometimes be inappropriate to the new conditions. This question was again raised before the Council in 1929, when the South-African Government declared that it would accept this view.

The question of the *national status of the inhabitants of mandated territories* was also studied. On the Commission's recommendation, the Council decided that the status of the natives was distinct from that of the nationals of the Mandatories and could not be assimilated to it by any general measure. It added that it was desirable that natives under the protection of the Mandatory should in each case be designated by some form of descriptive title which would specify their status under the Mandatory. It recognised the possibility for natives voluntarily to obtain naturalisation from the Mandatory, in accordance with its laws.

Another general question was the *extension to mandated territories of special international conventions*. On the Commission's recommendation, the Council suggested that all States which had concluded special treaties or conventions should agree to extend the benefits of such agreements to mandated territories. It requested the Mandatories to insert in future agreements a clause providing for the possibility of their extension to mandated territories, and to indicate in their annual reports, if possible, the reasons which might have prevented the application to mandated territories of special agreements concluded during the period covered by the report.

The Commission also endeavoured to define the question of the *treatment accorded by Members of the League to nationals of*

mandated territories and to products and goods coming from those territories. A and B Mandates provide that States Members of the League shall enjoy economic equality in the mandated territories, but there is no legal basis upon which natives of these territories can claim reciprocal treatment.

As the Council pointed out, there could be no doubt about the intention of the Covenant in this respect because its authors had clearly desired to secure for mandated territories and their inhabitants, if not a privileged position, at least as favourable an economic regime as possible. It was nevertheless a fact that the reciprocity of the principle of economic equality had not been legally stipulated. To overcome this disadvantage, the Commission suggested two solutions—the conclusion of an international convention by which States Members of the League would grant nationals of mandated territories and products and goods from territories under A and B Mandates complete reciprocity as regards economic equality, or the conclusion of bilateral agreements between the mandatory Powers and the States Members of the League by means of direct negotiations.

An examination of the causes of the increase in the importation of alcoholic liquors into certain territories under B Mandate and of the steps taken to remedy the situation led the Commission to define certain terms of the B and C Mandates relating to the liquor traffic. It urged that the Mandatories should employ a uniform nomenclature and, in their reports to the Brussels Bureau for the Suppression and Control of the Liquor Traffic in Africa, should indicate in terms of pure alcohol by weight the alcoholic content of spirits imported, and of wines or any other beverage fortified by the addition of spirits. It further recommended the increase and equalisation of duties by agreement between the British and French Governments; the prohibition of the sale of spirits except under licence; the absolute prohibition of the manufacture, sale and possession of spirits by natives in the prohibited area defined by the St. Germain Convention; the imposition of freight charges on the carriage of spirits by rail on a sharply ascending scale and the extension of this system as far as possible to motor transport.

Another question discussed was the shortage of doctors and public health specialists in mandated territories. While

recognising that some progress had been made, the Commission drew the Council's attention to the following questions, which, in its opinion, called for elucidation:

(*a*) What are the difficulties, if any, encountered in recruiting public health officials for mandated territories?

(*b*) Do the mandatory Powers accept properly qualified doctors of foreign nationality as officials in their mandatory administrations? If not, would it not be possible to alter their policy in this connection?

(*c*) What qualifications do the mandatory Powers require of public health officials, whether nationals or foreigners?

(*d*) Should the difficulties encountered in recruiting an adequate number of doctors nationals of the Mandatory prove insuperable and if the principles of public health absolutely preclude the engagement of foreign doctors as officials, would it be possible to encourage by more liberal subsidies the medical work of the missions operating in mandated territories?

The Commission will resume its study of these questions as soon as the replies have been received from the Mandatories.

The study of general problems applying more or less to all mandated territories enables the League, in co-operation with the mandatory Powers, to define certain obligations with greater clarity and to promote the welfare and prosperity of the inhabitants of the territories.

Two problems which raise the whole question of the future system of government and status of certain mandated territories were considered by the Commission in 1929. One of these—the scheme for closer administrative, Customs and fiscal union between Tanganyika and the neighbouring British territories of Kenya and Uganda—is of importance from the point of view of its compatibility with the provisions and principles of the mandate. The other, which arose in connection with the British Government's announcement of its intention to recommend Iraq for admission to the League in 1932, confronts the Council and the Commission for the first time with the necessity for studying the conditions for the termination of a mandate.

Political Disturbances; Rebellions

Political disturbances and insurrections occurred in the mandated territories on four occasions. The maintenance or the restoration of order was the duty of the Mandatory. The League's duties were to watch developments and to consider the measures taken by the Mandatory.

The Bondelzwarts Affair.

In the summer of 1922, certain difficulties arose between the Administration and a South West African tribe, the Bondelzwarts. The South-African delegate informed the Assembly that his Government had appointed a committee of enquiry and would send the League a detailed report. The Assembly expressed the hope that the Mandatory would take measures for the relief of the victims of the insurrection and would endeavour to promote the economic reconstruction of the country. Subsequently, the South-African Government sent the Mandates Commission several reports on the causes of the rising, repressive measures, and the steps taken for the assistance of the victims and the economic revival of the tribe.

In September 1923, the Assembly expressed the hope that in future the annual reports of the South-African Government would contain information calculated to allay any anxiety that might be felt as to the re-establishment of satisfactory conditions in the district inhabited by the Bondelzwarts.

The Syrian Revolt.

In 1925, a revolt broke out among the Druse mountaineers and spread to other parts of Syria. The French Government sent the League several reports which the Mandates Commission considered at an extraordinary session specially summoned for the purpose, studying the political and administrative events prior to the revolt and the measures taken by the Mandatory to re-establish order.

After reviewing the principal difficulties inherent in the administration of Syria (existence of parties hostile to French influence and to the mandate, number of different races and creeds), it considered the action of the Mandatory from the point of view of its external policy, territorial organisation, judicial system and financial administration. The Commission endeavoured to form an opinion on the extent to which mistakes in policy, due to the incompetence and inexperience of certain

officials, might have contributed to the unrest and discontent which had developed. It was particularly struck by the successive changes which had taken place within a period of five years in the territorial organisation of the country, in the internal administration of the different States, in the number of judicial bodies and the jurisdiction and composition of the courts. It appeared to the Commission that the French advisers had shown a too pronounced tendency to take the place of the native authorities, but that this was accounted for in a large measure by the apathy and inefficiency of the native organisation.

After recalling the sacrifices made by France on behalf of the country, amounting to thousands of human lives and milliards of francs, the Commission noted a statement of the French representative that France was not pursuing in Syria and Lebanon any other aim beyond that of assisting nations, already recognised as sovereign, to acquire the capacity to exercise this sovereignty themselves. The Commission's hope was that the energy hitherto shown by certain Syrian parties in preventing the success of the policy of the mandatory Power within the country and in denouncing this policy outside would henceforth be devoted to its support.

The Commission then examined the various reports which the French Government had communicated on the enquiries into the origin of the revolt and responsibilities. These reports had been prepared by well-known persons who guaranteed the accuracy of the facts reported and the reliability of the conclusions.

The Commission expressed the hope that such measures as had been taken would never again be necessary, and that a lasting state of peace would promptly be established.

Western Samoa.

The rioting which took place in 1926 in Western Samoa led the Mandatory to despatch to the spot a special commission, whose report was forwarded to the League and examined by the Commission in June 1928. At its October session of 1927, the Commission had already been concerned with the situation, and on that occasion had recalled that, to supervise the observance of the mandates and usefully to co-operate with the mandatory Powers, it was desirable that it should be informed each year of political movements of any consequence in the mandated territories. It noted with regret that no previous mention had been made of the underlying causes of the agitation in question.

Replying on this point to the observations of the Commission, the accredited representative of the Mandatory said that it was possible that the Mandatory might not consider as very important certain disputes and differences which occurred fairly frequently, and therefore might not mention them in its annual report. It nevertheless fully recognised that information on any movements which might entail serious consequences should be promptly communicated to the Commission.

After examining the report in the presence of the responsible administrative authority, the Commission recorded its impression that none of the charges made against the administration in various petitions were substantiated and that none contained any evidence of policy or action contrary to the mandate. The local administration seemed to have made every effort to improve the conditions of life of the native population, notably in regard to public health and education, as well as in regard to agricultural production and commerce.

On November 1929, the Commission noted with regret that the general organisation of the territory and its financial administration were severely criticised in the report of the commission of enquiry forwarded by the Mandatory. The passive resistance organised by the agitators continued to paralyse the action of the administration.

The Commission hoped the authorities would succeed in regaining control of the situation and that a normal state of affairs would be re-established.

Palestine. Disturbances between Arabs and Jews took place in Palestine in August 1929. Shortly after, the Assembly and the Council met for their sessions of September 1929; numerous Government representatives commented upon the Palestine incidents and the British representatives made important statements on the policy the Government intended to adopt and the measures taken or contemplated.

The British representative, Mr. Henderson, explained the situation, pointing out that martial law had not been proclaimed and that the participants in the disturbances had been tried in the ordinary civil courts. The British Government had no intention of reconsidering the way in which the Palestine Mandate was exercised, or of modifying the policy laid down by the Balfour Declaration of 1917, and embodied in the

provisions of the mandate, to establish a Jewish National Home. The enquiry initiated by the British Government was therefore limited to the immediate causes of the disturbance. The rapporteur, M. Procopé (Finland), expressed his conviction that the British Government would forward to the League any further information it might obtain on the immediate and remote causes of the incidents, the steps taken to pacify the country and the measures taken to prevent the recurrence of such incidents. He proposed that, in accordance with the usual procedure, all the relevant documents should be forwarded to the Mandates Commission so that it might thoroughly examine them at its next session, or at an extraordinary session, and communicate its observations to the Council.

Some months later, at the request of the British Government, the Council decided that a Commission, consisting of three non-British members, including at least one qualified in judicial functions,[1] should be entrusted with the final settlement of the rights and claims of Jews and Moslems regarding the Wailing Wall. This decision was taken with a view to enabling the Mandatory to carry out its responsibility under Article 13 of the Mandate in the most favourable conditions for safeguarding the material and moral interests of the population. The Members of the Council emphasised that they did not wish to prejudice in any way the solution of the problems relating to the Holy Places in Palestine.

In these ways the League strictly supervises the observance by the Mandatories of the principles of Article 22 of the Covenant. Each year the Mandates Commission reviews the administration of all mandated territories, carefully examining every detail of the annual reports, discussing questions with the accredited representatives, requesting explanations or supplementary information, and suggesting reforms.

If any exceptional situation arises, the mandatory Power sends the Commission a special report on the events which have taken place and the measures applied. The Council considers the reports of the Commission, endorsing and forwarding to the mandatory Powers such comments and recommendations as

[1] The list of members of this Commission was approved by the Council in May 1930.

may be considered useful or necessary. The Assembly calls for an annual report on the application of the mandates system, on which it gives its opinion. The sustained efforts of the mandatory Powers and of the League of Nations have thus led to the establishment of a system of co-operation, controlled by public opinion, which aims at "the well-being and development" of the inhabitants of the mandated territories in fulfilment of the pledges of the Covenant.

OBLIGATIONS ARISING OUT OF THE TREATIES

Previous chapters have discussed the activities of the League within the terms of the Covenant. There are also certain special functions assigned to the League by treaties concluded at the end of the war, regarding the protection of minorities, the Saar Territory and the Free City of Danzig.

The League's obligations in these respects are precisely defined by treaty, and the League therefore has rather less freedom of action than in the other branches of its work. This must be borne in mind when forming a judgment on the work described in the following two chapters (XI and XII).

CHAPTER XI

PROTECTION OF MINORITIES

Origin and Purpose of the Protection of Minorities I. Basic Texts.—Analysis of International Engagements for the Protection of Minorities.—Rights of Minorities.—League of Nations Guarantee II. Procedure and Machinery.—Information Procedure: Petitions.—Examination Procedure: Minorities Committees.—The Minorities Section.—Procedure for the Protection of Minorities in Upper Silesia.—The Work of the Council and the Minorities Committees.

Origin and Purpose of the League's Work for the Protection of Minorities

THE existence of minorities is not a recent phenomenon, nor is their protection an innovation in international law. Minorities existed before the war, and diplomatic history affords numerous examples of treaties with special clauses aimed at providing guarantees for groups of population differing in race, language or religion from the majority of the population of the State to which they belong. The supervision of the application of these guarantees was generally left to the signatory States, upon whom rested the responsibility of taking any diplomatic measures necessary to ensure that the Treaties were respected.

This system conferred on the Great Powers something approaching a right to interfere in the internal affairs of certain States, and it was a right which could, on occasion, be used for purely political ends. It was also the fact that neighbouring States most of whose population belonged to the same race, spoke the same language and professed the same religion as those of the minority in the other State, considered themselves morally bound to watch over the interests of this minority. The intervention of Great Powers and the protests and action of neighbouring States frequently led to misunderstandings and to conflicts which endangered peace without serving the interests of the minorities. Long before the war, the drawbacks and risks of this system were obvious. The changes which the 1919 Peace Treaties effected in the territorial status of Europe resulted in a change of nationality for many populations. It became necessary to provide for the protection of the minorities

thus constituted in order to prevent them from becoming a source of disturbance to the peace of the world. The authors of the Treaties decided to establish a system which would guarantee minorities against oppression, and which would guarantee the States concerned against the interference of other States in their domestic affairs.

The Treaty clauses for the protection of minorities were to be considered as obligations of international concern and placed under the ægis of the League of Nations.

The origin and purpose of this step are clearly and authoritatively stated in the covering letter which the President of the Peace Conference, M. Clemenceau, addressed on June 24th, 1919, to the Polish representative, M. Paderewski, with the Polish Minorities Treaty:

> "1. I would point out [wrote M. Clemenceau] that this Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that, when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such State should, in the form of a binding international convention, undertake to comply with certain principles of government. This principle, for which there are numerous other precedents, received the most explicit sanction when, at the last great assembly of the European Powers—the Congress of Berlin—the sovereignty and independence of Serbia, Montenegro and Roumania were recognised.
>
> . . . . .
>
> "2. The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if on this occasion they departed from what has become an established tradition. In this connection, I must also remind you that it is to the endeavours and sacrifices of the Powers in whose name I am addressing you that the Polish nation owes the recovery of its independence. It is by their decision that Polish sovereignty is being re-established over the territories in question and that the inhabitants of these territories are being incorporated in the Polish nation. It is on the strength which

the resources of these Powers will afford to the League of Nations that, for the future, Poland will to a large extent depend for the secure possession of these territories. There rests, therefore, upon these Powers an obligation, which they cannot evade, to secure in the most lasting and solemn form guarantees for certain essential rights which will afford to the inhabitants the necessary protection whatever changes may take place in the internal constitution of the Polish State.

"It is in accordance with this obligation that clause 93 was inserted in the Peace Treaty with Germany. This clause relates only to Poland, but a similar clause applies the same principles to Czechoslovakia, and other clauses of the same nature have been inserted in the Treaty of Peace with Austria and will be inserted in those with Hungary and with Bulgaria, under which similar obligations will be undertaken by other States which under those Treaties receive large accessions of territory.

"The consideration of these facts will be sufficient to show that, by the requirement addressed to Poland at the time when it receives in the most solemn manner the joint recognition of the re-establishment of its sovereignty and independence and when large accessions of territory are being assigned to it, no doubt is thrown upon the sincerity of the desire of the Polish Government and the Polish nation to maintain the general principles of justice and liberty. Any such doubt would be far from the intention of the Principal Allied and Associated Powers.

"3. It is indeed true that the new Treaty differs in form from earlier conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system, the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system, the guarantee is entrusted to the League of Nations. The clauses dealing

with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers which are signatories to the Treaty.

"I should desire, moreover, to point out to you that provision has been inserted in the Treaty by which disputes arising out of its provisions may be brought before the Court of the League of Nations. In this way, differences which might arise will be removed from the political sphere and placed in the hands of a judicial Court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided.

"The situation with which the Powers have now to deal is new, and experience has shown that new provisions are necessary. The territories now being transferred both to Poland and to other States inevitably include a large population speaking languages and belonging to races different from that of the people with whom they will be incorporated. Unfortunately, the races have been estranged by long years of bitter hostility. It is believed that these populations will be more easily reconciled to their new position if they know that, from the very beginning, they have assured protection and adequate guarantees against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, materially help the reconciliation which all desire, and will indeed do much to prevent the necessity for its enforcement."

The protection of minorities is one of the most difficult and delicate tasks which the Peace Treaties laid on the League and one which places the greatest responsibility upon the Members of the Council. It is primarily political and, this being so, it is not surprising that the subject has been widely discussed both inside and outside the League during the past ten years. Philanthropists, jurists, politicians—individually or in national and international associations—have occupied themselves with the theoretical aspect of the problem and have sought practical solutions. Both in the Assembly and in the Council, there have been frequent debates of considerable political significance, the most recent and important being those in 1929 at the March and June sessions of the Council.

It was on February 13th, 1920, that the Council agreed to assume the duties assigned to it. Some months later, in October, the Council determined " the nature and limits of the guarantees with regard to the protection of minorities provided for by the different Treaties " and drew up its procedure, which was amended in 1921, 1923 and 1925. Finally, in 1929, the Council, on the proposal of the Canadian representative, M. Dandurand, and the German representative, Dr. Stresemann, embarked for the first time upon a thorough examination of the problem as a whole, dealing with both principles and procedure.

After prolonged debates, public and private, which occupied the greater part of its March and June sessions, after the work of a committee of three of its members which met in the interval between the sessions, and after the examination of a great number of documents and memoranda from fifteen Governments, the Council adopted its final resolution of June 13th, 1929. It was not found possible to reach agreement on questions of principle such as the nature and extent of the League's guarantee and the powers and duties of the Council, but an agreement was reached on procedure, and the Council unanimously adopted a series of new regulations which were added to the procedure already in force.

The following pages contain a brief analysis of the texts of the Treaties, Conventions, Declarations, etc., upon which League action is founded; of the measures taken by the Council to ensure their application; and of a few specific cases which will give a general idea of the League's activity in this connection.

I. Basic Texts

International Engagements for the Protection of Minorities.

The texts governing the League's action comprise (1) five special treaties, known as the Minority Treaties, concluded between the Principal Allied and Associated Powers and Czechoslovakia, Greece, Poland, Roumania and Yugoslavia; (2) four special chapters inserted in the Treaties of Peace of Saint Germain (Austria), Neuilly (Bulgaria), Trianon (Hungary) and Lausanne (Turkey); (3) five Declarations made before the Council, in accordance with a recommendation of the Assembly (1920), by Albania, Estonia, Finland (for the Aaland Islands), Latvia and Lithuania on or

after their admission to the League; (4) two special Conventions —the Germano-Polish Convention on Upper Silesia and the Convention for the Memel Territory.

The list of these international agreements, which form a network covering almost the whole of Central and Eastern Europe, shows the exceptional character of the system. Its creators had no intention of establishing a general legal system applicable wherever racial, linguistic or religious minorities existed. They simply aimed at easing the solution of problems which might arise from the existence of minorities in certain countries where there was reason to suppose that, owing to special circumstances, these problems might present particular difficulties. That is why the Covenant contains no special article on the protection of minorities, although the insertion of such a clause was at one time contemplated at the Peace Conference.

But the idea of a general system for the protection of minorities has been discussed several times in the Assembly, which, in 1922, adopted this resolution:

> "The Assembly expresses the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the Treaties and by the regular action of the Council."

Rights of Minorities.

The texts all contain (1) a list of the rights guaranteed to minorities and (2) a clause regarding the guarantee of the League.

The rights may be grouped under two headings. The first includes general rights more or less common to all minorities in territories which have accepted the system for the protection of minorities by the League—namely, the right to nationality, the right to life, personal liberty and freedom of worship; the equality of all nationals of the same country before the law; equality in the matter of civil and political rights; equality of treatment and security in law and in fact; rights to the use of the minority language.

The differences of race, language or religion are not to prejudice any national of the country in admission to public employments, functions and honours or in the exercise of professions and

industries; nationals belonging to minorities are to have equal rights to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments, with the right freely to use their own language and to exercise their own religion.

States undertake to impose no restrictions on the free use by any national of any language in private intercourse, in commerce, in religion, in the Press and in publications of any kind, or at public meetings, and to grant nationals speaking a language other than the official language appropriate facilities for the use of their own language, either orally or in writing, before the Courts. They undertake to grant in towns and districts where there is a considerable proportion of nationals speaking a language other than the official language of the State appropriate facilities to ensure that, in primary education (in the Czechoslovak Treaty the phrase employed is "in education") children of such nationals are taught in their own language. This provision does not, however, prevent Governments from making the teaching of the official language obligatory.

The Treaties also stipulate that, in towns and districts where there is a considerable proportion of "minority" nationals, the latter shall be assured an equitable share in the enjoyment and application of sums provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

The second category includes certain special rights guaranteed to minorities specially situated, such as the Jewish minorities in Greece, Poland and Roumania, the Valachs of Pindus in Greece, then on-Greek monastic communities of Mount Athos, the Moslem minorities in Albania, Greece and Yugoslavia, the Czeckler and Saxon communities in Transylvania and the Ruthene territory south of the Carpathians (Czechoslovakia).

Guarantee of the League of Nations.

The clause embodying the guarantee of the League of Nations reads as follows:

> "Poland [or Austria, Czechoslovakia, etc.] agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of

Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan[1] hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

"Poland [or Austria, Czechoslovakia, etc.] agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

"Poland [or Austria, Czechoslovakia, etc.] further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the . . . Government and any one of the Principal Allied and Associated Powers or any other Power a Member of the Council of the League of Nations,[2] shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The . . . Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant."

This clause is the most important innovation in the Minorities Treaties, and is the key-stone of the whole system. Some analysis is therefore necessary.

The first paragraph confines the League's guarantee to "persons belonging to racial, religious or linguistic minorities." The significance of this restriction will be realised when it is remembered that the Minorities Treaties establish some very important rights, such as the right to protection of life and liberty, and certain rights to equality, not only for the benefit of

[1] The Treaties of Peace with Austria, Bulgaria and Hungary read as follows: "The Allied and Associated Powers represented on the Council . . ." The United States of America are not mentioned in the Treaty of Lausanne.

[2] The Treaty of Lausanne reads as follows here: ". . . and any one of the other signatory Powers or any other Power a Member of the Council of the League of Nations . . ." (Article 44).

the minorities, but also of all nationals and, in fact, of all the inhabitants of the country. These " universal " rights are not under any international guarantee. Secondly, the rights of the Principal Allied and Associated Powers as parties to these Treaties are transferred to the Council of the League in the event of any change in the Treaties. An agreement between a signatory State and the Council—not between the signatory and the Principal Allied and Associated Powers—is necessary before the Treaty can be modified, the Council's decision being taken by majority vote.

The second paragraph reserves to the Members of the Council —that is to say, to a certain number of Governments only— the right to bring to the attention of the Council any infraction or danger of infraction of the minorities provisions. This has given rise to some discussion and controversy. At the time of the negotiations leading up to the Albanian Declaration on the protection of minorities, the Greek Government asked that a clause should be inserted giving it the right to bring to the notice of the Council any infraction or danger of infraction of the obligations which Albania was about to assume. The Council thought there was no occasion to insert such a clause, as it would have constituted an exception to the general principles adopted in all the Minorities Treaties. In 1925, Count Apponyi, the Hungarian representative at the sixth session of the Assembly, maintained that it ought to be possible for the Council to be notified directly, by means of petitions from sources such as supreme ecclesiastical organisations or the cultural or economic institutions of the different countries. M. de Mello Franco (Brazil), discussing this question in the statement which he made to the Council in his own name, on December 9th, 1925, drew attention to the practical difficulties which would be created by such a procedure, and asserted that it was incompatible with the letter of the Treaties, by which even States which are Members of the League but not represented on the Council have no such power of direct notification.

The second paragraph of the guarantee clause, which states that, when a minorities question has been brought before it, the Council may " thereupon take such action and give such direction as it may deem proper and effective in the circumstances," is extremely general, and confers wide powers on the Council, without any indication as to the procedure to be followed. The

only rule of procedure applicable is that contained in Article 4 of the Covenant, which states that any Member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting when a question specially affecting its interests is brought before the Council.

In practice, the Council has always considered itself an organ of conciliation in these matters, and all minorities questions with which it has had to deal have been settled by agreement with the Governments concerned. In two cases (settlers of German race in Poland and acquisition of Polish nationality), the Council asked the Permanent Court of International Justice for an advisory opinion on certain points of law.

With regard to the third paragraph (reference to the Permanent Court of International Justice), its importance was emphasised by M. Clemenceau, in his covering letter to the Polish Minorities Treaty: "differences [he said] which may arise will be removed from the political sphere and placed in the hands of a judicial body." It was in the spirit of this declaration that the Third Assembly (resolution II of September 21st, 1922) recommended the Members of the Council to appeal without unnecessary delay to the decision of the Permanent Court of International Justice on any difference of opinion with the Governments concerned on questions of law or fact.

Interpretation of the Guarantee Clause.

It was inevitable that the application of a clause constituting such a profound change should be the subject of various interpretations, and this led to a thorough study of the clause at the Council sessions of March and June 1929. The German Government argued that the clause should have a general character not only empowering the Council to intervene in specific cases, but also laying upon it the obligation to exercise permanent supervision over the position of minorities in the various countries which had accepted minorities obligations. In support of this argument, the German Government pointed out that the League had frequently been occupied with the execution of dispositions governing the protection of minorities apart from specific cases submitted to the Council. It quoted an extract from M. Tittoni's report of October 1920 to the effect that the League must assure itself that the provisions for the protection of minorities were aways observed, and gave as examples the establishment of the 1926 Protocols on Greek

minorities in Bulgaria and Bulgarian minorities in Greece; the Council's intervention at the request of the Albanian Government and under Article 11 of the Covenant on the position of the Albanian minorities in Greece; the communications spontaneously addressed to the Council by different States on the way in which minorities were treated; a proposal of the Finnish delegation to the Third Assembly (1922) that a special commission be appointed "to make a thorough investigation of the question of national minorities and to report thereon to the Assembly."

According to the German Government, these examples showed that the idea of general supervision by the League was not entirely new. The reform suggested was merely that the supervision hitherto exercised without any special system should, in the light of the experience gained during the first ten years of the League's existence, be organised according to certain definite rules. To assist the Council in this general supervision, the German Government proposed the creation of a special permanent committee on minority questions, such as the Committees already existing for communications, economic and other questions. By making use of all sources of information at its disposal, and particularly of information furnished by the States concerned, such a committee might collect all available material on the state of the minorities question at any given time and subject it to a critical analysis. It might then at fixed intervals communicate to the constitutional authorities of the League any observations and suggestions, compatible with the Treaties and Declarations in force, which it might desire to make.

At the Council Committee meeting of June 11th, 1929, Dr. Stresemann explained further his Government's views. He had intended neither that a supervisory or executive body should be established, nor that the authority of any country should be impaired, nor that any kind of organisation should have the power to interfere with the sovereignty of a country. What had been contemplated was a body whose only duty would be to follow the situation closely, without having any right of investigation into the affairs of the various countries concerned.

On this subject, the Committee of the members of the Council entrusted with the preliminary examination of the questions submitted the following conclusions:

"The Treaties contain no provisions permitting the Council to exercise constant supervision with regard to the situation of minorities—*i.e.*, a supervision capable of being exercised apart from cases in which a Member of the Council has drawn the latter's attention to an infraction or danger of infraction of the Treaties.

"It is by the latter that the functions of the Council are specified. Modifications in the Treaties require the assent of the Council (acting by a majority) and the Council can take action when an infraction of the treaty stipulation (or danger thereof) is brought to its notice by one of its Members. It is through the working of these provisions that the operations of the guarantee of the League of Nations under which the minority clauses are placed is ensured. Any supervision outside the examination of cases of infraction, or danger of infraction, which might be brought to the Council's notice in conformity with the Treaties would be outside the scope of the latter, and it could not be instituted without the consent of the parties to the Treaties. The suggestion in question would, moreover, modify to such an extent the conception on which the Treaties are based that the Committee does not feel able to make a recommendation to this effect."

As no decision was taken on these interpretations, the report submitted by M. Tittoni and adopted by the Council on October 22nd, 1920, must be regarded as embodying the Council's official interpretation of the guarantee clause of the Minorities Treaties. This text reads:

"It may be advisable at the outset to define clearly the exact meaning of the term 'guarantee of the League of Nations.' It seems clear that this stipulation means, above all, that the provisions for the protection of minorities are inviolable—that is to say, they cannot be modified in the sense of violating in any way rights actually recognised and without the approval of the majority of the Council of the League of Nations. Secondly, this stipulation means that the League must ascertain that the provisions for the protection of minorities are always observed.

"The Council must take action in the event of any infraction, or danger of infraction, of any of the obligations

with regard to the minorities in question. The Treaties in this respect are quite clear. They indicate the procedure that should be followed.

"The right of calling attention to any infraction or danger of infraction is reserved to the Members of the Council.

"This is, in a way, a right and a duty of the Powers represented on the Council. By this right, they are in fact asked to take a special interest in the protection of minorities."

II. Procedure and Machinery

The Minorities Treaties merely refer to the duty incumbent upon Members of the Council to see that the clauses providing for the benefit of minorities are duly observed. But the Members of the Council realised from the first that, however anxious they might be to observe the spirit of the Treaties, they would find it very difficult in practice to keep themselves directly informed on how the Treaties were being applied. It was in some ways undesirable that minorities should apply direct to individual Members of the Council; appeals of this kind would have the same disadvantages as the old system of protection of minorities by the intervention of the Great Powers, which the League of Nations guarantee had been specifically intended to obviate. Direct appeal of minorities to a foreign Power would have the further disadvantage that it might be interpreted by the Government under which the minorities were placed as a hostile action on their part.

It was necessary to establish a system enabling the Council to keep itself informed on how the Treaties were being applied and to examine such information without infringing either the letter or the spirit of the Treaties.

The Council succeeded in evolving a procedure which provides machinery within the framework of the Treaties empowering minorities to appeal to the League by petition; it ensured consideration of such petitions by a suitable body, and authorised the creation of a special section of the Secretariat to collect information, to prepare discussions and to see to the execution of decisions.

The Council was careful to avoid anything which, contrary to the Treaties, might lead to the appearance before it, as in a

lawsuit, of two parties—the State and a minority or member of a minority in that State. From the guarantee clause, it is clearly a matter, not between the State and a minority, but between the State and the Council of the League of Nations. This is why the Council, rejecting any semblance of discussion or judicial hearing, has endeavoured to give minorities a right of direct appeal, at the same time taking care that the political unity of the State shall in no way be questioned.

Information Procedure, Petitions.

The system for the collection of information is based mainly upon petitions. These may be addressed to the League by any person or association, whether belonging to the minority of the country concerned or not, and by any Government. To be receivable, petitions must observe certain conditions. They must not emanate from anonymous or unauthenticated sources, they must not be couched in violent language, they must have in view the protection of minorities in accordance with the Treaties, they must not be submitted in the form of a request for the severance of political relations between a minority and the State, they must contain information or refer to facts which have not recently been the subject of another petition. Generally speaking, a signature is considered as authenticating the source of a petition and, in certain cases, telegraphic petitions have been considered as receivable before being confirmed by letter.

As to the form of petitions, only those containing abusive language or terms incompatible with the dignity of the Governments concerned are rejected. Account is taken of the fact that petitions may come from persons belonging to populations of primitive culture, in which case obviously their phraseology cannot be judged according to the strictest standards. The Governments concerned very rarely question the acceptability of petitions on the ground that their form is not in accordance with the rules.

By its resolution of June 13th, 1929, the Council decided that, when a petition was regarded as not receivable, the Secretary-General should bring this to the knowledge of the petitioner and should, if necessary, inform him of the conditions of receivability.

Once declared receivable, petitions are as a rule first communicated for observations to the Governments concerned and

then forwarded with these observations to the Members of the Council for their information. Any State Member of the League can, on request, receive communication of petitions addressed to the Council.

The petitions are considered by the Council to be a *source of information* as to how the signatory States are executing the Treaties, and are communicated to Members of the Council *for their information.* Neither the petition nor the communication has a legal character.

In a memorandum which he addressed to the Council in March 1929, the Canadian representative, M. Dandurand, proposed that petitions should first be submitted by their authors to the Government concerned, with a request that they should be transmitted to the League Secretariat within a certain time if the Government did not consider it desirable to reply to the petitioners direct; should the Government not succeed in giving satisfaction to the petitioners, the latter, after explaining their reasons for maintaining their petition, might ask that all the correspondence exchanged upon the subject should be forwarded to the Secretariat. This proposal was rejected by the Council, the Committee entrusted with the preliminary examination of the question having expressed the opinion that it was incompatible with the Treaties, because the system recommended would, in many respects, have the character of proceedings before a tribunal.

Examination Procedure.

The next question was whether the Members of the Council should decide by individual examination whether there had been an infraction or whether there was a risk of infraction of a Treaty and therefore whether the matter should be brought to the notice of the Council. To individual examination by each of its Members the Council preferred collective examination by a committee. It decided that all minorities petitions or communications should be submitted to three of its members (the President and two other members chosen by him). This is the origin of what has come to be known as the Committees of Three or the Minorities Committees.

The Minorities Committees.

With these Committees rests in each case the decision whether the question shall be placed on the Council agenda. This does not in any way affect the right of each of the Members

of the Council not represented on the Committee to draw the Council's attention to an infraction or a risk of infraction. Even if a Committee decides after examination that there is no need for the Council to intervene, it remains open to any Member of the Council, acting on its own responsibility, to bring the matter directly before the Council.

A Minorities Committee is constituted for each petition. As soon as the petition and the Government's observations have been circulated to the Members of the Council, the Acting President selects two of his colleagues to sit with him on the Committee. The President's choice is subject to certain rules adopted by the Council in 1925 and designed to ensure that the Committees shall be independent and impartial. They cannot include the representative of the State to which the persons belonging to the minorities in question are subject, or the representative of a neighbouring State or of a State a majority of whose population belongs, from the ethnical point of view, to the same people as the members of the minorities in question. If the Acting President of the Council himself falls within any of these three categories, his place is taken by the member of the Council who was President before him and who is not similarly situated.

Various other proposals were considered when the question came before the Council in June 1929. The Canadian representative proposed that all the members of the Council or their deputies should sit on these Committees. The German representative proposed that the number of members should be increased or decreased according to the importance of the question before the Committee, without debarring any member of the Council from sitting; the Netherlands representative proposed that States should be able to sit in an advisory capacity. It was not possible to reach agreement on these proposals. The Council accordingly dropped them—that of Canada because it would be equivalent to bringing a matter before the Council itself before any Member of the Council had done so; that of the Netherlands because it would give the proceedings the character of a debate; that of Germany because it provided for the direct intervention of a State concerned. It was finally decided that the President of the Council might, in exceptional cases, invite four, instead of

two, members of the Council to assist him in the examination of petitions.

Work of the Minorities Committees.

As soon as a Minorities Committee is formed, its members receive a memorandum prepared by the Secretariat. This memorandum, which is entirely objective, gives the various points in the petition coming within the scope of the Treaty (very often the points raised in a petition are outside its scope), together with the Government's observations on each of them. The Secretariat then takes steps to collect the fullest possible information on the facts of the case and to study any points of law which may be raised.

The meetings of the Committees are generally held during the sessions of the Council, though they are also held between these sessions, as sufficient time is not always available during the Council for the detailed and lengthy examination which is often found necessary.

The Council considered it desirable (resolution of June 13th, 1929) that the Minorities Committees should meet in the intervals between the session whenever they thought it expedient for the examination of individual petitions. Examination of a case by the Committee is not, of course, restricted to its formal meetings. It is the duty of each member, as well as of the Secretariat, to proceed to this examination immediately the document relating to the case has been communicated to the Council, and the Secretariat sets to work at once without waiting for this distribution of the document. The discussion, therefore—except perhaps in cases of extreme urgency—is based on a very considerable amount of preparatory work. The meetings are private, no formal minutes are kept, and each Committee is free to adopt its own procedure.

One of three results may ensue: the Committee may decide that the matter must be brought before the Council, which then considers it on the basis of a report submitted by its rapporteur for minorities questions; the Committee may consider that the complaint is unfounded; or it may find that, although the situation does not call for action by the Council, it requires careful attention and informal and friendly negotiations with the Government concerned. In the last case, the Committee approaches the Government. This extremely important aspect of the work of the Minorities Committees is dealt with later.

As a result of the discussions of 1929, the Council decided that, when the members of a Minorities Committee had finished their examination of a case without asking for its inclusion in the Council agenda, they should inform the other Members of the Council by letter of the result. The Secretary-General also has to distribute once a year for the information of all Members of the Council a document reproducing all such letters addressed to Members of the Council during the year.

In order to give such publicity as is compatible with the good working of the system, the Secretary-General is required to publish annually, in the *Official Journal* of the League, statistics of: (1) the number of petitions received by the Secretariat during the year; (2) the number of petitions declared unacceptable; (3) the number of petitions declared acceptable and referred to Committees of Three; (4) the number of Committees formed and the number of meetings held by them to consider the petitions; (5) the number of petitions of which the examination was terminated during the year.

The Minorities Section.

The preparation of the League's work and the execution of its decisions rest with a special department of the Secretariat—the Minorities Section. It is this Section which collects information, not only on the actual situation of the minorities, but also on the broad political, social, economic and cultural developments of countries which have given minority undertakings. Minority problems cannot, in fact, be properly understood if they are considered independently of the political life of each country as a whole.

All communications—verbal and written—between the Minorities Committees and the Governments pass through the Minorities Section. It is not unusual for the Committees to instruct the Secretariat to prepare special memoranda enabling them to gain a more precise idea of the situation or to arrive at a conclusion on the interpretation of treaty clauses or of the legislative and administrative provisions of any given State. The Section's primary source of information lies in the petitions and in the observations of the Governments concerned, but the Section employs other means of keeping itself regularly and constantly informed.

A Press information service has been established in the Section itself. From the countries which have given under-

takings to protect minorities it receives regularly some twenty newspapers, including those which represent the interests of minorities as well as those which may be regarded as semi-official organs.

A weekly bulletin is prepared containing a summary of all articles that directly or indirectly bear on the subject.

A special information and research department in the Section collects material of a more or less official character, such as statistical data, laws promulgated, and discussions of international associations.

Journeys in countries subject to minorities obligations are another means of obtaining information. These journeys are not at all in the nature of enquiries and have never been undertaken in pursuance of a Council resolution. It has always been the Government concerned which has taken the initiative of asking the Secretary-General to send the Director or a member of the Minorities Section.

Such journeys have a double interest. They enable the Section and representatives of Governments, particularly the authorities and the officials more closely in contact with minority affairs, to keep in touch with one another. And they have often enabled the Minorities Section to grasp the real nature and importance of grievances raised. Governments which ask for journeys to be undertaken always grant reasonable facilities for minority representatives and League officials to meet.

The Minorities Section also obtains information from the visits which it regularly receives from official or unofficial representatives of Governments, from petitioners or persons belonging to minorities and from persons interested in the problem of the protection of minorities by the League.

The Secretariat itself is occasionally useful for reference. Certain factors in some particular minority problem, some aspects of the political life of the country, may be made much clearer by personal interviews with nationals of the country than by other ways; the Secretariat, owing to its international character and its contacts with international associations and with prominent people from all countries, is a valuable source of direct information.

Procedure for Petitions concerning Minorities in Upper Silesia.

The protection of minorities in German and Polish Upper Silesia is governed by a special Treaty, the Germano-Polish Convention of 1922, in force for fifteen years. At the end of that time, Germany will be free from any obligation so far as Polish minorities in German Upper Silesia are concerned. In Polish Upper Silesia, the Polish Minorities Treaty of 1919 will continue to apply to German minorities.

The Germano-Polish Convention not only contains more numerous and detailed provisions than the Minorities Treaties on the rights guaranteed to minorities, but also embodies a different system for petitions and appeals. It provides for two methods—one which might be termed local, and the other a method by which petitions may be submitted direct to the Council.

Under the local method, persons belonging to a minority, after having filed a complaint with the highest administrative authority, may submit a petition to the Minorities Office of their State. If that Office does not succeed in obtaining satisfaction for the petitioners, it transmits the petition, together with any comments it may desire to make, to the President of the Mixed Commission. The President (who is nominated by the Council of the League) gives the members of the Mixed Commission an opportunity to express their views and then communicates this information to the State Minorities Office, which forwards it to the administrative authorities. If the petitioners are not satisfied with the decision of the administrative authority, they may appeal to the Council of the League.

Under the direct method, the Council is alone competent to take a decision on any individual or joint petition submitted by persons belonging to a minority.

There are two important differences between this special Treaty procedure and the general Treaty procedure of the Council for petitions. In the first place, the right of petition in Upper Silesia is restricted to members of the minority, whereas under the general procedure this right may be exercised by any person or group of persons, provided the source of the petition is named and duly authenticated. In the second place, petitions from Upper Silesia come immediately before the Council, whereas under the general procedure petitions

are examined by the Council only if one of its members asks it to do so. This provision led to the inclusion in the Council agenda of a considerable number of petitions whose importance scarcely warranted the Council's attention, and, on April 6th, 1929, the German and Polish Governments concluded an agreement which improved and accelerated the local procedure, at the same time leaving it to the Council rapporteur to decide, subject to the approval of his colleagues, which of the petitions should be brought before the Council.

III. Work done by the Council and the Minorities Committees

Some three hundred and fifty petitions (excluding those from Upper Silesia) have been addressed to the League since 1921. Of these about half were declared unacceptable. The rest were examined and settled either by Minorities Committees or by the Council itself. Those placed on the agenda of the Council and settled by the Council number only fifteen; most of the cases have been settled by the Minorities Committees. In other words, it has been exceptional for the exercise of the League guarantee to take the form of action by the Council; normally, it rests with the Minorities Committees.

Work of the Council.

The Council's work on minorities is fairly well known on account of the public character of its debates and decisions. It has dealt with: Albanian and Bulgarian minorities in Greece; the Greek minority in Bulgaria; Jewish minorities in Hungary; the Polish minorities and persons of Ukrainian and Russian origin in Lithuania; the acquisition of Polish nationality and the situation of landowners of German origin in Poland; the Lithuanian minorities in the region of Vilna; the liquidation by the Polish Government of the property of certain Polish nationals; landowners of Hungarian origin in the Banat and in Transylvania; the organisation of the Ruthene territory south of the Carpathians (Czechoslovakia) as an autonomous unit; the Greek minorities in Constantinople and the Turkish minorities in Western Thrace; the Armenian minorities in Turkey.

All arose in connection with one or other of the essential rights guaranteed to minorities—the acquisition of nationality, the use of the minority language, education, personal liberty and freedom of worship, equality of treatment in law and in fact (particularly in connection with the agrarian reform laws, one of the characteristic features of the social life of post-war Central and Eastern Europe).

The Council's methods of settlement have been extremely varied. In most cases, it endeavoured to obtain from the Government a formal statement on the policy, measures or reforms contemplated and the guarantees it was prepared to offer. Such statements were noted in resolutions adopted by unanimous vote. On two occasions, the Council sought the opinion of the Permanent Court of International Justice on points of law. In two other cases (acquisition of Polish nationality, liquidation of property of Polish nationals), a settlement was reached by direct negotiations between the two Governments concerned, under the direction of the Council rapporteur on minorities. If necessary, the Council supervised the detailed and final execution of its decisions, as in the case of the Moslem minorities of Albanian origin in Greece, when it appointed three "mandatories" to report to it regularly until the affair was definitely settled. Similar methods were adopted in regard to: (1) the Jewish minorities in Hungary, the Hungarian Government undertaking to report regularly to the Council; (2) the compensation of settlers of Hungarian origin in the Banat and Transylvania; and (3) the autonomous organisation of the Ruthene territory south of the Carpathians, on which the Czechoslovak Government from time to time forwards detailed memoranda.

In some of these cases, there were considerable financial interests at stake. On one occasion, in virtue of an agreement between a Committee of the Council and the Polish Government, the latter distributed to five hundred settlers of Polish nationality compensation to the amount of 2,700,000 zloty (gold francs). After the examination of the case of the landowners of Hungarian origin in the Banat and Transylvania, the Roumanian Government distributed a compassionate indemnity of 700,000 gold francs.

The Council has settled a considerable number of questions from Upper Silesia, concerning both individual and general

problems. The great majority of petitions were on educational questions—the creation or suppression of schools, or the admission of children to German minority schools. The latter, certainly the principal question dealt with by the Council in connection with Upper Silesia, led to a decision of the Permanent Court of International Justice, which laid down the principles to be observed in declarations concerning the language of school-children.

Work of the Minorities Committees.

The Council's original idea in constituting Minorities Committees was to "assist its Members in the exercise of their rights and duties as regards the protection of minorities." The Rules of Procedure enable both the Council as a whole and its several Members to decide whether a question should be placed on the agenda as constituting an infraction or a danger of infraction of the Treaties; but this is a duty for which, in practice, the Minorities Committees were made generally responsible.

Their action, however, tends more and more towards the solution of the questions submitted for examination. What was originally an examining organ has become an organ of settlement. This was approved by the States with minority obligations and endorsed by the 1922 Assembly in the following resolution:

> "While, in cases of grave infraction of the Minorities Treaties, it is necessary that the Council should retain its full power of direct action, the Assembly recognises that in ordinary circumstances the League can best promote good relations between the various signatory Governments and persons belonging to racial, religious or linguistic minorities placed under their sovereignty by benevolent and informal communications with those Governments. For this purpose, the Assembly suggests that the Council might require to have a larger secretarial staff at its disposal."

In 1925, when it considered the Council's report on the protection of minorities, the Assembly approved a statement describing the procedure adopted.

Most minorities questions are settled through semi-official or friendly negotiations with the Governments concerned. The very fact that a petition has been sent and is submitted to a Minorities Committee may induce a Government to give

satisfaction to a petitioner before the Committee has even begun its examination. In other cases, a preliminary examination may show that petitioners have neglected to approach their own authorities before appealing to the League, or that administrative or judicial proceedings are actually taking place in their own countries.

Generally, it is by no means clear whether there has actually been an infraction of the Treaties or whether a danger of infraction exists, and the Committee asks the Governments for supplementary information. It tries to find out how important the case may be, what are the relations between the Government and the minority, how far the former is conciliatory and the latter loyal. If necessary, the Committee invites Governments to suspend any measures that might prejudice the situation before it can take a decision. In some cases the members of the Committee make personal representations to the Government, drawing its attention in a friendly way to the advisability of putting an end to the difficulties alleged by the minority, or endeavouring to induce the Government to modify its attitude on certain points.

The flexibility of this system enables the Committees to adapt their action and their methods to the special circumstances of each case. The friendly co-operation thus established between the League (as represented by its Minorities Committees) and the Governments concerned has, in most cases, led to fair and satisfactory settlement.

It has already been stated that the Minorities Committees sit in private; their documents are generally confidential, no minutes are taken, and their meetings and their conclusions are not as a rule communicated to the interested parties. This has both advantages and drawbacks. The advantage of secrecy is that a Government can make a concession without any fear that in doing so it is lowering its dignity or authority in the eyes of its own nationals. As Sir Austen Chamberlain has said, "it could make voluntarily in the confidence of that confessional confessions and undertakings which it could present thereafter to its own executive or legislative authorities as acts proceeding from its own volition, not dictated by any external authority and therefore more easily commended to a national opinion which was perhaps somewhat excited." The success of a negotiation may depend in a

large measure upon the discretion with which it is conducted. But the disadvantage of the system is that, in most cases, the petitioner is not informed of the action taken. This may create misunderstandings or discontent. The Minorities Committees have often been criticised on this ground, and their quiet and unostentatious work is not always duly appreciated. For this reason, the Council, on June 13th, 1929, recommended that the Minorities Committees "should consider carefully the possibility of publishing, with the consent of the Government concerned, the result of the examination of the questions submitted to them." In the same resolution, the Council expressed the hope that Governments would, whenever possible, give their consent to such publication. The information may be published in the *Official Journal* and may consist of the letter from the Minorities Committee informing the other Members of the Council, or of any other text that seems expedient.

* * *

This sketch of the League's work may perhaps convey the impression that the main interest is centred on finding suitable methods of settlement and establishing appropriate machinery rather than on the specific cases dealt with by the Council and the Minorities Committees. Attention is equally essential to both these aspects, and the League's general understanding of its responsibility was expressed in a speech made in December 1928 by the Acting President of the Council, M. Briand, who gave utterance to the following opinion, which was endorsed by all his colleagues:

> "There can be absolutely no ground for assuming that, in any possible way, the League of Nations or the Council can at any time in the future become indifferent to the sacred cause of minorities. . . .
>
> "Every time that the League and the Council are required to deal with a question bearing on their rights, they may be sure that the matter will be considered with the deepest respect for the sacred interests of the minorities and that the organs of the League will endeavour to discharge their duties to the satisfaction of those concerned."

CHAPTER XII

THE SAAR TERRITORY AND THE FREE CITY OF DANZIG

I. The Saar: Articles of the Peace Treaty—Constitution of the Territory—The League's Duties as Trustee—Action of the Governing Commission.

II. The Free City of Danzig: General Treaties—The Free City's Constitution and the Extent of the League's Duties. The Action of the Council of the League of Nations.

I. The Saar

By the Treaty of Versailles,[1] Germany handed over to France the coal-mines situated in the Saar Basin [2] to compensate for the destruction of the mines of the Northern French coalfield, and surrendered the government of the territory to the trusteeship of the League for a period of fifteen years. When this period has expired, the Saar population will be called upon to state under what suzerainty it wishes to be placed. The plebiscite will decide one of the three following issues: (*a*) maintenance of the system set up by the Treaty; (*b*) union with France; (*c*) union with Germany, who will in this event buy back from France the rights of ownership of the mines in their entirety.

Other Treaty provisions deal with the League's part in the organisation of the plebiscite and in the steps to be taken once the people have been consulted.

Constitution of the Territory.

The Territory is governed by a Commission of five members appointed by the Council of the League. According to the Treaty, this Commission includes a member who is by birth a French citizen, a member who is a native of the Territory and not a French citizen, and three members belonging to three countries other than France or Germany. They are appointed for one year, but may be re-appointed. The Commission possesses within the Territory all the powers of government that formerly belonged to the German Empire. It appoints and

[1] Articles 45–50 and special Annex.

[2] The Territory has an area of 1,888 sq kms. and a population of 774,000.

recalls officials, constitutes such administrative and representative bodies as it thinks fit, controls and operates railways, canals and other public services, administers justice and assures the protection abroad of the interests of the inhabitants, levies taxes and can (after consultation with the popular representatives) decree new taxes and amend laws. The Commission has power to decide all questions arising from the interpretation of the Treaty stipulations concerning the Government of the Territory.

The Territory is, by the terms of the Treaty, under the French Customs administration, and France may use her own currency for all transactions connected with the working of the mines.

In many other respects, however, and particularly in connection with the rights and customs of the inhabitants, the Treaty provides for the maintenance of the *status quo* at the time of the Armistice. The stipulations do not affect the nationality of the inhabitants, although no obstacle is to be placed in the way of those who wish to acquire a different nationality. The existing laws and regulations, the fiscal system and the civil and criminal courts are to be maintained unless, in certain cases, the Governing Commission finds it necessary to make changes. The inhabitants retain their local assemblies, their religious liberties, their schools and their language.

The Governing Commission thus possesses certain powers which exceed those of an ordinary constitutional Government. It is not answerable to the population, which the Treaty does not empower to intervene, but it is responsible to the League of Nations, which has accepted trusteeship for the government of the Territory.

Trusteeship of the League.

On February 13th, 1920, the Council drew up for the Governing Commission instructions which embody a statement of principles and rules of procedure based on the Treaty provisions. It laid down as a fundamental principle that the Commission's sole interest should be the welfare of the inhabitants of the Territory, and that the Commission was responsible to the League for the execution of its mandate. It was instructed to keep the League regularly informed of all questions of interest to it.

The Commission accordingly submits official quarterly reports, which are circulated to all Members of the League and printed in the *Official Journal* of the League. It sends

special reports on matters of particular interest. The Commission was required by the Versailles Treaty to secure the views of elected representatives of the inhabitants before any change in the laws could be made, or any new tax imposed. Until 1922, it consulted for this purpose the Municipal and District Councils. This method did not prove suitable, and, in March 1922, an Advisory Council of thirty representatives elected by all the inhabitants of the Territory was established on the basis of universal suffrage. Only native-born inhabitants of the Territory of both sexes of at least 25 years of age are eligible for election. At the same time, a small Technical Committee of eight members was established to advise the Governing Commission, when so requested; the members of this Committee are appointed by decree and are drawn from native-born leading citizens of the Territory. The Governing Commission also created a civil, a criminal, a supreme and administrative Court, and a labour exchange.

The League Council had admitted the right of the Saar inhabitants to address petitions to it through the Governing Commission, which was to forward them to the Council, with or without comment. The population made ample use of this right during the first years of the new regime.

Many of these petitions came from the more important political and economic groups, criticising the Commission's policy. Representatives of the Saar political parties often visited Geneva during Council sessions in order to have private conversation with the Members of the Council, and before Germany entered the League, the German Government submitted to the Council numerous memoranda on the situation in the Territory and on the measures taken by the Commission.

Action of the Governing Commission.

The Commission itself usually meets twice a week. Its decisions are taken by majority vote. Each member is in charge of one or more administrative departments.[1]

[1] The Governing Commission has had as Chairmen elected by the Council from among the members of the Commission M. RAULT (French), Mr. George W. STEPHENS (Canadian) and Sir Ernest WILTON (British).

In 1930, the Commission was composed as follows:

Chairman: Sir Ernest WILTON, who is in charge of the Departments of the Interior and of Foreign Affairs.

French Member: M. MORIZE, formerly Secretary-General of the Commission, Departments of Finance and Supervision of the Mines.

A cursory examination of the forty periodical reports submitted to the League Council from the year 1920 is enough to give an idea of the work done by the Commission in the last ten years. The political atmosphere was sometimes uncomfortably strained, and the economic conditions unfavourable; the successive depreciation of the mark and the franc, the establishment of a new Customs regime, and the coal crisis, at that time particularly severe throughout Europe, all had their effect. Yet, during a period so disturbed in many respects, the Saar budget showed no deficit. The Commission's action was the occasion of many controversies with which the League Council was called upon to deal; that was largely due to the exceptional position of the Territory. The difficulties were also a reflection of the political condition of Europe before the Locarno Agreements and Germany's entry into the League, but they have since steadily diminished.[1]

II. The Free City of Danzig

The Peace Treaty articles [2] relating to the Free City of Danzig [3] are summarised in the covering letter that the Peace Conference sent to the German delegation on June 16th, 1919:

> "The City of Danzig shall receive the constitution of a free city, its inhabitants shall be autonomous; they shall

Saar Member: M. Kossmann, former member of the German Reichstag, in charge of the Departments of Social Insurance, Agriculture, etc.

Other Members: M. d'Ehrnrooth, former Finnish Foreign Minister, in charge of the Department of Communications and Public Works; M. Vezensky (Czechoslovak), in charge of the Department of Justice and Public Instruction.

The earlier members of the Commission were:

Saar Members: M. von Boch, 1920.
Dr. Hector, 1920–1923.
M. Land, 1923–1924.

Other Members: M. Lambert (Belgium), 1920–1927.
Count de Moltke-Huitfeldt (Danish), 1920–1924.
M. Espinosa de los Monteros (Spanish), 1924.
Mr. R. D. Waugh (Canadian), 1920–1923.

[1] In the course of the Conference held at The Hague (August 1929), the German and French Governments decided to enter into negotiations with a view to settling the Saar problem.

[2] Articles 100 to 108.

[3] The territory of the Free City has an area of 1,900 sq.kms. and a population of about 400,000.

not pass under Polish rule and shall not form part of the Polish State. Poland shall obtain certain economic rights in Danzig; the city itself has been taken away from Germany because there was no other possible way of providing that 'free and safe access to the sea' which Germany had promised to grant."

With the exception of a common origin in the Treaty, there is little resemblance between the League's functions in Danzig and those in the Saar. Whereas the Saar is governed by a Commission on behalf of the League of Nations, the Free City of Danzig is "placed under the protection" of the League, which guarantees its constitution.

Constitution of the Free City and Powers of the League.

The Constitution of the Free City is based upon two texts—the Treaty of Versailles and the supplementary Polish-Danzig Agreement of November 9th, 1920. The position of Danzig, the rights of Poland and the duties of the League of Nations are defined by this agreement.

Danzig is a Free City placed under the protection of the League. Its Constitution, framed by representatives of the Free City in agreement with a High Commissioner of the League, is guaranteed by the League. The port is administered by an autonomous organisation known as the Harbour and Waterways Board and composed equally of Polish and Danzig members, with a chairman appointed by agreement between the parties, or, in default of such agreement, by the Council of the League of Nations. The Board is responsible for the working of the port and for assuring to Poland, which should always have the right to export and import goods of any kind, the free use of its equipment and services. Poland has the control of the main through railway lines and the right to establish in the port a post, telegraph and telephone service in direct communication with her own telegraphic system. Danzig is included within the Polish Customs frontier, but its Customs service forms a separate administrative unit and is administered by officials of the Free City under the supervision of the central Polish Customs Administration. The supervision is exercised by Polish inspectors attached to the Danzig Customs personnel. A proportion of the total Polish Customs revenue (both from the Free City and from Polish territory) is paid to Danzig.

The Polish Government is responsible for the foreign relations of the Free City. No treaty or international agreement affecting the Free City may be concluded by the Polish Government without previous consultation with the Free City. The High Commissioner has the right to veto any treaty or international agreement in so far as it affects Danzig if the Council of the League decides that it is incompatible with the constitution of the Free City. The Free City cannot contract foreign loans without previously consulting the Polish Government and without the cognisance of the League High Commissioner.

The Free City undertakes to apply in its territory provisions similar to those contained in the Minorities Treaties and to see that there is no discrimination against citizens of Poland and other persons of Polish origin or speech. The principal duty of the League of Nations is to protect the Free City and to guarantee its Constitution. This was defined by the Council in the report of the Japanese representative, Viscount Ishii, which was adopted on November 17th, 1920:

> "The 'protection' of the Free City by the League of Nations would appear to mean that the League shall undertake to respect and maintain against all foreign aggression the territorial integrity and the political independence of the Free City of Danzig in the same way as it does for all Members of the League under Article 10 of the Covenant.
>
> "This collective protection by the League implies the exclusion of all individual interference by other Powers in the affairs of Danzig.
>
> "The provision of the Treaty of Versailles, according to which the Constitution of the Free City shall be placed under the guarantee of the League of Nations, implies: (1) that this Constitution will have to obtain the approval of the League of Nations; (2) that the Constitution can only be changed with the permission of the League of Nations; and (3) that the constitutional life of the Free City of Danzig must always be in accordance with the terms of this Constitution.
>
> "It is obvious that the guarantee of the Constitution and the protection given by the League are intimately connected. The fundamental idea is that the Free City should form, in the international organisation of Europe, a community which

must be protected against all undue interference on the part of any country and which must have its own regular existence. It is, of course, understood that it would accept in their entirety the terms of the Treaty of Versailles and the rights which this treaty confers upon Poland."

The League of Nations appoints a resident High Commissioner[1] with power to settle Polish and Danzig disputes in the first instance, both parties retaining the right of appeal to the Council of the League.

Work of the Council of the League of Nations.

The Free City came officially into existence on November 15th, 1920, and the problem of the League's guarantee and protection was immediately raised in the Council under two aspects—the approval of the Constitution of the Free City and the protection of the Free City in case of an international armed conflict.

The Constitution, which had been drafted in co-operation with the High Commissioner, was finally approved by the Council in May 1922, with certain amendments, of which the most important was probably the stipulation that the Constitution cannot be modified without the League's permission, and that the Free City cannot, without the previous consent of the League, serve as a military or naval base, set up fortifications, or authorise the manufacture of munitions or war material on its territory. The Constitution provides for a Popular Assembly of 120 members elected every four years, and a senate of twenty-two members, divided into two groups. The eight principal senators, who are elected every four years, act also as heads of administrative departments. The other fourteen do not have such administrative duties and go out of office on an adverse vote in the Popular Assembly.

Legislative measures must be approved by the Popular Assembly and the Senate, although, in the case of a deadlock, the Senate must either yield to the Popular Assembly or appeal to the decision of the people by referendum.

[1] The present High Commissioner of the League of Nations in Danzig is Count Manfredi GRAVINA (Italian), who was appointed in September 1928, and took up his duties on June 22nd, 1929. His predecessors since the official creation of the Free City were General Sir Richard HAKING (English, 1920–1922); Mr. M. S. MACDONNELL (Irish, 1923–1925); and M VAN HAMEL (Dutch, 1926–1929).

Poland is entrusted with the defence of Danzig in case of need, as well as with the maintenance of order in the territory should the local police force prove insufficient. The High Commissioner, if the need for protection arises, must formally request instructions from the Council and if he thinks fit, propose to it what action should be taken. In case of urgency, he is authorised to ask directly for Polish assistance; the Polish troops must be withdrawn when he considers they are no longer required. Whenever Poland has to defend the Free City, the Council may arrange for the collaboration of one or more of the other Members of the League.

The Council has prohibited the manufacture, transit and temporary storage in the Free City of war material other than that intended for Poland, except by the previous consent of the competent League authorities.

The chief duty of the Council and its High Commissioner during the past years has been to settle a considerable number of disputes that were bound to occur owing to the nature of the constitutional relations between the Free City and Poland.

Most of them arose out of matters which the Peace Treaty and the agreement between the parties had left in abeyance or insufficiently defined; railway questions (the ownership and administration of the railways, the seat of the Polish railway management, the jurisdiction of Danzig Courts in suits brought by Danzig railway officials against the Polish railway administration and the Free City, etc.); waterways and ports (control and administration of the Vistula in Danzig territory, transfer of property of the former Prussian administration of the Vistula; the Danzig harbour police; the Harbour Board flag; financial position of the Harbour Board; leasing of certain property of the Harbour Board, etc.); the postal service (creation of a Polish postal service in Danzig); nationality questions (expulsion of Polish nationals from Danzig territory, expulsion of Danzig nationals from Polish territory, protection of the interests of Danzig nationals and organisations in Poland, etc.); foreign relations (conduct by Poland of Danzig foreign affairs, visas and passports, the representation of Danzig at international conferences, the participation of Danzig in international treaties and agreements, etc.); military questions (transport of Polish war material in transit, establishment of the munitions depot on the Westerplatte Peninsula,

access of Polish war vessels to Danzig, anchorage of such vessels in Danzig harbour, etc.).

The Treaty of Versailles provides that the High Commissioner shall pronounce in the first instance on any disputes that may arise between Poland and the Free City with regard to the Treaty itself or supplementary agreements and arrangements. The Danzig-Polish Convention of 1920 further provides that the authorities shall retain the right to appeal to the Council against a decision of the High Commissioner. As a matter of fact, one or other of the parties appealed to the Council against most of the decisions of the High Commissioner, so that, before December 1927, there was hardly any session of the Council at which Danzig affairs did not appear on the agenda. The settlement of these questions has always been prepared by experts belonging to various League organisations, such as the Permanent Advisory Commission on Military, Naval and Air Questions, and the Advisory Committee for Communications and Transit. On two occasions, the Council sought the opinion of the Permanent Court of International Justice, with a view to defining certain legal questions. Since 1925, the Council has adopted a new procedure for the settlement of disputes, with the object of lessening the number of appeals. The technical organisations of the League of Nations or experts appointed by these bodies play an important part in this new method of settlement, which had been applied several times before becoming a general rule. Since December 1927, no dispute has been submitted to the Council, as all questions have been settled by direct negotiations between the parties.

One of the most valuable services which the League has rendered the Free City is the assistance given in re-establishing its financial position. On a programme prepared by the Financial Committee, the Danzig Government undertook a series of reforms for the purpose of stabilising the currency. Two loans—one issued by the Danzig municipality, the other by the Free City itself—were successfully floated under the auspices of the League. The purpose of both was to finance public works.

CHAPTER XIII

THE FINANCIAL ADMINISTRATION OF THE LEAGUE

Introduction—The Committee of Enquiry of 1921—The Supervisory Commission—How the Financial System operates—Passing the League Budget—Allocation of Expenses—Budgets and Expenditure—Creation of a Working Capital Fund—The Building Fund.

INTRODUCTION

To organise international co-operation on an extensive scale, as has been done in the League of Nations, is an enterprise attended by many difficulties, not the least being those connected with questions of revenue and expenditure. When countries engaged in making the most drastic economies at home are called upon to make considerable contributions towards work not under their exclusive control, nor in all its phases regarded as directly useful to them, the questions asked and the criticisms offered are likely to be many and searching.

Respect for the wisdom of the decisions that authorise expenditure, faith in the integrity of the organisation which administers the funds, and confidence in the justice of the system under which the apportionment of the expenses is carried out are all essential pre-requisites before parliaments will vote the necessary credits to pay their contributions towards the expenses of the League.

The League now possesses a well-developed and smoothly running administration. This was not secured by a single act, but represents the gradual evolution of ten full years. A review of the stages through which this development has passed, a description of the system now in operation, and a general analysis of the financial working of the League may not be without historic interest and practical value.

The Covenant of the League of Nations contains very little by way of direction concerning the formation of the administrative machinery which it was obvious would be necessary in order that the League might undertake the duties assigned to it. Article 6 authorises the establishment of a permanent Secretariat at the

seat of the League; this organisation is to be under the immediate direction of the Secretary-General, who may, with the approval of the Council, appoint such staff as shall be required. Beyond a reference as to the method for the apportionment of the expenses of the Secretariat among the Members of the League, there are no provisions in the Covenant governing financial administration.

In each country, there exists a governmental system of financial administration that has been evolved after a long period of development. But none of these systems was in its entirety suitable for the League of Nations. A composite system, therefore, had to be developed that would be intelligible to and be approved by the Governments of all the States. Suggestions and constructive criticism have come from many directions. Successive Assemblies, Committees and individual experts have given to the question of the administration of League finances much patient enquiry and careful study. Experiments have been tried and rejected. Methods have been adopted and modified. There has been, however, steady progress towards perfection of administrative control and the result that has been finally attained is generally acceptable to the contributors.

The Assembly, at its first session, decided to adopt the standing committee system for facilitating the despatch of its business. The Committees appointed were six in number, each comprising, as far as was possible, a representative from every delegation. To the Fourth Committee it was decided to refer all questions relating to the administration of League finances and to the internal organisation of the Secretariat, the International Labour Office and the Permanent Court of International Justice.

When the Assembly met for the first time, two rapporteurs to the Committee were appointed, and in their report is to be found, in the form of a series of resolutions for the "Financial Administration of the League," the foundations of the system ultimately adopted.

The Assembly decided to ask the Council to name a small committee of experts to consider "all the factors connected with the organisation, efficiency, number, salaries and allowances of the staff, and to deal with the general expenditure of the whole organisation," this Committee to report to the Second Assembly, so as to enable that body to form a fair opinion on the administration that had been created.

The Committee of Enquiry of 1921

In due course the expert Committee of Enquiry was appointed by the Council. It consisted of five members, of whom the chairman was M. Georges Noblemaire, member of the French Chamber of Deputies, and the rapporteur Mr. Robert A. Johnson, an official of the British Treasury. This Committee made a most exhaustive examination of the work of the Secretariat and of the International Labour Office, presenting to the Second Assembly, in September 1921, a thorough and detailed report on every matter on which they were asked to enquire. In its main lines, it approved the organisation of the two bodies in the form in which the experts found them; and indeed went so far as to say that, having regard to the difficulties of building up in so short a time an international organisation to which no parallel has ever existed, "it was difficult to see how what had actually been achieved could have been substantially improved upon." The report was duly submitted to the Second Assembly, was slightly modified by that body, and was finally agreed to. It is the basis of the present system.

The Supervisory Commission

An important step in the development of the internal administrative machinery of the League organisations was the decision of the Second Assembly to set up a Supervisory Commission. This body was to be composed of five members, of whom at least one should be a financial expert. The Commission was to meet as often as might be necessary, at Geneva or elsewhere, its duty being to supervise the financial working of the Secretariat, the International Labour Office and the Court, and to deal with any special matters of administration which the Assembly or the Council should refer to it.

This Commission was appointed by the Council, but in 1929 it was decided that the Assembly should arrange the appointment.

The Commission met in May and September 1922, and took up, among other important tasks, the work of codifying the Financial Regulations. The Regulations prepared by the Commission were finally adopted by the Third Assembly. The Fourth Assembly, after a year's trial, found it necessary to make but slight modifications.

In this way, the League has established its code of financial regulations, the result of three years of discussion, examination and experience.

How the Financial System operates

The financial year of the League is the calendar year. In April of the preceding year, the Secretary-General prepares a provisional budget. It is no easy task to estimate what will be the requirements of a period that will not begin until eight months later.

This provisional budget contains three separate parts; one concerning the expenses of the Secretariat, one concerning the International Labour Organisation, and one concerning the Permanent Court of International Justice. It covers the cost of all meetings of the Council, Assembly, conferences and committees, of the conferences and committees of the International Labour Organisation, of the maintenance of the Court and salaries of judges, and of the salaries of the secretariats of all three organisations.

The provisional budget of the Secretariat is drawn up by the Secretary-General; that of the International Labour Organisation is prepared by the Director and approved by the Governing Body; that of the Court is prepared by the Registrar and approved by the President of the Court.

These three budgets—including the estimates for capital expenditure—are examined at the Supervisory Commission's May meeting. At the same time, the Auditor reports to the Commission on the accounts of the previous year. The executive heads of the three organisations, and any other official whose special knowledge of some particular feature of the work makes his explanations useful, are invited to appear before the Commission.

Every item of each budget, down to the minutest detail, is subjected to close scrutiny, and a report is prepared by the Commission for the information of the Governments; this report has, of course, great weight with the Governments themselves and with the Assembly. The Commission has not the authority to alter the budget, but every effort is made by the Secretary-General, the Director of the International Labour Office, and the Registrar of the Court to meet the views of the Commission in its endeavours to keep down expenditure.

When agreement is reached, the consolidated budget, with the comments of the Supervisory Commission and full explanations by the competent officials, is printed in English and French and circulated, three months before the meeting of the Assembly, to every Member of the League and of the International Labour Organisation.

The Council also considers the expenditure proposed for the Secretariat and the Court, but of recent years has contented itself with referring these estimates, without critical comment, to the subsequent Assembly.

In the interval between circulation and the meeting of the Assembly, there is ample time for the provisional estimates to reach every Government, even that of the most distant State; there is therefore full opportunity for examination of the proposed expenditure and for definite instructions to be given to all Assembly delegates.

Passing the League Budget

When the consolidated budget, together with any proposals for capital expenditure or working capital reaches the Assembly, it is referred to the Fourth Committee, officially known as the Finance Committee, for examination and report.

Running the gauntlet of the Finance Committee is not by any means a mere matter of form. Proposed expenditure is exhaustively examined and discussed, and in recent years there have been disagreements between the other Committees and the Finance Committee over tasks added to the work of the League necessitating heavier expenditure.

The executive heads of the three organisations explain the estimates which the Commission has agreed to three months before. It sometimes happens that conditions change between the time when the budget is first examined by the Supervisory Commission and the date on which it comes before the Finance Committee of the Assembly. In such cases amendment may be suggested by the Supervisory Commission, the Finance Committee being ever ready to accept an alteration promising to effect economy.

"Compression" is the watchword of the Finance Committee, and when the budget, passed by that body, reaches the Assembly, it may be taken for granted that the sums approved represent the

minimum amount on which the work of the League can be carried on for another year without serious impairment of its efficiency.

Furthermore, the Finance Committee bars the way to sudden adoption by the Assembly of unexpected projects involving expenditure, for no new proposal can be presented to the Assembly without a full month's notice, and previous examination by the Committee as well as by the Supervisory Commission. This is a very effective safeguard. It is not that in the last analysis the Assembly is not supreme, but enthusiasm for expenditure has a chance to cool in the Finance Committee, and the Assembly, if it receives an adverse report, rarely decides upon new commitments.

Allocation of Expenses

The apportionment of the expenses of the League among the States Members is a matter of great importance. The Covenant originally stipulated (Article 6) that the expenses should be borne by States Members on the basis of the Universal Postal Union system, but experience at once proved that this basis, which operated satisfactorily within the limits of a very restricted budget, was unsuitable for League purposes, and after a series of investigations by an Expert Committee and discussions in the earlier Assemblies, the Covenant was in 1924 amended to read as follows:

> "The expenses of the League shall be borne by the Members of the League in the proportion decided upon by the Assembly."

The Committee of Five, known as the Allocation Committee, appointed by the Council in 1920 was asked by successive Assemblies to pursue its labours, and during the early months of 1925 analysed and compared the budgets of all Members of the League for the year 1923. It further checked the preliminary conclusions to which these budget figures seemed to point by available economic data, and submitted to the Assembly a new scale which it proposed should be put into force for the years 1926, 1927 and 1928. The Sixth Assembly accepted the proposals, and suggested that the Allocation Committee should continue in office with a view to following economic development, so that it might be in a position to present,

some time during 1928, the results of its researches, on which a final scale of allocation of the expenses of the League might be based. The Committee, however, reported in 1928 that the time had not yet come to draw up a final scale, owing to the continuing instability of economic conditions. The scale adopted for the years 1926 to 1928 is therefore still in force, and in terms of the decisions of the Assembly, will remain in force until 1932, by which time it is believed the economic data for the year 1929 will be available on which it will be possible to formulate a reliable method of allocation.

The scale in force is as follows :

	Units.		Units.
Abyssinia	2	Irish Free State	10
Albania	1	Italy	60
Argentine	29	Japan	60
Australia	27	Latvia	3
Austria	8	Liberia	1
Belgium	18	Lithuania	4
Bolivia	4	Luxemburg	1
British Empire	105	Netherlands	23
Bulgaria	5	New Zealand	10
Canada	35	Nicaragua	1
Chile	14	Norway	9
China	46	Panama	1
Colombia	6	Paraguay	1
Cuba	9	Persia	5
Czechoslovakia	29	Peru	9
Denmark	12	Poland	32
Dominican Republic	1	Portugal	6
Estonia	3	Roumania	22
Finland	10	Salvador	1
France	79	Siam	9
Germany	79	Spain	40
Greece	7	South Africa	15
Guatemala	1	Sweden	18
Haiti	1	Switzerland	17
Honduras	1	Uruguay	7
Hungary	8	Venezuela	5
India	56	Yugoslavia	20

Budgets and Expenditure

The following statement gives the budget total for each year up to 1930, and the actual expenditure:

	Financial Period.	Budget Votes. Gold francs, as adopted by the League.	Expenditure.
1st.	May 1919–June 1920	5,065,803	3,559,963
2nd.	July 1920–December 1920	10,000,000	7,459,539
3rd.	January–December 1921	21,250,000	15,544,726
4th.	,, ,, 1922	20,873,945	17,486,343
5th.	,, ,, 1923	25,673,508	21,582,838
6th.	,, ,, 1924	23,328,686	20,185,248
7th.	,, ,, 1925	22,658,138	20,613,537
8th.	,, ,, 1926	22,930,633	20,836,124
9th.	,, ,, 1927	24,512,341	22,509,504
10th.	,, ,, 1928	25,333,817	23,081,014
11th.	,, ,, 1929	27,026,280	24,117,492
12th.	,, ,, 1930	28,210,248	

Expenditure

It will be observed that expenditure has always fallen below the budgets. Expenditure, excluding working capital and capital expenditure, for the first ten years is summarised in the following table, which gives in the first column the total figure for all three organisations together, and in the other columns the expenditure of each organisation separately:

Total for ten years.	Secretariat Portion.	I L O. Portion	Court Portion.
£6,870,970 (173,286,000 gold francs)	£3,673,200 (92,638,000 gold francs)	£2,667,900 (67,285,000 gold francs)	£529,860 (13,363,000 gold francs)

Annual Averages

Total Average.	Secretariat Portion.	I. L. O. Portion.	Court Portion.
£687,090 (17,328,600 gold francs)	£367,300 (9,263,800 gold francs)	£266,790 (6,728,500 gold francs)	£52,980 (1,336,300 gold francs)

Budgets

The budgets, excluding working capital and capital expenditure, for the first eleven years (this includes figures for 1930 which of course cannot yet be given for expenditure in 1930) are similarly summarised as follows :

Total Budgets	Secretariat Portion.	I. L. O Portion.	Court Portion.
£9,271,390 (233,824,000 gold francs)	£5,369,430 (135,417,000 gold francs)	£3,160,980 (79,720,000 gold francs)	£740,960 (18,687,000 gold francs)

Annual Averages

Total Average.	Secretariat Portion.	I. L. O. Portion.	Court. Portion.
£842,830 (21,256,700 gold francs)	£488,110 (12,310,600 gold francs)	£287,360 (7,247,300 gold francs)	£67,360 (1,698,800 gold francs)

Creation of a Working Capital Fund

After the Assembly has adjourned, having passed the consolidated budget and agreed to the apportionment of the expenses, the Secretary-General undertakes the task of collecting the contributions. About November 1st he notifies each State of the sum due for the coming year. One amount is asked, but when the payment is made, each of the three organisations—viz. the Secretariat, the International Labour Office and the Permanent Court of International Justice—forthwith receives its proper proportion.

Few States, however, pay their contributions in the early part of the year. Parliamentary sanction is generally necessary before the funds can be sent; hence the League has found itself, on several occasions, with hardly sufficient revenues to meet current expenses. To overcome this difficulty, a Working Capital Fund has been built up. In the budgets of 1920, 1921, 1923, 1924 and 1925 amounts were asked for in excess of what was needed for actual expenditure, and each contribution received in respect of these five periods included a certain percentage towards Working Capital. By addition of interest, this fund has reached 5,000,000 gold francs, the maximum authorised by the Assembly.

From time to time statements are prepared showing how much each State has paid into the Working Capital Fund. These payments are regarded as loans, and may be returnable to the contributors, in whole or in part, at any time that the Assembly so decides. In the meantime, the fund earns interest which is credited to the States in the proportion of their contributions. The Working Capital is available for each organisation in the proportion which its budget bears to the total budget. Working Capital is drawn as each organisation needs it, and returned to the "pool" when no longer required. The Fund is kept in gold francs and the total paid-up amount is expected to be intact at the end of each normal year. As a regulating device, whereby the finances of the League are kept at a happy mean between riches and poverty, it is provided in the Financial Regulations that, if at the end of a budgetary period the Working Capital is intact and there is still a cash surplus, this latter sum shall be reimbursed to the Members of the League in the second following year. *Per contra*, if there is a deficit, this impairment must be made up by extra assessment in the budget of the second following year. Thus surpluses and deficits are made to balance one another.

The Building Fund

This fund was formed from the excess of the contributions paid by Member States, from the beginning of the League, over the actual expenses of the League in the same period, and, as at December 31st, 1929, amounted to 21,384,664.09 gold francs, which sum is represented by:

	Gold francs.
Property	7,537,997.57
Cash	13,846,666.52

CHAPTER XIV

THE LEAGUE AND PUBLIC OPINION

It is a commonplace that the progress of the League of Nations depends on public opinion. It is therefore important to form some idea of what public opinion is, of its bearing on the work of the League, and of the League's position in relation to it. It is an elusive subject and exactitude is not possible. Public opinion, as conceived nowadays, is a relatively modern evolution which has developed with the progress of education and the printing-press, with the suffrage—in various countries now universal—with wireless, greater facilities for travel, and indeed with all the opportunities, educational, scientific and political, which have broadened interest and responsibility in public affairs.

What is Public Opinion?

People know more and information spreads swiftly, but what precisely constitutes public opinion it is hard to say. It is not so much a collection of considered individual views as perhaps a mass feeling, partly emotional, governed by long traditions of thought and action. In this sense, public opinion in any country is often spontaneous, but it is not likely to be so on international questions unless the interest of the country is clearly involved. Without this interest, public opinion is more amenable to leadership or guidance, and it is always easier to approach other people's concerns in a judicial frame of mind. The guidance or assent that public opinion gives is more general than detailed; mass impulses are in blacks and whites. There is sound instinct in this simplicity, which, moreover, is inevitable. Adequate knowledge of the growing ramifications of public affairs is possible to no one and detailed thought must be left to the specialists. The public is much better informed than it used to be, but it is bound, on a large number of problems, to trust the guidance of others. It is more apt to take sides than to make sides. It cannot be expected to form a considered judgment on all the facts and arguments, many of which are technical in their essentials. It can only indicate a general

attitude. This is true both in home affairs and in foreign affairs. Public opinion in home affairs is difficult to define or assess; but on foreign affairs it is more easily estimated. Traditions, prejudices and interests come more into play. Public opinion on an international scale must be conceived largely as a collection of national opinions reacting to some extent upon each other. But the reactions between States are nothing like so effectual as those at work in a national electorate. The common interest is not so apparent, and one of the central elements of international relations is the adjustment of national traditions and requirements to the common international well-being.

International Thought.

There is a rough stratum of universal opinion, but the moment has not arrived when international questions can in practice be dealt with on a foundation of international thought. National views are leavened in some degree by views held generally in many countries, but influence of opinion on actual international work still depends mainly upon influence in each particular country; general opinion in one State rarely convinces general opinion in another. A country too often assesses its neighbour's outlook by its own standards and requirements, which are frequently, of course, quite different, and there is at the same time a traditional view of other countries which is as deep-seated as the separate national traditions themselves. The world still lives, if to a diminishing extent, in watertight compartments. These are some of the stumbling-blocks in the way of international work, but the interdependence of the modern world and the growing opportunities for knowledge make wider comprehension inevitable, if gradual; in developing an understanding of international things, the League plays a significant part as a focussing-point for the exchange of ideas and for the discovery of common ground upon which progress is feasible.

Driving Force, or Jury.

For the development of the League in this sense, for the strengthening of its "moral" authority—that is to say, the respect which it commands in people's minds—there are two obvious alternative requisites: public opinion must be a driving force towards accomplishment or it must be persuaded of the equity of particular measures or accomplishments sub-

mitted to its judgment. One or other of these elements must be in play unless public opinion is utterly indifferent; that is not often so on major issues, though it is true that great changes sometimes come unperceived. The impulsion given by public opinion is a relatively simple thing; to convince public opinion, especially on an international scale in many States, is a different proposition. If people of various countries manifest a strong enough desire for their Governments to pursue a given policy, good or bad, it will not be difficult for the Governments of those countries to do so. But, if the Governments, in consultation through the League, contemplate a line of policy unfamiliar or unwelcome to the people of those countries, such Governments may well have an uphill task to win adequate support at home. A Government, with full approval at home, may cut a poor figure at an international conference, just as a Government winning applause for enlightened international views abroad may lose credit at home. Its policy and its conception of what its home opinion wants, of what it can be persuaded to accept, or of what it is ready to accept, constitute its contribution for good or ill to international co-operation. To all intents and purposes, the League of Nations in any particular country is the Government of that country, guided by or leading its own public opinion.

Some Misconceptions.

Opinion in support of the League as representing the wide principle of co-operation is important, but it is not all. The League, as a society of States, working together in an organised way and under a set of rules to prevent war and to promote international co-operation, is scarcely a controversial subject, but the best way of achieving its aims is naturally a matter of almost continuous controversy. Effective support of the League requires, therefore, a knowledge and consideration of a variety of factors, and not only a general faith. There may be almost as many policies as there are States, or groups of States with parallel interests. It is here that misconceptions most often arise over the part which is, or should be, played by the League, as an organisation, *vis-à-vis* public opinion. There is no League policy on any particular problem unless and until accommodation has been found between conflicting national interests and action finally agreed upon. Acceptance in the League of a given policy may lead to controversy within the borders of a country

whose Government has consented to it. The League—that is to say, all the other States Members—has no authority to go inside that country, so to say, and to take up the case. Still less would it be permissible for the League to do so on a policy on which there was no unanimous agreement within the League; a policy favoured by a majority of States only is not a League policy.

There is one principle which the League, through its Assembly, has advocated without dissent for some years—namely, the acceptance of the compulsory jurisdiction clause of the Statute of the Permanent Court of International Justice. The majority of States Members have now accepted or have agreed to accept the clause, but some States, while not opposing the principle, hesitated for several years to take the step themselves, and some States hesitate still. This is a clear case of agreed League policy. But would it be prudent for the League organisation to carry out a campaign within hesitating countries? Would not such a campaign do more harm than good, even if it were recognised as legitimate? Yet there are occasional criticisms of the League for not taking action of this kind, without any recognition of the complications to which it would lead. So long as the League exists on the basis of national sovereignty, any such action would be considered an interference not to be tolerated. The League is not an institution with an existence separate from the Governments; it is organically nothing but the totality of States which are its Members. The League is not at Geneva any more than the British Constitution is at Westminster or the Weimar Constitution at Berlin. The League's mandate comes from its constituencies, which are the fifty-four States Members.

This recognition of non-interference is exemplified by the League's methods to secure ratifications of conventions whose entry into force represents, in the long run, practical League work. The League does not remain idle; it takes measures to persuade Governments and public opinion to ratify agreements already negotiated; it publishes a summary of the state of ratifications every six months; it urges from time to time the necessity for speeding-up the ratification of particular conventions; it asks Governments the reasons which have prevented their ratification; it provides occasionally for time-limits for ratification after which signatories are to inform the

Secretary-General why they have not ratified, and there will probably be some further developments within these limits. But the point to be noted is that they all respect the independence of States. They represent a persuasive intention; they resemble inter-Governmentally what is called in other connections the "pressure of public opinion," but they are, as they must necessarily be, prudently and diplomatically conceived. Any other way would be doomed to failure.

Responsibility of the Secretariat.

Misconceptions on what might be termed the policy of non-interference usually apply more especially to the rôle of the permanent Secretariat. A moment's reflection should be sufficient to dispose of the idea that the Secretariat can be the official embodiment of so-called League "policy," except when decisions have been unanimously accepted (with the restrictions just cited) and except in the sense of representing the general idea of co-operation. The Secretariat is not the depository of League "policy" and has no competence to advocate views. The League is not a super-State and the Secretariat cannot act as a super-State service. It is a body of officials responsible equally to all the Governments in the League; it cannot be the expression of any particular aims. Its whole purpose is objective study and impartial counsel, and to take one side against another would destroy its usefulness if not its existence. It is not an independent organ of the League, but the servant of the League and of the whole League. A national civil service has strict limitations under one Government with one policy, and the public understands this. The League Secretariat, which resembles in some respects the national civil services, has similar limitations under, not one Government, but fifty-four, and generally with not one policy alone, but with many. It is rather like a national civil service responsible to Government and Opposition parties alike. This may seem elementary, but it is necessary to state it if the League's relation to public opinion is to be plainly understood.

Open Doors.

Broadly speaking, interest and support will depend upon the League's accomplishments, and, at a moment of crisis, upon the equity of its decisions. The League's main force is publicity, in the sense of public discussion and public documents by which world opinion may judge the results. The League recognises this.

It opens its doors and makes information available. Itself it has not, and cannot have, any organs of the Press; it has not, and cannot have, a universal news service. It neither interprets news nor, in the journalistic understanding of the term, transmits it. The formation of public opinion does not depend on facts alone; it depends also on the interpretation of them. Countries interpret the same facts differently; there may be and often are many interpretations in one single country. The League can provide all reasonable facilities, as it attempts to do, but it must rely on normal channels of news and comment for the daily information of the world. So far as the Press is involved, it has no other means of influence, and it is from the Press that the public ordinarily gets the day-to-day knowledge of affairs upon which it makes up its mind.

Attitude of the Press and Public.

The League, then, works in public. That is the first principle. The form in which the proceedings are normally conveyed and interpreted to the public is in the hands of the Press. Press despatches are naturally coloured by political views or interests. A correspondent whose newspaper represents opinions unfavourable to the League as an institution will be disposed to emphasise weakness and failure, or to give credit (if any) grudgingly for success. A journalist's task at Geneva is not easy, however well-disposed he may be, and constructive writing is never so simple as destructive criticism. Some will look solely for the production of exciting episodes, but the more successful the work of the League is the less exciting is it likely to be. A further point is that the agenda of a Council meeting may contain questions of first-class importance to some States, and of importance to general relations, but only of indirect interest to most States. These questions may have little news value for the average newspaper, and papers which make it their business to give thorough attention to world events doubtless have many readers with insufficient interest to read all that is published. On the other hand, the Press of the countries directly interested is apt to be emphatically partisan; one or other country may be greatly dissatisfied if the course of the discussion is against it, or both may be dissatisfied when there is a compromise. Another fact is that work within the League organisation is continuous; it is not a series of definite meetings taking up and concluding definite questions,

but a process which is carried on in stages sometimes over a long period, and conclusions do not take final shape until the successive stages are completed. Much, too, of the League's work runs along technical lines and cannot be expected to attract the attention of the ordinary daily Press. That disadvantage is counterbalanced to some extent by the interest of the technical work for specialist groups, but it means also that it does not usually appeal to those interested in the general purpose and idea of the League, rather than in its specific problems.

Imagination is not News.

There are many who look with hope to the League to prevent war, but do not concern themselves with the day-to-day processes which are frequently obscure and intricate. The result is that much of the interest in the League is split up into groups —those generally sympathetic but not interested in detail, those interested purely in the different technical sides, such as economics, health, etc., and those interested purely in political developments (sometimes only certain aspects of them). For the mass of people, interest is aroused by broad political and constitutional developments or by stirring events. To nip a conflict in the bud before it takes shape is not exciting and may be ignored or curtly dismissed as a simple affair. News of failure, leading to an acute situation, spreads like wildfire to the ends of the world. Yet the prevention of conflict before it reaches a critical stage is obviously the first endeavour, and to see the effect of success requires a little imagination if it is not to be dismissed as negligible. The prevention of the war of 1914–1918 a month or two before it broke out might have been so disdained. Imagination is not news.

Public opinion, while it may be more than ever determined to avoid war, is not attracted by routine, often dull, difficult or involved work which, in international relations, gradually and imperceptibly leads to decisive results. This, nevertheless, represents a large part of the League's progress.

"News, not Facts."

But newspaper-reading is not the only means of keeping fully in touch with affairs. Publications, books and reviews, numerous organisations and learned societies, wireless and other instruments of knowledge (or of propaganda) are at the disposal

of the public; many of these forms of information spread over the top of national frontiers. In all such connections, there is much that the League Secretariat can do, but at no time can it be propagandist; it can encourage the use of available means of spreading information, but, itself, it can only state the facts and make the facts and documents available. Facts may be convincing, but they may also be dull; few beyond students and journalists have the courage to read official documents. Facts alone are not enough and, in this sense, there is truth in the cynical observation of a well-known journalist that "what the public wants is news, not facts!" No one who wishes to be considered informed on international affairs can afford to be ignorant of the League, and no one who wants the information need fail to get it. But to propagate support of particular theories in the League is the work of Governments, publicists and unofficial organisations; it is not part of the organised duty of the League as an institution.

Significant Transformation.

The League, then, for its influence as an organisation on public opinion, has to rely chiefly on making its proceedings open and its records available, so that the world can form its judgment. It does so to an extent never before practised in diplomatic conferences. The full significance of this radical transformation in political custom and procedure, which has made it normal and natural for a diplomatic body of responsible statesmen publicly to discuss matters of great delicacy and difficulty, has not yet been fully appreciated. The practice of public discussion has been so far established that there must now be convincing reasons if there is any departure from it. This does not mean that discussions are entered upon lightly, or that private conversations are excluded; it means an acceptance of the general idea that the League's work must be brought into the light of day; that the opinion of the world cannot bring its influence to bear on a crisis unless it knows the facts and the attitudes of the States concerned; and that it facilitates compromise (or, alternatively, makes it less easy to be unreasonable). It has been said that one of the discoveries at Geneva is that States have a conscience; they certainly are not regardless of the opinion of the world as expressed in the Assembly or outside, and they have always said so.

The Assembly and its six Committees meet publicly. The Council holds most of its meetings in public, and the private meetings deal generally with questions which, in the nature of things, could not be dealt with in public. Looking back over the more controversial proceedings of the past ten years, it may be claimed that the Press has been able to follow them from start to finish and that, despite certain possible omissions or imperfections, the stipulation of " open diplomacy " has been observed by the Council, the Assembly and other League bodies. All conferences are public. Many of the advisory or standing committees sit in public, and those which do not always have their reports to the Council published; the Mandates Commission, for example, sits mostly in private, but its reports and the detailed minutes of its proceedings are subsequently issued to the public, and the Council's consideration of the reports takes place in public. All the year round, whether during meetings or not, current League affairs are communicated to the Press and to the public.

Journalists at Geneva.

Directly connected with this principle of publicity is the effort made to facilitate the work of journalists either visiting or resident in Geneva. It is not an easy task, partly because of the difficulties of accommodation, but mainly because of the international character of the Press. From 350 to 400 journalists of all nationalities attend the annual Assembly; there are about 100 resident correspondents, a number that is considerably increased at Council sessions and frequently at conferences or at meetings of the more important commissions. Every country in the world is represented, if not always by a special correspondent, by a news agency with international connections. The number of individual journalists (counting each journalist once, however many meetings he may have attended) who have been to Geneva since the creation of the League exceeds 1,400, belonging to over 1,000 newspapers and periodicals from more than fifty countries. Equal opportunities, so far as reasonably possible, are accorded to all in the provision of accommodation at meetings, of professional and technical facilities, and of information and explanatory material.

The recognition of the importance of League co-operation with public opinion in this and other ways led to the formation of a special department of the permanent Secretariat—namely,

the Information Section, to deal with Press relations and liaison work in general. It is at the point of contact between the League and public opinion that the work of the Information Section lies, in constant co-operation with the other Sections. The correspondents, on their side, have established an Association of Journalists accredited to the League of Nations, which is a useful link between the Press and the Secretariat.

Press Facilities.

Formalities regulating Press admission to the headquarters and public meetings of the League are reduced to a minimum. Journalists are required to produce credentials showing that they are properly accredited by their newspapers or agencies, and they are then provided with special cards entitling them to all Press facilities. Every endeavour is made to avoid preferential treatment, to admit everyone reasonably entitled to admission, and to enable work to be done in suitable conditions. Some time before the sessions open, the agenda is placed at the disposal of the Press as soon as it has been officially communicated to Governments. The Press receives all the material distributed—memoranda prepared by the Secretariat, reports from committees, Government observations, etc. At the Assembly meetings, each Press representative has his own pigeon-hole in which the documents are deposited before and during the sessions; half-an-hour after the close of a session, morning and afternoon, a complete verbatim report is provided in the two official languages. At the Council meetings, the Press receives the material from officials of the Secretariat at the same time as the Members of the Council, and verbatim reports of the speeches are posted in the Press Room of the Secretariat during the proceedings. Shortly after the meeting there is a detailed official *communiqué* on the work done. Similar methods are adopted for the Assembly Committees, for League committees and conferences, and, at the close of each of them, a final summary of the results is issued.

The increasing work of the League has made it necessary, not only for the Assembly Committees to sit at the same time, but for various other bodies to hold their meetings simultaneously. It is not possible, therefore, for the Press personally to follow them all, so a member of the Information Section is attached to each meeting, follows it in the same way as the Press

representatives, issues a summary, and makes himself available for any further details that may be required. It is also becoming a fairly general practice for the chairmen of the League meetings to receive the journalists to give explanations and to answer questions. In addition to this, Press receptions are frequently organised by heads of various delegations, and there are regular informal opportunities in the lobbies of the Secretariat and of the Assembly meeting-place for conversations between the Press, delegates and officials. A member of the Information Section attends for Press purposes, not only all meetings in Geneva, but also meetings occasionally held elsewhere, including the sittings of the Permanent Court of International Justice at The Hague. An interesting example was the annual meeting in Java this year of the Far-Eastern Bureau of the League Health Organisation. Through the courtesy of the Dutch Administration, the official of the Information Section who attended was able to transmit to Geneva by wireless telephone a daily *communiqué*, which was in the hands of the correspondents at Geneva almost as quickly as a *communiqué* on the proceedings of a committee held in Geneva itself.

Technical Arrangements.

On the technical side, the Secretariat gives attention to the possibilities of cheaper rates and more rapid telegraphic and telephonic transmission, and makes arrangements with the postal authorities. There are long-distance telephone booths and a post and telegraph office in the Secretariat building adjoining the Press Room; the telegrams are sent by automatic tube to the main telegraph office. Similar provision is made in the Assembly Hall, and in the plans for the new League buildings every care has been taken to secure the best possible technical arrangements and accommodation for the Press and public. The League's interest in these questions was shown by the International Press Conference which it summoned in Geneva in 1927. It was attended by 118 members, from thirty-eight States and five continents, representing all categories of Press interests. The President of the Conference, Lord Burnham, described it as the largest and most influential Press congress that had ever been brought together. It dealt almost wholly with technical Press matters, and the Council, when discussing the Conference report, plainly indicated its sense of the great importance of the Press in international relations.

Publicity on Current Affairs —Personal Contacts.

Although the public meetings of the League are the characteristic feature of League publicity, they by no means represent the whole activity. Apart from the facts that there are hardly any intervals between sessions and that sessions often overlap, there is a great deal of other business transacted. The League Secretariat ensures the continuity of proceedings which reach their climax at League meetings. It is the Secretariat which prepares the meetings and executes the decisions of the various organs of the League; it is the Secretariat to which information is addressed affecting activities of the League or concerning international disputes. The Secretariat undertakes enquiries and studies, and the co-operation of the Press on all these current matters is no less necessary than its attendance at debates. The regular information service is based on the official *communiqué* issued in the two official languages. This is the corner-stone of the news service for the Geneva correspondents, but it is merely the raw material, giving the facts and summarising the main points as a basis for independent journalistic work. It states facts and does not discuss problems.

If notice is received by the Secretariat of a political dispute to be brought before the Council, the fact is announced to the Press with any necessary supplementary information regarding procedure, the terms of the Covenant under which the case is presented, or similar matters. Government statements of policy, Government observations on suggestions submitted to them, Government ratifications of conventions, Government proposals to be placed on League agenda, and suchlike communications on every sort of League activity reach Geneva in the ordinary course of events and are circulated to the Press with such explanations as may be required. Articles explaining the agenda are issued before conferences and Council and Assembly meetings. All the main documents received and circulated by the Secretariat are communicated to the Press, generally with a summary of their contents. This whole system is supplemented by the personal contact of the Press with delegates and officials, and there is regular and full opportunity for informal conversations with members of the Secretariat, enabling correspondents to develop the bald official *communiqués*. There is no question of making propaganda; it is simply a matter of

aiding journalists to obtain a proper understanding of events. No attempt is made to suppress criticism; it could not be done. Nor is there any discrimination between League supporters and League opponents: the opportunities given are common to all.

The work of journalists in Geneva presents certain new features. To accomplish their task seriously, they have to specialise in League subjects as a whole, and without being specialists, strictly speaking, in disarmament, mandates, economic and financial problems, international law, etc., they have to study them with much closer attention than the ordinary journalist. They have to understand the sometimes subtle play of international relations, and this is made easier by their meetings with delegates and officials and other journalists from many countries. It all requires a large measure of versatility and a well-developed technique. The League organisation is in itself a new technique, and the journalist, in adapting himself to it, has to bring to his task many qualities. The intimate relations which have grown up between the League and the Press are a definite feature of an association in which all work by different means towards similar ends. In their scale and character these relations are probably unique.

Other Relations with Public Opinion.

This brief description of Press conditions at Geneva is not the whole story of relations with public opinion in general, either through the Press or other channels. Offices of the Information Section have been created in Berlin, Paris, London, Rome and Tokio as centres of information for journalists and others, and a special system of liaison has been organised for Latin-American countries. Publications and documents are mailed to appropriate persons and institutions; all are on sale, and there are League agents in most countries; the important reference libraries of the world receive complete League documentation; to many who desire it, the official *communiqués* and Press articles are despatched by mail, and an *Overseas News Sheet* in English, French and Spanish, mainly for newspaper purposes, is distributed monthly and gives special attention to subjects more likely to interest distant countries. Technical documents are posted to the technical Press, which is not represented at the seat of the League in the same way as the general Press, and organisations of many kinds are kept supplied with documents on problems that concern them. The Secretariat publishes in

five languages a *Monthly Summary*, with the object of furnishing month by month a plain account of all that is done. It is sent to Foreign Ministries, societies, Assembly and Committee delegates, Universities, libraries, newspapers and individuals. From time to time, it contains supplements giving the texts of important League conventions or agreements, like those negotiated at Locarno, registered with the League. The issue immediately following the Assembly gives the texts of all Assembly resolutions, and the December number contains a summary of the League year. It is possible with this publication to follow the main lines of League proceedings, and, for those who require more detail, the official documents are available. Of these, the *Official Journal* is the most comprehensive.

For the information of the wider public, the Secretariat has issued a series of pamphlets which have been translated into many languages: the latest series is the *League of Nations from Year to Year*, which gives a systematic annual record. The first six years are briefly described in the *Survey*, and each subsequent year is covered by the year-to-year series, which is to be continued. The pamphlets are not propaganda, but information addressed to an international public.

Films, Exhibits, Broadcasting.

Within narrow financial limits, a collection of films, photographs and lantern slides has been accumulated. A model lecture has been prepared to go with a set of slides. There are cinematograph films on several Assemblies, and attention is being paid to the possibility of producing a talking film of the 1930 Assembly. There is an exhibit of twenty-eight large photographs and statistical descriptions of the League in English, French and German, and an illustrated album with seventy-two photographs has been published. The Secretariat has participated in several exhibitions like the International Press Exhibition at Cologne (1928) and the Health Exhibitions in Dresden and Seville. Only lack of space at League headquarters has prevented the Secretariat from placing these exhibits permanently on view at Geneva. The new buildings may perhaps eliminate the difficulty. Several higher officials, together with some prominent League advocates, have given talks on the League for gramophone records, which in several countries have been used for broadcasting.

Broadcasting possibilities have the constant attention of the League. It does not possess a station of its own, but the principal speeches of statesmen at the Assembly are broadcast, and experimental long-distance broadcasting has been conducted by the Secretariat in collaboration with the Dutch Government during the past two years. There was a series of weekly trials in four or five languages which met with varying success, but the replies received from remote corners of the world gave a glimpse of what may ultimately be achieved in bringing the League and the idea of international co-operation to the minds of people everywhere. Many countries devote a part of their broadcasting programme to League and international affairs, and some of them turn to the Secretariat for regular information upon which broadcasts may be based.

There is thus abundance of central material and information available, but it must be recognised that, having to be prepared officially and internationally, it cannot have the liveliness of independence or definite national appeal.

Liaison.

A wide field of liaison is maintained with unofficial organisations dealing with some aspect or other of League problems. International and national societies—political, commercial, economic, medical, social—are kept informed of League developments of interest to them, and there is a well-developed system of exchanges. Members of the Secretariat attend conferences in all parts of the world for the purpose of giving and gaining information. They are not able to express opinions or to take part in decisions, but they can often usefully draw attention to facts bearing on the subjects of discussion and can acquaint themselves with facts and trends of opinion of which the League should be aware. Secretariat officials have attended meetings of the International Chamber of Commerce, the Inter-Parliamentary Union, international women's organisations, the Institute of Pacific Relations, the Institute of International Relations, international education conferences, international law meetings, international students' organisations, the Imperial Press Conference, the International Federation of Journalists, the international organisations of ex-soldiers, the Federation of League of Nations Societies, etc. It sometimes happens, as at the London Naval Conference, that a member of the Secretariat is invited by Governments as an official observer.

The Secretariat prepares a daily Press review for which two hundred papers are read; there is a Press-cutting department which receives cuttings on League subjects varying in number from 800 to 2,500 daily, and there are other departmental means of keeping League organisations informed of expressions of public opinion. But this is not of itself adequate.

The League attaches value to the maintenance of relations between League officials and the public and official opinion of their own and other countries by means of journeys and attentive observation of general national tendencies. Several years ago, the Assembly expressed the wish that the Secretary-General himself should pay official visits to different countries, and this he has done on a number of occasions. In 1928, the Deputy-Secretary-General paid an official visit to China at the invitation of the Government. Besides the journeys of officials on mission to their own countries and elsewhere, most of them devote some part of their leave to liaison work, especially in overseas countries where visits of officials are less frequent.

Another form of activity consists of lectures given to institutes and summer schools meeting in Geneva, and the Secretariat makes itself available to the increasing number of students and others who come to Geneva. Throughout the year there is a constant stream of Members of Parliament, professors, authors, publicists and others playing a prominent part in the life of their countries, who come to attend meetings, to undertake special studies, and, as the saying goes, "to see the League at work." The League has a scheme under which about twenty or thirty "temporary collaborators" (usually people in key positions and preferably from countries not well placed in the way of League contacts) are invited to spend a few weeks in the Secretariat in order to become more fully acquainted with League affairs. All possible assistance is given to them, but they are left absolutely free to come to their own conclusions.

Instruction.

Probably the most fundamental necessity in the formation of habits of mind which are in keeping with the principles of the League is the provision of suitable instruction for the young. An account of what has been done is given elsewhere, but a brief mention of it cannot be omitted from any consideration of the League's influence on public opinion. As in many other things, the League cannot take direct action; this is obviously the

responsibility of the national educational administrations. A promising movement in the same category is the growing establishment of University chairs for international relations, and in Geneva itself there is a Post-Graduate Institute of International Studies.

Conclusion.

If it can be justly claimed that the League has stimulated political thought about the organisation of international life on better foundations, it is a great and valuable achievement to its credit. If the League still falls short of its high aims, if permanent peace is not yet finally assured, nevertheless the place which League doctrine and principles hold in the political and constitutional structure of the world to-day is altogether more significant than it was ten, or even five, years ago. The League, with limited resources and in restricted conditions, has never ceased to do what lies in its power to strengthen public interest in and support of its labours by the use of all legitimate channels. The authoritative word of every country lies with its Government, with which alone public opinion is directly related. Through its particular Government, public opinion brings its League contribution to world progress; it may hinder or help, and the public opinion of all the nations in the League shares the responsibility for shortcomings and the credit for success. The League of Nations is the sum of public opinion.

ANNEXES

ANNEX I

THE COVENANT OF THE LEAGUE OF NATIONS

The High Contracting Parties,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments,

and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

Article 1

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

3. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

Article 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

Article 3

1. The Assembly shall consist of Representatives of the Members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly, each Member of the League shall have one vote, and may have not more than three Representatives.

Article 4

1. The Council shall consist of Representatives of the Principal Allied and Associated Powers,[1] together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be Members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League, whose Representatives shall always be Members of the Council;[2]

[1] The Principal Allied and Associated Powers are the following: The United States of America, the British Empire, France, Italy and Japan (see Preamble of the Treaty of Peace with Germany).

[2] In virtue of this paragraph of the Covenant, Germany was nominated as a permanent Member of the Council on September 8th, 1926.

the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.[1]

2 *bis.*[2] *The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.*

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

Article 5

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

2. All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

[1] The number of Members of the Council selected by the Assembly was increased to six instead of four by virtue of a resolution adopted at the third ordinary meeting of the Assembly on September 25th, 1922. By a resolution taken by the Assembly on September 8th, 1926, the number of Members of the Council selected by the Assembly was increased to nine.

[2] This Amendment came into force on July 29th, 1926, in accordance with Article 26 of the Covenant.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

Article 6

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

2. The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

4. The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

5.[1] *The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.*

Article 7

1. The Seat of the League is established at Geneva.

2. The Council may at any time decide that the Seat of the League shall be established elsewhere.

3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

Article 8

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

[1] This Amendment came into force on August 13th, 1924, in accordance with Article 26 of the Covenant.

2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

Article 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

Article 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

Article 11

1. 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. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article 12 [1]

1. The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration *or judicial settlement* or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators *or the judicial decision* or the report by the Council.

2. In any case under this Article the award of the arbitrators *or the judicial decision* shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article 13 [1]

1. The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration *or judicial settlement*, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration *or judicial settlement*.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration *or judicial settlement*.

3. *For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International*

[1] The Amendments printed in italics relating to these Articles came into force on September 26th, 1924, in accordance with Article 26 of the Covenant.

Justice, established in accordance with Article 14, *or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.*

4. The Members of the League agree that they will carry out in full good faith any award *or decision* that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award *or decision*, the Council shall propose what steps should be taken to give effect thereto.

Article 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Article 15

1.[1] If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration *or judicial settlement* in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

[1] The Amendment to the first paragraph of this Article came into force on September 26th, 1924, in accordance with Article 26 of the Covenant.

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

Article 16

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

Article 17

1. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such

invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

2. Upon such invitation being given the Council shall immediately institute an enquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Article 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

Article 20

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations

inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

Article 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Article 22

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the

administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(*a*) will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

(*b*) undertake to secure just treatment of the native inhabitants of territories under their control;

(*c*) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(*d*) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914–1918 shall be borne in mind;

(*f*) will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article 24

1. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary

national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

Article 26

1. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

2. No such amendments shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

ANNEX II

SHORT BIBLIOGRAPHY OF THE PUBLICATIONS OF THE LEAGUE OF NATIONS

INTRODUCTION

General :

THE COVENANT OF THE LEAGUE OF NATIONS.

The pamphlet " CONSTITUTION AND ORGANISATION OF THE LEAGUE OF NATIONS " contains the text of the Covenant, with brief comments and amendments. (The text may also be obtained separately)

THE LEAGUE OF NATIONS . A SURVEY (January 1920–December 1926).

A descriptive pamphlet which gives the elementary facts and has been supplemented regularly since 1927 by a pamphlet entitled " THE LEAGUE FROM YEAR TO YEAR "

Bibliographies :

WORKS DEALING WITH THE ACTIVITIES OF THE LEAGUE OF NATIONS catalogued in the Library of the Secretariat.

MONTHLY LIST OF SELECTED ARTICLES.

Publication issued by the Library of the League of Nations, mentioning articles dealing with the League's work.

Periodical Publications :

OFFICIAL JOURNAL.

Monthly publication containing the Minutes of the Council and a selection of the chief official documents.

MONTHLY SUMMARY OF THE LEAGUE OF NATIONS.

Gives a general outline of the League's activity. Published in French, English, German, Italian, Spanish and Czech.

Assembly :

RECORDS OF THE ASSEMBLY.

Sessions 1–10, November 1920–September 1929. Proceedings of the Plenary Meetings and of the Committees (published as supplements to the *Official Journal* since the fourth session).

ASSEMBLY JOURNAL.

Appearing daily during the Assembly and giving an account of the meetings of the Assembly and of the Committees.

REPORTS TO THE ASSEMBLY OF THE LEAGUE OF NATIONS on the Work of the Council and of the Secretariat and on the Measures taken to execute the Decisions of the Assembly.

Annual publications summarising the work of the Council, the Conferences, the Committees and the Secretariat of the League

RESOLUTIONS ADOPTED BY THE ASSEMBLY.

Annual publication containing the resolutions adopted by each Assembly.

Council:

MINUTES OF COUNCIL SESSIONS

Sessions 1–57, January 1920–September 1929. Minutes from the sixteenth session onwards included in the *Official Journal.*

CHAPTER I

SETTLEMENT OF DISPUTES[1]

General:

POLITICAL ACTIVITIES OF THE LEAGUE (2 vols.).

Descriptive pamphlet prepared by the Information Section.

Aaland Islands:

CORRESPONDENCE RELATING TO THE QUESTION OF THE AALAND ISLANDS.

The Finnish Case; the Swedish Case. (Special Supplement No 1 to the *Official Journal* 1920.)

REPORT OF THE COMMITTEE OF JURISTS. (Special Supplement No. 3 to the *Official Journal* 1920.)

Conference relating to the Non-fortification and Neutralisation of the Aaland Islands, October 10th–20th, 1921.

PROCEEDINGS OF THE CONFERENCE (C. 554. 1921. VII).

CONVENTION (C 419. M 300. 1921)

Bolivia-Paraguay:

Documentation concerning the DISPUTE BETWEEN BOLIVIA AND PARAGUAY (C. 619. M. 195. 1928 VII); (C. 16 M. 13. 1929. VII).

Bulgaria-Greece:

COMMISSION OF ENQUIRY INTO THE INCIDENTS ON THE FRONTIER BETWEEN BULGARIA AND GREECE. Report (C. 727 1925 VII).

MINUTES OF THE THIRTY-SIXTH (EXTRAORDINARY) SESSION OF THE COUNCIL, held at Paris from Monday, October 26th, to Friday, October 30th, 1925 (Appeal of the Bulgarian Government in virtue of Articles 10 and 11 of the Covenant.)

[1] All the developments which have occurred in regard to the political questions dealt with by the League will be found in the *Official Journal* (Minutes of the Council's sessions), hence we only indicate here a few documents which have appeared separately.

Upper Silesia :

MINUTES OF THE EXTRAORDINARY SESSION OF THE COUNCIL of the League, held at Geneva from August 29th to October 12th, 1921, to deal with the question of Upper Silesia.

GERMAN-POLISH CONVENTION relative to Upper Silesia, concluded on May 15th, 1922. (French text only.)

Iraq :

QUESTION OF THE FRONTIER BETWEEN TURKEY AND IRAQ (C. 400. M. 147. 1925. VII).

Report submitted to the Council by the Commission of Enquiry concerning the Question of Mosul

Lithuania-Poland :

DOCUMENTS CONCERNING THE DISPUTE BETWEEN POLAND AND LITHUANIA. (Special Supplement No. 4 to the *Official Journal* 1920.)

Memel :

THE STATUS OF THE MEMEL TERRITORY (C. 159. M. 39. 1924 VII).

CHAPTER II

DISARMAMENT AND THE ORGANISATION OF PEACE

General :

ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS.

Extracts from the Debates of the Fifth Assembly (C. 708. 1924. IX).

THE REDUCTION OF ARMAMENTS AND THE ORGANISATION OF PEACE.

Descriptive pamphlet prepared by the Information Section.

Periodical Publications :

ARMAMENTS YEARBOOK.

General and Statistical Information (1928–1929, fifth year)

STATISTICAL YEARBOOK ON THE TRADE IN ARMS, AMMUNITION AND IMPLEMENTS OF WAR, Geneva 1929.

Publication preceded by: Statistical information on the Trade in Arms, Ammunition and Implements of War (published in 1924, 1926, 1928).

Commissions :

COMMITTEE ON ARBITRATION AND SECURITY: MINUTES AND REPORTS.

Sessions 1–3, 1923–1928.

PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE: MINUTES.

Sessions 1–6, 1926–1929.

Conference :

PROCEEDINGS OF THE CONFERENCE FOR THE SUPERVISION OF THE INTERNATIONAL TRADE IN ARMS AND AMMUNITION AND IN IMPLEMENTS OF WAR. Geneva, May 4th–June 7th, 1925 (A. 13. 1925. IX).

Private Manufacture :

PRIVATE MANUFACTURE AND PUBLICITY OF THE MANUFACTURE OF ARMS AND AMMUNITION AND OF IMPLEMENTS OF WAR.

Reports by the Special Committee to the Council.

CHAPTERS III AND IV

INTERNATIONAL JUSTICE—CODIFICATION OF INTERNATIONAL LAW

LEGAL AID FOR THE POOR.

Laws, etc., regulating legal aid in certain countries, list of agencies and persons or authorities appointed to answer enquiries from abroad (Series L.o.N.P. 1927. V. 27).

Codification of International Law :

REPORT TO THE COUNCIL ON THE QUESTIONS WHICH APPEAR RIPE FOR INTERNATIONAL REGULATION.

Questionnaires I–II (C 196 M. 70. 1927. V) (A. 15. 1928. V).

REPORT BY THE COMMITTEE OF THREE JURISTS (A. 12. 1929. V).

BASES OF DISCUSSION drawn up for the Conference by the Prepatatory Committee :

Nationality (C. 73 M. 38. 1929. V).

Territorial Waters (C 74. M. 39 1929. V).

Responsibility of States (C. 75. M. 69. 1929. V).

Constitutional Questions :

COMMITTEE ON THE COMPOSITION OF THE COUNCIL.

Reports and Extracts from Minutes (C 299. M 139. 1926. V).

REPORTS AND RESOLUTIONS ON THE SUBJECT OF ARTICLE 16 OF THE COVENANT (A. 14. 1927. V).

Treaties :

ARBITRATION AND SECURITY.

Systematic Survey of the Arbitration Conventions and Treaties of Mutual Security deposited with the League of Nations.

Second edition containing all the treaties registered up to December 15th, 1927 (C. 653. M. 216. 1927. V).

COLLECTION OF TREATIES AND INTERNATIONAL ENGAGEMENTS REGISTERED WITH THE SECRETARIAT OF THE LEAGUE OF NATIONS.

Eighty-eight volumes had been published up to the end of 1929.

INTERNATIONAL TREATIES AND LEGISLATIVE MEASURES.

Monthly publication by the Library of the League of Nations, mentioning the most recent texts.

Permanent Court :

THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

Descriptive pamphlet prepared by the Information Section.

DRAFT SCHEME for the Institution of the Permanent Court. (Special Supplement No. 2 to the *Official Journal* 1920)

ADVISORY COMMITTEE OF JURISTS.

Minutes (1 vol) and documents (2 vols.) submitted to the Committee (1920).

CONFERENCE OF STATES SIGNATORIES OF THE PROTOCOL OF SIGNATURE OF THE STATUTE OF THE COURT, September 1st–23rd, 1926. PROCEEDINGS (Series L.o.N.P. 1926. V. 26).

COMMITTEE OF JURISTS ON THE STATUTE OF THE COURT, March 11th–19th, 1929.

Minutes (C. 166. M. 66. 1929. V).

Reports (C. 142. M. 52. 1929. V).

CONFERENCE REGARDING THE REVISION OF THE STATUTE OF THE COURT AND THE ACCESSION OF THE UNITED STATES OF AMERICA TO THE PROTOCOL OF SIGNATURE, September 4th–12th, 1929 (C 514 M. 173. 1929 V).

Publications of the Permanent Court : [1]

COLLECTION OF JUDGMENTS (Series A).

COLLECTION OF ADVISORY OPINIONS (Series B).

ACTS AND DOCUMENTS RELATING TO JUDGMENTS AND ADVISORY OPINIONS (Series C).

COLLECTION OF TEXTS GOVERNING THE ORGANISATION OF THE COURT (Series D).

ANNUAL REPORTS (Series E)

GENERAL INDEX OF THE PUBLICATIONS OF THE COURT (Series F).

CHAPTER V

ECONOMIC AND FINANCIAL ORGANISATION

General :

THE LEAGUE OF NATIONS : ECONOMIC AND FINANCIAL ORGANISATION.

Descriptive pamphlet prepared by the Information Section.

Periodical Publications :

INTERNATIONAL STATISTICAL YEARBOOK.

MONTHLY BULLETIN OF STATISTICS.

MEMORANDUM ON BALANCE OF PAYMENTS AND FOREIGN TRADE BALANCES.

MEMORANDUM ON CURRENCY AND CENTRAL BANKS.

MEMORANDUM ON PUBLIC FINANCE.

MEMORANDUM ON PRODUCTION AND TRADE.

[1] These documents are published in the Netherlands and may be obtained on application to the publishers, A. W. Sijthoff, Leyden.

Committees :

REPORTS OF THE ECONOMIC CONSULTATIVE COMMITTEE.

(Sessions 1-2, 1928-1929); (C. 217. M. 73. 1928. II); (C. 192. M. 73. 1929. II).

REPORTS OF THE ECONOMIC COMMITTEE TO THE COUNCIL.

(Sessions 1-30, 1920-1929.)

REPORTS OF THE FINANCIAL COMMITTEE TO THE COUNCIL.

(Sessions 1-36, 1920-1929.)

Conferences :

INTERNATIONAL ECONOMIC CONFERENCE, May 4th to 23rd, 1927.

Various memoranda, prepared by specialists and by the Economic and Financial Section, on the world economic situation and on commerce, agriculture and various industries.

Reports and Proceedings, 2 vols. (C. 356. M. 129. 1927. II).

INTERNATIONAL FINANCIAL CONFERENCE, September 24th-October 8th, 1920 (Brussels).

Minutes of the Debates (vols. I and II).

Memoranda prepared for the Conference (vols. III and IV).

The Recommendations and Their Application.

INTERNATIONAL CONFERENCE FOR THE ABOLITION OF IMPORT AND EXPORT PROHIBITIONS AND RESTRICTIONS.

1st—October 17th to November 8th, 1927 (C. 21. M. 12. 1928. II).

2nd—July 3rd-19th, 1928 (C. 611. M. 187. 1928. II).

3rd—December 5th-20th, 1929 (C. 176. M. 81. 1930. II).

PROCEEDINGS OF THE INTERNATIONAL CONFERENCE FOR THE ADOPTION OF A CONVENTION FOR THE SUPPRESSION OF COUNTERFEITING CURRENCY, April 9th-20th, 1929 (C. 328. M. 114. 1929. II).

INTERNATIONAL CONFERENCE RELATING TO THE EXPORT OF HIDES SKINS AND BONES.

1st—March 14th-16th, 1928 (C. 214. M 70. 1928. II).

2nd—June 29th-July 11th, 1928 (C. 524. M. 154. 1928. II).

3rd—August 29th-September 11th, 1929 (C. 438. M. 146. 1929. II).

INTERNATIONAL CONFERENCE ON THE TREATMENT OF FOREIGNERS, November 5th-December 4th, 1929 (Paris). MINUTES (C. 97. M. 23. 1930. II).

INTERNATIONAL CONFERENCE ON CUSTOMS FORMALITIES, October 15th-November 3rd, 1923. MINUTES (C. 66. M. 24. 1924. II).

INTERNATIONAL CONFERENCE ON ECONOMIC STATISTICS, November 26th-December 14th, 1928.

Preparatory Documents (Series L.o.N.P. 1928. II. 6).

Convention, Protocol and Final Act (Series L.o.N P. 1928. II. 52).

Financial Reconstruction :

AUSTRIA.—THE FINANCIAL RECONSTRUCTION OF AUSTRIA.

Pamphlet published by the Information Section.

FINANCIAL RECONSTRUCTION OF AUSTRIA.

(Supplement to the *Monthly Summary of the League of Nations*, October 1922, March 1923.)

FINANCIAL RECONSTRUCTION OF AUSTRIA.

General description, accompanied by the principal documents (C. 568. M. 232. 1926. II)

BULGARIA.—BULGARIAN STABILISATION LOAN, Protocol (C. 338. M. 96. 1928. II).

DANZIG —MUNICIPAL LOAN (C. 225. M. 81. 1925. II).

ESTONIA.—REPUBLIC OF ESTONIA 7 PER CENT. LOAN, 1927 (Banking and Monetary Reform) (C. 186. M. 60. 1928. II).

HUNGARY.—FINANCIAL RECONSTRUCTION OF HUNGARY.

(Supplement to the *Monthly Summary of the League of Nations*, May 1924)

THE FINANCIAL RECONSTRUCTION OF HUNGARY.

General description, accompanied by the principal documents (C. 583. M. 221. 1926. II).

Miscellaneous

DOUBLE TAXATION AND TAX EVASION.

Memoranda and Reports submitted by various experts (A. 16. 1921); (E.F.S. 73. F. 19).

Report presented by the Committee of Technical Experts (C. 216, M. 85. 1927. II. 40).

Collection of International Agreements and Internal Legal Provisions for the Prevention of Double Taxation and Tax Evasion (C. 345. M. 102. 1928. II).

THE PROBLEM OF THE COAL INDUSTRY. Its International Aspects (C 150. M. 58. 1929. II).

REPORT ON CERTAIN ASPECTS OF THE RAW MATERIALS PROBLEM (C. 51. M. 18. 1922. II)

SUGAR. Memoranda (C 148. M. 57. 1929. II).

THE WORLD SUGAR SITUATION.

Report (C. 303. M 104. 1929. II).

UNIFICATION OF LAWS RELATING TO BILLS OF EXCHANGE AND PROMISSORY NOTES.

Reports (C. 487. M. 203. 1923).

CHAPTER VI

COMMUNICATIONS AND TRANSIT

General:

COMMUNICATIONS AND TRANSIT.

Descriptive pamphlet prepared by the Information Section.

Committees:

ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT. MINUTES.

Sessions 1–13, 1922–1929.

Conferences :

CONFERENCE ON PASSPORTS, CUSTOMS FORMALITIES AND THROUGH TICKETS. Paris, October 21st, 1920. RESOLUTIONS (C. 641. M. 230. 1925. VIII)

PASSPORT CONFERENCE, May 12th to 18th, 1926.

Preparatory Documents (C. 639. M. 218. 1925. VIII).

Minutes (C. 423. M. 156. 1926. VIII).

Action taken on Recommendations (C. 133 M. 48. 1929 VIII).

EUROPEAN CONFERENCE ON THE MEASUREMENT OF VESSELS EMPLOYED IN INLAND NAVIGATION. Paris, November 20th to 27th, 1927.

Minutes (C 107. M. 50. 1926. VIII).

Convention and Protocol of Signature (Series L o.N P 1926 VIII. 11)

FIRST GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT, Barcelona, March to April, 1921.

Minutes and texts relative to the Conventions.

SECOND GENERAL CONFERENCE, November 15th to December 9th, 1923.

Preparatory Documents (C. 376, C. 377, C. 378. 1923).

Official Instruments approved by the Conference.

THIRD GENERAL CONFERENCE, August 23rd to September 2nd, 1927.

Preparatory Documents, 2 vols. (Series L.o.N.P. 1927. VIII. $5^{I, II}$).

Minutes and texts, 4 vols. (Series L.o.N.P. 1927. VIII. 15^{I-IV}).

Miscellaneous :

COMPETITION BETWEEN RAILWAYS AND WATERWAYS.

Report by the Special Committee (C 127. M. 43. 1929. VIII).

ESTABLISHMENT OF A LEAGUE OF NATIONS RADIO-TELEGRAPHIC STATION.

Summarised General Report (A. 18. 1929. VIII).

REPORT ON RHINE NAVIGATION (C. 444. M. 164. 1925. VIII).

REPORT ON DANUBE NAVIGATION (C. 444 (*a*). M. 164 (*a*). 1925. VIII).

REFORM OF THE CALENDAR.

Pamphlet prepared by the Information Section.

Report by the Special Committee of Enquiry (A. 33. 1926. VIII).

NAVIGABLE WATERWAYS IN POLAND.

Reports by the Committee of Experts (C. 25. M. 15. 1927. VIII).

CHAPTER VII

THE HEALTH ORGANISATION

General :

THE HEALTH ORGANISATION OF THE LEAGUE OF NATIONS.

Descriptive pamphlet prepared by the Information Section.

ANNUAL REPORTS OF THE HEALTH ORGANISATION (published since 1925).

Periodical Publications :

INTERNATIONAL HEALTH YEARBOOK, 1928 (fourth year).

HANDBOOKS OF OFFICIAL VITAL STATISTICS

Description of the statistical systems of different countries (thirteen volumes published).

HANDBOOKS FOR THE INTERCHANGES OF PUBLIC HEALTH PERSONNEL.

ORGANISATION AND WORKING OF PUBLIC HEALTH SERVICES IN VARIOUS COUNTRIES.

EPIDEMIOLOGICAL REPORTS.

Annual, monthly and weekly publication.

Committees

MINUTES OF THE PROVISIONAL HEALTH COMMITTEE.

Sessions 1–6, 1921–1923.

MINUTES OF THE HEALTH COMMITTEE.

Sessions 1–14, 1924–1929.

CANCER COMMISSION.

Reports (C.H 333, Vol I, Vol. II).

MALARIA COMMISSION.

Report (Series L.o.N.P. 1927. III. 5).

Conferences :

B.C G. (VACCINATION AGAINST TUBERCULOSIS BY MEANS OF).

Technical Conference, Paris, October 15th–18th, 1928 (Series L o.N P. 1928. III. 17).

EUROPEAN HEALTH CONFERENCE. Warsaw, March 20th–28th, 1922.

Report.

SLEEPING-SICKNESS.

First Conference, London, May 19th–25th, 1925 (C.H. 334).

Second Conference, Paris, November 5th–8th, 1928 (Series L.o.N.P. 1928 III 18).

CONFERENCES OF HEALTH EXPERTS ON INFANT WELFARE :

First, Geneva, September 27th–29th, 1926 (C H. 507 (1)).

Second, Paris, January 17th–20th, 1927 (C H 534).

Third, Montevideo, June 7th–11th, 1927 (C.H 617).

Fourth, Vienna, September 26th–28th, 1927 (C.H. 634).

Fifth, London, July 3rd–5th, 1928 (C.H. 737).

Sixth, Rome, March 25th–28th, 1929 (C.H. 779).

RABIES, INTERNATIONAL CONFERENCE ON. Paris, April 25th–30th, 1927 (Series L.o.N.P. 1927. III. 14).

SERO-DIAGNOSIS OF SYPHILIS.

First Laboratory Conference, Copenhagen, November 19th–December 3rd, 1923 (C. 5. M. 5. 1924. III).

Second Laboratory Conference, Copenhagen, May 21st–June 4th, 1928 (Series L.o.N.P. 1929. III. 3).

BIOLOGICAL STANDARDISATION.

First Technical Conference for the Study of Certain Methods, Edinburgh, July 19th–21st, 1923 (C. 4. M. 4. 1924. III).

Second Conference, Geneva, August 12th–September 3rd, 1925 (C. 532. M 183. 1925. III).

STANDARDISATION OF SERA AND SEROLOGICAL REACTIONS.

First Conference, London, December 12th–14th, 1921 (C. 533. M. 378. 1921. III).

Second Conference, Paris, November 20th–26th, 1922 (C. 168. M. 98. 1923).

Far East:

PREVALENCE OF EPIDEMIC DISEASE AND PORT HEALTH ORGANISATION AND PROCEDURE IN THE FAR EAST.

Report (C.H. 130).

STUDIES ON CHOLERA IN JAPAN (C.H 515).

REPORT ON AN INVESTIGATION INTO THE SANITARY CONDITIONS IN PERSIA (C.H. 262).

CHAPTER VIII

SOCIAL AND HUMANITARIAN WORK

General:

THE LEAGUE OF NATIONS: SOCIAL AND HUMANITARIAN WORK.

Descriptive pamphlet prepared by the Information Section.

Opium:

MINUTES OF THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM.

Sessions 1–12, 1921–1929.

REPORTS TO THE COUNCIL ON THE WORK OF THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM.

COMMISSION OF ENQUIRY INTO THE PRODUCTION OF OPIUM IN PERSIA.

Report to the Council (C. 580. M. 219 1926. XI).

Observations by the Persian Government (A. 8. 1927. XI).

FIRST OPIUM CONFERENCE, November 3rd, 1924–February 11th, 1925.

Agreement, Protocol, Final Act (C. 82. M. 41. 1925. XI).

Minutes and Annexes (C. 684. M. 244. 1924. XI).

Summary of Information supplied by the Governments (C.O.P. 1).

SECOND OPIUM CONFERENCE, November 17th, 1924–February 19th, 1925. Proceedings, 2 vols. (C. 760. M. 260. 1924. XI).

Convention, Protocol, Final Act (C. 88. M. 44. 1925. XI).

Summary of Information received from the Governments (C. 656. M. 234. 1924. XI).

Child Welfare:

ADVISORY COMMITTEE FOR THE PROTECTION AND WELFARE OF CHILDREN AND YOUNG PEOPLE.

Sessions 1–5, 1922–1929. Minutes and Reports.

Obscene Publications :

INTERNATIONAL CONFERENCE FOR THE SUPPRESSION OF THE CIRCULATION OF AND TRAFFIC IN OBSCENE PUBLICATIONS, August 31st–September 12th, 1923.

Proceedings (C. 734. M. 299 1923. IV).

Summary of Reports received from the Governments (Series L.o.N P. 1928. IV. 6).

Refugees :

ARMENIANS.—SCHEME FOR SETTLEMENT OF ARMENIAN REFUGEES.

General Description and Principal Documents (C 699. M 264 1926. IV)

BULGARIANS.—SCHEME FOR SETTLEMENT OF BULGARIAN REFUGEES.

General Description and Principal Documents (C. 569 M 211. 1926. II).

GREEKS.—SETTLEMENT OF REFUGEES IN GREECE

General Description of the Work done up to the Summer of 1926 (Series L.o.N.P. 1926. II. 32).

Supplement to The Monthly Summary (November 1924).

RUSSIANS.—CONFERENCE ON THE QUESTION OF RUSSIAN AND ARMENIAN REFUGEES.

Report by the High Commissioner (C 327. 1926. XIII).

Traffic in Women.

MINUTES OF THE ADVISORY COMMITTEE ON THE TRAFFIC IN WOMEN AND CHILDREN.

Sessions 1–8, 1922–1929.

REPORTS ON THE WORK DONE BY THE ADVISORY COMMITTEE Reports 1–8.

REPORT BY THE SPECIAL COMMITTEE OF EXPERTS (C. 52. M. 52. 1927. IV).

INTERNATIONAL CONFERENCE ON THE TRAFFIC IN WOMEN AND CHILDREN, June 30th–July 5th, 1921.

Proceedings (C. 484. M. 339. 1921. IV).

Convention (A. 125 (3) 1921. IV).

Summary of the Annual Reports received from the Governments (5 vols, 1922–1927).

International Relief Union :

CONFERENCE FOR THE CREATION OF AN INTERNATIONAL RELIEF UNION, July 4th–12th, 1927.

Conventions, Statutes and Final Act (C. 364. M. 137. 1927. V).

CHAPTER IX

INTELLECTUAL CO-OPERATION

General :

THE LEAGUE OF NATIONS AND INTELLECTUAL CO-OPERATION.

Descriptive pamphlet edited by the Information Section.

Periodical Publications :

QUARTERLY BULLETIN OF INTERNATIONAL ORGANISATIONS.

EDUCATIONAL SURVEY.

Has appeared twice yearly since July 1929.

HANDBOOK OF INTERNATIONAL ORGANISATIONS.

Editions of 1923, 1925 and 1929 (1929 in English only)

Committees :

MINUTES OF THE INTERNATIONAL COMMITTEE ON INTELLECTUAL CO-OPERATION.

Sessions 1–11, 1922–1929.

REPORTS TO THE COUNCIL ON THE WORK OF THE INTERNATIONAL COMMITTEE ON INTELLECTUAL CO-OPERATION.

Instruction of Youth :

HOW TO MAKE THE LEAGUE OF NATIONS KNOWN AND TO DEVELOP THE SPIRIT OF INTERNATIONAL CO-OPERATION.

Recommendations by the Sub-Committee of Experts (C 515. M. 174. 1927. XII).

THE AIMS AND ORGANISATION OF THE LEAGUE OF NATIONS (Series L.o.N.P. 1928. XII. A. 6)

Publication intended for elementary- and secondary-school teachers.

CHAPTER X

THE MANDATES SYSTEM

General :

THE MANDATES SYSTEM.

Descriptive pamphlet prepared by the Information Section.

TEXTS OF THE MANDATES.

These texts have been published separately for each territory under mandate.

Committees :

PERMANENT MANDATES COMMISSION. Sessions 1–16, 1921–1929.

Minutes of the Sessions.

Report on the Work of the Sessions submitted to the Council.

Slavery :

TEMPORARY SLAVERY COMMISSION.

Minutes of Sessions 1–2, 1924–1925 (A. 18 1924. VI); (C. 426. M. 157. 1925. VI).

SLAVERY CONVENTION.

Annual Reports by the Council to the Assembly. Text of the Convention (C. 210. M. 83. 1927. VI).

CHAPTER XI

OBLIGATIONS RESULTING FROM THE TREATIES: PROTECTION OF MINORITIES

PROTECTION OF LINGUISTIC, RACIAL AND RELIGIOUS MINORITIES BY THE LEAGUE OF NATIONS.

Descriptive pamphlet prepared by the Information Section.

DOCUMENTS RELATING TO THE PROTECTION OF MINORITIES BY THE LEAGUE OF NATIONS.

(Published in the form of a special supplement to the *Official Journal*; first publication, Special Supplement No 75, 1929.)

PROVISIONS CONTAINED IN THE VARIOUS INTERNATIONAL INSTRUMENTS AT PRESENT IN FORCE (Series L.o.N P. 1927. I B. 2).

RESOLUTIONS AND EXTRACTS FROM THE MINUTES OF THE COUNCIL, RESOLUTIONS AND REPORTS ADOPTED BY THE ASSEMBLY RELATING TO THE PROCEDURE TO BE FOLLOWED IN QUESTIONS CONCERNING THE PROTECTION OF MINORITIES (C. 24. M. 18. 1929. I).

CHAPTER XII

OBLIGATIONS RESULTING FROM THE TREATIES: THE SAAR AND DANZIG

General:

THE SAAR BASIN AND THE FREE CITY OF DANZIG.

Descriptive pamphlet prepared by the Information Section.

Danzig:

CONSTITUTION OF THE FREE CITY OF DANZIG.

German text with French and English translations (Special Supplement No. 7 to the *Official Journal*, 1922).

CONVENTION BETWEEN POLAND AND THE FREE CITY OF DANZIG, concluded at Paris on November 3rd, 1920 (20/4/365/2).

GENERAL REPORTS SUBMITTED TO THE COUNCIL BY THE SECRETARY-GENERAL.

Summary of the Council's work in connection with the Free City of Danzig and of the decisions taken by the High Commissioner.

The Saar Territory:

GENERAL REPORTS SUBMITTED TO THE COUNCIL BY THE SECRETARY-GENERAL.

QUARTERLY PERIODICAL REPORTS OF THE GOVERNING COMMISSION.

Reports 1–31 were published as separate documents. Since the thirty second, they have appeared regularly in the *Official Journal*.

CHAPTER XIII

FINANCIAL ADMINISTRATION OF THE LEAGUE OF NATIONS

FINANCIAL ADMINISTRATION AND APPORTIONMENT OF EXPENSES.

Descriptive pamphlet prepared by the Information Section.

BUDGET of each Financial Period.

Since 1929, the Budget has no longer been published as a separate document, but forms No. 10 (1929) or 11 (1928) of the *Official Journal*.

REGULATIONS FOR THE FINANCIAL ADMINISTRATION OF THE LEAGUE (C. 614. M. 191. 1928 X).

ALLOCATION OF THE EXPENSES FOR THE NINTH FINANCIAL PERIOD (1927).

Memorandum by the Secretary-General (C. 593. M. 239. 1926. X).

CHAPTER XIV

THE LEAGUE OF NATIONS AND PUBLIC OPINION

THE LEAGUE OF NATIONS AND THE PRESS.

Descriptive pamphlet prepared by the Information Section.

CONFERENCE OF PRESS EXPERTS, August 24th–29th, 1927.

Preparatory Documents (Series L.o.N.P. 1926. 5).

Final Report (Series L.o.N.P. 1927. 15).

Final Resolutions and Miscellaneous Documents (Series L.o.N.P. 1927. 8).

The documents of the League of Nations are published in French and English and the two texts are sold separately, with the exception of a few publications of the early period, which are bilingual

There is a detailed catalogue of all the publications of the League placed on sale up to the end of October 1929. This catalogue is kept up to date by means of supplements and is sent free of charge on application to the Publications Department.

A Brief Guide to the Publications of the League of Nations, suggesting a method of classification, has been prepared by the Library of the League and is also supplied on application.

ANNEX III

ANNOTATED BIBLIOGRAPHY OF THE PRINCIPAL WORKS ON THE LEAGUE OF NATIONS CATALOGUED IN THE SECRETARIAT LIBRARY

Summary : General and Political. — Disarmament — Health. — Mandates. — Minorities. — Administrative Questions : Danzig and the Saar. — Economic and Transit Questions. — Legal Questions. — Arbitration and Security. — Permanent Court of International Justice. — Social Questions

General and Political

Annuaire de la Société des Nations. 1920/27–1929. (3 vols. Edited by Georges Ottlik, Editions de la Société des Nations S.A.)

Bassett, John Spencer.

The League of Nations. A Chapter in World Politics. — London, New York, etc., Longmans, Green & Co., 1928, 415 pp.

A review of the League's work during the first seven years.

Bourgeois, Léon.

L'œuvre de la Société des Nations (1920–1923). Paris, Payot, 1923, 456 pp.

History of the League during the years 1920–1922 and survey of the part played by France.

Bülow, B. W. von.

Der Versailler Volkerbund, eine vorlaufige Bilanz. Berlin, W. Kohlhammer-Verlag, 1923, 608 pp.

Analysis of the constitution, administration and working of the League.

Butler, Sir Geoffrey Gilbert.

A Handbook to the League of Nations, brought down to the end of the Fifth Assembly, with an Explanation of the Protocol, with an Introduction by the Right Hon. Viscount Cecil of Chelwood. 2nd Ed. London, Longmans, Green & Co., 1925, 239 pp.

An historical and constitutional treatise.

Cansacchi, Giorgo Prospero.

Il Papa e la Società delle nazioni. Torino, Fratelli Bocca, 1929, 102 pp.

The question of the admission of the Vatican to the League. The League and the Catholic standpoint.

Duchosal, Henri.

Que fait l'école pour la Société des Nations ? Lausanne, Genève, etc., 1929, 40 pp. (Published by the Geneva League of Nations Association.)

EPPSTEIN, J.

Ten Years' Life of the League of Nations—a History of the Origins of the League and of its Development from A.D. 1919 to 1929 . . . with an Introduction by the Right Hon. Viscount Cecil of Chelwood . . . and an Epilogue by Gilbert Murray. London, May Fair Press, 1929, 175 pp.

A collection of articles, by various persons prominent in international life, on the creation and development of the League and its kindred organisations.

FANSHAWE, Maurice.

Reconstitution: Five Years of Work by the League of Nations London, G. Allen & Unwin, Ltd., 1925, 336 pp.

Origin, constitution and work of the League of Nations, the International Labour Organisation and the Permanent Court of International Justice.

HARRIS, Henry Wilson.

What the League of Nations Is. London, G. Allen & Unwin, Ltd., 1925, 128 pp.

A descriptive survey of the League.

HOWARD-ELLIS, C.

The Origin, Structure and Working of the League of Nations. London, George Allen & Unwin, Ltd., 1928, 528 pp.

Development of the idea of international co-operation, history of the Covenant, organisation of the Assembly, the Council, the Secretariat, the International Labour Organisation and the Permanent Court of International Justice.

KLUYVER, Mrs. C. A.

Documents on the League of Nations, with a Preface by Dr. C. van Vollenhoven. Leiden, A. W. Sijthoff's Uitgeversmaatschappij, 1920, 367 pp.

A collection of documents relating to the origin of the League, including the proceedings of the Committee appointed to draw up the Covenant.

The League of Nations. a Survey, a Directory and a Who's Who. London, Europa Publications Ltd., 1928, 122 pp.

A guide to the organisation and staff of the League of Nations, the International Labour Organisation, the Permanent Court of International Justice and the International Institute of Intellectual Co-operation.

LÖTSCHERT, H.

Der Volkerbund im Unterricht, Stoffe und Winke. Frankfurt a.M., M. Diesterweg, 1929, 67 pp.

A handbook to the organisation and aims of the League.

MATSUSHITA, M.

Japan in the League of Nations. New York, Columbia University Press, 1929, 175 pp. (Studies in History, Economics and Public Law, No. 314.)

The part played by Japan in the foundation of the League. Her share in the work of the Assembly and Committees. The importance of the League to Japan.

MEURS, J. H. van.

De Volkenbond door J. H. van Meurs en H. J. van Meurs. Amsterdam, "Ontwikkeling," 1929, 95 pp.

A survey of the organisation and activities of the League.

MILLER, David Hunter.

The Drafting of the Covenant. With an Introduction by Nicholas Murray Butler. New York–London, G. P. Putnam & Sons, 1928, 2 vols.

A collection of documents dealing with the framing of the Covenant at the Peace Conference.

MÜLLER, Arthur.

Jugend und Völkerbund. Erziehung zur Volkerbundgesinnung. Wien, Verl. der osterreichischen Völkerbundliga, 1928, 150 pp.

Notes on the League for the young.

MYERS, Denys P.

Nine Years of the League of Nations, 1920–28. (Ninth Year-Book.) Boston, 1929 (World Peace Foundation Pamphlets, Vol. XII, No. 1), 220 pp.

A summary of the work of the League in various fields.

PLÀ, José.

La Sociedad de las Naciones (Compañia ibero-americana). Madrid, 1929.

POLLOCK, Sir Frederick.

The League of Nations. London, Stevens & Sons, 1922, 266 pp.

A practical explanation of the Covenant of the League, with an introduction dealing with the circumstances in which the League was formed and began its work.

RAPPARD, W.

International Relations as viewed from Geneva. New Haven, Yale University Press, 1925, 288 pp.

A review of the League's activities.

RAPPARD, W.

Uniting Europe, the Trend of International Co-operation since the War . . . with a Preface by Edward M. House. New Haven, Yale University Press, 1930, 309 pp.

A course of lectures on the trend of international co-operation since the war, its causes, and the work of the League.

RASK-ØRSTEDFONDEN.

Les origines et l'œuvre de la Société des Nations. Publié sous la direction de P. Munch, Copenhague, Gyldendalske Boghandel, 1923, 2 vols.

In this book various writers explain the attitudes of their countries to the League, and the organisation and working of the latter.

TEICH.

Was jeder Deutsche vom Volkerbunde wissen muss. Saarbrucken, Gebr. Hofer A. G., 1929, 31 pp.

An outline of the origin, constitution and work of the League.

TORRIENTE Y PERAZA, Cosme de la.

Actividas de la Liga de las Naciones. Prologo de Antonio S. de Bustamante. Habana, Rambla, Bonza y Co, 1923, 491 pp.

An outline of the various activities of the League.

TRAZ, R. de.

L'esprit de Genève. Paris, B. Grasset, 1929, 285 pp.

The work of the League and the political and social atmosphere in which it is carried on.

WILSON, Florence.

The Origins of the League Covenant. Documentary History of its Drafting, with an Introduction by Professor P. J. Noel Baker. London, Hogarth Press, 1928, 260 pp.

History of the origin of the Covenant, and an interpretation.

DISARMAMENT

BAKER, Philip Noel.

Disarmament. London, Hogarth Press, 1926, 352 pp.

A study of the importance of the disarmament problem in contemporary national and international politics.

JOUHAUX, Léon.

Le désarmement, Préface de Paul-Boncour. Paris, F. Alcan, 1927, 215 pp.

Discussions on the problem, and history of its development down to 1925. The French and English policies, their divergencies, and the Locarno Agreements.

LAVALLAZ, M. de.

Essai sur le désarmement et le Pacte de la Société des Nations. Préface de M. A. Rougier. Paris, Rousseau & Cie, 1925, 506 pp.

An historical and critical survey of the disarmament question from its origin to the most recent definition of the position in law (Article 8 of the Covenant of the League).

MADARIAGA, Salvador de.

Disarmament. Oxford, University Press; London, Humphrey Milford, 1929, 317 pp.

The disarmament question in its political and technical aspects. A survey of the League's work in this field.

NIEMEYER, Th.

Handbuch der Abrüstungsprobleme. Herausgegeben im Auftrage des deutschen Studienausschusses fur Fragen der Friedenssicherung. Berlin-Grunewald, W. Rothschild, 1928, 3 vols.

A study of the disarmament question by a special committee of the German International Law Society

WEHBERG, Hans.

Die internationale Beschrankung der Rustungen Stuttgart und Berlin, Deutsche Verlagsanstalt, 1919, 463 pp.

A detailed history of the disarmament question.

HEALTH

HUTT, C. W.

International Hygiene. London, Methuen & Co., 1927, 261 pp.

Problems of hygiene in their international aspect, and the work of the League in the field of public health

LACAISSE, René.

La Société des Nations et la politique sanitaire internationale. Lille, Douviez-Bataille, 1925, 227 pp.

International sanitary policy and the part played by the League in its development.

LACAISSE, René.

L'hygiène internationale et la Société des Nations. Paris, Mouvement sanitaire, 1926, 231 pp.

MANDATES

BALLADORE, P. G.

I mandati della Società delle nazioni. Torino, Bocca, 1928, 86 pp.

A legal interpretation of the mandate system. Comparison with the various colonial and protectorate systems. An attempt to define the new features of the mandatory administration.

FERRI, Carlo Emilio.

La teoria dei mandati internazionali (i rapporti fiduciari nel Trattato di Versailles). Torino, Fratelli Bocca, 1927, 407 pp.

A detailed analysis of the mandate system from the standpoint of international law.

FRANCESCO, G. M. de.

La natura giuridica dei mandati internazionali. Pavia, Tipografia co-operativa, 1926, 130 pp.

A legal study of Article 22 of the Covenant and its application.

FURUKAKI, P. T.

Les mandats internationaux de la Société des Nations. Lyon, Paul Phily, 1923, 230 pp.

A commentary on the mandate system.

GERIG, Benjamin.

The Open Door and the Mandates Systems : a Study of Economic Equality before and since the Establishment of the Mandates Systems, with a Foreword by William E. Rappard. London, G. Allen & Unwin, Ltd. 1930

A study of the administration of mandated territories. Special notes on the application of the principle of equality of treatment and commercial privileges for the nationals of all States.

MARGALITH, M.

The International Mandates (Johns Hopkins University Studies in Historical and Political Science, New Series, No. 8). Baltimore, Johns Hopkins Press, 1930, 242 pp.

Origin of the mandate system and administration and development of the mandated territories.

MILLOT, Albert.

Les mandats internationaux. Etude sur l'application de l'article 22 du Pacte de la Société des Nations. Préface de M. A. Basdevant. Paris, E. Larose, 1924, 255 pp.

A survey of the legal and administrative aspects of the mandate system.

OLIVI, Augusto.

L'istituto del mandate e i mandati nella Società delle nazioni (saggio di diritto internazionale). Modena, G. Gerraguti, 1925, 140 pp.

The nature of the mandate contract in internal and external law ; the three classes of mandate (A, B and C).

PALACIOS, Leopoldo.

Los mandatos internacionales de la Sociedad de Naciones Madrid, Librería general de Victoriano Suarez, 1928, 303 pp.

History of the mandated territories since their colonisation ; creation and organisation of the institution of the mandate at the Peace Conference, and working of the Permanent Mandates Commission.

REES, Daniel François Willem Van.

Les mandats internationaux. Les principes généraux du régime des mandats. Paris, Rousseau & Cie, 1928, 259 pp.

General principles of the mandate system : international personality of the mandated territories ; general principles of mandatory administration, extent of the Mandatory's administrative powers, obligations for the benefit of third Powers, and obligations of trusteeship.

Les mandats internationaux. Le contrôle international de l'administration mandataire. Paris, Rousseau & Cie, 1927, 147 pp.

Survey of the nature and extent of the supervision exercised by the League, based on texts and decisions. Analysis of the duties, organisation and working of the Mandates Commission.

ROLIN, H.

La pratique des mandats internationaux. Paris, Librairie Hachette, 1929 (Académie de droit international. *Recueil des Cours*, 1927, T. 19, pp. 493–624).

Salient points in seven years' administrative experience in mandated territories: authority of the Mandatory, safeguards provided for the natives, principle of disinterested administration, and separation of economic resources.

SOREL, J. A.

Le mandat français et l'expansion économique de la Syrie et du Liban. Paris, M. Giard, 1929, 259 pp.

History of the mandate system and its application in the case of France. Economic resources of Syria and Lebanon, and how France has developed them since the organisation of the mandate.

STOYANOVSKY, J.

La théorie générale des mandats internationaux. Paris, Presses universitaires de France, 1925, 251 pp.

Analysis from the legal standpoint.

WHITE, Freda.

Mandates Foreword by Sir Frederick Lugard, published under the auspices of the League of Nations Union. London, Jonathan Cape, 1926, 196 pp.

An introduction to the question of mandates.

MINORITIES

BALOGH, Arthur von.

Der internationale Schutz der Minderheiten. Munchen, Sudost-Verlag Adolf Dresler, 1928, 295 pp.

Study of the international and national position of minorities from the legal standpoint. Historical survey; source of the law affecting minorities; present rights of minorities; protection and safeguarding of those rights.

FOUQUES-DUPARC, Jacques.

La protection des minorités de race, de langue et de religion. Etude de droit des gens. Préface de M. A. de Lapradelle. Paris, Dalloz, 1922, 369 pp.

Minorities in history; analysis of the provisions of the Minorities Treaties.

KARADJOV, D.

Difficultés pour la solution satisfaisante du problème des minorités. Sofia, Imp. de la Cour, 1920, 36 pp.

Brief outline of the legal and political difficulties.

KRAUS, Herbert.

Das Recht der Minderheiten Materialen zur Einführung in das Verstandnis des modernen Minoritätsproblems; zusammengestellt und mit Anmerkungen versehen. Berlin, G. Stilke, 365 pp.

Collection of documents with notes.

LUCIEN-BRUN, Jean.

Le problème des minorités devant le droit international Paris, Ed. Spes, 1923, 230 pp.

History; practice of interventions; present position.

MANDELSTAM, André.

La protection des minorités. Paris, Hachette, 1925, 153 pp

History; the Minorities Treaties, with an analysis of their provisions, the safeguards established and the procedure.

MONFOSCA, Enrico Aci.

Le Minoranze nazionali contemplate dagli Atti internazionali. Firenze, Vallecchi editore, 1929, 2 vols

A study (with statistics and numerous ethnographical maps) of the position of minorities in those countries in which they are subject to a special régime in virtue of the Peace Treaties The texts of the most important international treaties and national laws affecting the treatment of minorities are appended to each volume.

ROBINSON, Jacob.

Das Minoritatenproblem und seine Literatur. Kritische Einfuhrung in die Quellen und die Literatur der europaischen Nationalitatenfragen der Nachkriegszeit, unter besonderer Berucksichtigung des volkerrechtlichen Minderheitenschutzes (Institut fur ausländisches offentliches Recht und Volkerrecht. Beitrage zum ausl. offentl. Recht u. Volkerrecht, Heft 6.)

Bibliography of the problem of minorities.

STEPHENS, J. S.

Danger Zones of Europe—a Study of National Minorities. London, L. & W. Woolf, 1929, 85 pp. (3rd Merttens Lecture on War and Peace).

ADMINISTRATIVE QUESTIONS

DANZIG.

Amtliche Urkunden zum Vertrage zwischen der Freien Stadt Danzig und der Republik Polen vom November 1920. Zusammengestellt und herausgegeben vom Senat der Freien Stadt Danzig. Danzig, A. W. Kafemann, 1920, 249 pp.

Official documents.

Danziger Staats- und Volkerrecht; zusammengestellt von Levinsky und R. Wagner. Danzig, G. Stilke, 1927, 668 pp.

Entscheidungen des Hohen Kommissars des Volkerbundes in der Freien Stadt Danzig. 1921, etc. Danzig, A. W. Kafemann, 1922, etc.

Collected decisions of the High Commissioner, published by the Senate

LEVESQUE, Geneviève.

La situation internationale de Danzig Paris, A. Pedone, 1924, 178 pp.

LOENING, Otto.

Die Rechtsstellung der Freien Stadt Danzig. Berlin, F. Dummler, 1928, 34 pp.

SAAR.

BIESEL, E.

Die volkerrechtliche Stellung des Saargebiets. Leipzig, R. Noske, 1929, 135 pp.

BISSCHOF, Willem Rossegarde.

The Saar Controversy. London, Sweet & Maxwell, 1924, 186 pp. (The Grotius Society Publications, No. 2).

Historical and economical survey of the Saar. Analysis of the provisions of the Treaty of Versailles.

COURSIER, Henri.

Le statut international du Territoire de la Sarre. Nemours, A. Lesot, 1925, 150 pp.

Detailed description of conditions in the Saar.

PRION, Jean.

Le Territoire de la Sarre. Etudes politique et économique 2e edition revue et corrigée Nancy, Berger-Levrault, 1923, 223 pp.

The organisation of the Saar Territory.

RUSSELL, Frank.

The International Government of the Saar. Berkeley, California, University of California Press, 1926, 249 pp.

This book deals with the political aspect of the question.

Das Saargebiet unter der Herrschaft des Waffenstillstandsabkommens und des Vertrags von Versailles. Berlin, G Stilke, 1921, 362 pp. (Weissbuch der deutschen Regierung).

WEHBERG, Hans.

Die Staats- und volkerrechtliche Stellung des Saargebiets. Staatsburger-Bibliothek Heft 116, Munchen-Gladbach, 1924, 55 pp.

Review of the legal and constitutional status of the Saar Basin.

ECONOMIC AND TRANSIT QUESTIONS

BOUSQUEST, P. H

La restauration monétaire et financière de l'Autriche. Paris, Rivière, 1927, 155 pp.

Description of the work undertaken by the League.

CHAUVE-BERTRAND.

La question du calendrier. Paris, La Renaissance du Livre, 1920, 188 pp.

History of the origins of the calendar and the reform movements. Examination of schemes put forward.

The Economic Consequences of the League. The World Economic Conference, with an Introduction by Sir Arthur Salter and articles by Roland W. Boyden, M. Colijn, J. Dvoracèk, etc. London, Europa Publishing Co, 1927, 235 pp.

A series of articles analysing the object of the Conference and its results.

HANTOS, Elmér.

Die Weltwirtschafts-Konferenz. Probleme und Ergebnisse. Leipzig, Glockener Verlagsbuchhandlung, 1928, 205 pp.

Systematic study of the results of the Economic Conference.

JENT, Viktor.

Die handelspolitischen Bestrebungen des Völkerbundes. Zürich, A. Gutzwiller A. G., 1926, 109 pp.

Description of the economic work of the League.

LEVERT, J. A.

De economische en financieele organisatie van den Volkenbond. Wageningen, H. Veenmanf & zonen, 1929, 197 pp.

Systematic survey of the economic and financial work of the League and its importance in international law.

MITZAKIS, Michel.

Le relèvement financier de la Hongrie et la Société des Nations. Avec une préface de M. Geouffre de Lapradelle et une lettre de S. E. le baron Frédéric de Koranyi. Paris, Presses universitaires de France, 1926, 418 pp.

PILAVACHI, Aristoclès C.

La politique douanière des principaux Etats européens et celle de la Société des Nations. Paris, R. Guillon, 1928, 419 pp.

A study of tariff policy since the War. The necessity for raising the question internationally. The part played by the League.

RAIKOVITCH, Slavko.

Le régime international des voies ferrées et la Société des Nations. Paris, E. Sagot & Cie, 1925, 204 pp.

The legal position in regard to international railway traffic before the League of Nations.—The work of the League.—The new international legal position.

LEGAL QUESTIONS

ALVAREZ, Alejandro.

La réforme du Pacte de la Société des Nations sur les bases continentales et régionales : Rapport présenté à la Ve session de l'Union juridique internationale, juin 1926. Issoudun, Imprimerie rapide du Centre, 1926, 148 pp.

A study of the problem of revising the Covenant, in which it is proposed that the League should be reconstructed on continental lines, and that there should be political and economic co-operation between Europe and America.

KNUDSON, J. I.

Methods of International Legislation. With Special Reference to the League of Nations. Genève, Imprimerie Jent, 1928.

Analysis of methods of international legislation and the changes introduced by the League of Nations.

LANGE, Robert.

Vers un gouvernement international. La Société des Nations et la composition du Conseil. Préface de M. Henry de Jouvenel. Paris, Au Commerce des Idées, 1928, 152 pp.

The Covenant of the League of Nations; history of the changes in the composition of the Council; the problem of the composition of the Council and the solutions adopted.

MILITCH, Milenko.

Les attributions communes et les rapports du Conseil et de l'Assemblée. Une étude de la Société des Nations. Préface de Joseph Barthélemy. Paris, A. Pedone, 1929, 316 pp.

Legal character of the League of Nations; the relations of the Council and Assembly as regards their common and concurrent powers, and their general relations.

POPOVITCH, Georges.

La composition du Conseil de la Société des Nations. Contribution à l'étude juridique de l'article 4 du Pacte de la Société des Nations, et de la réforme réalisée par l'Assemblée en 1926. Lausanne, Impr. La Concorde, 1929, 181 pp.

RAY, Jean.

Commentaire du Pacte de la Société des Nations selon la politique et la jurisprudence des organes de la Société. Paris, Sirey, 1930, 717 pp.

Commentary on the Covenant arranged according to the order of the Articles and preceded by general remarks on their interpretation.

REDSLOB, Robert.

Théorie de la Société des Nations. Paris, Rousseau & Cie, 1927, 349 pp.

A comparative study of the organisation of the League of Nations, the Swiss Confederation and the British Empire.

SCELLE, Georges.

Le Pacte des Nations et sa liaison avec le Traité de Paix. Préface de M. Léon Bourgeois. Paris, Sirey, 1919, 459 pp.

A study of the provisions of the League Covenant.

SCHUBERT, Wilhelm F.

Volkerbund und Staatssouveranität. Berlin, Carl Heymanns Verlag, 1929, 128 pp.

The theory of the sovereignty of States in modern international law as related to the Covenant of the League.

SCHÜCKING, Walter.

Die Satzung des Völkerbundes. Kommentiert von Walter Schucking und Hans Wehberg. 2e éd. Berlin, F. Vahlen, 1924, 794 pp.

A history of the League Covenant, with a commentary.

SPRECKELSEN, H. v.

Die rechtliche Beziehungen des Volkerbundes zu internationalen Unionen. Munster i. W., Helios-Verlag, 1929, 82 pp.

A study of the League's relations with international commissions and bureaux. Analysis of Article 24 of the Covenant The League and the technical organisations. Relations with the International Labour Organisation.

WEHBERG, Hans.

Die Pariser Volkerbundakte nebst den Urkunden uber die Pariser Verhandlungen, dem Haager Schiedsgerichtsabkommen. 2e éd. Berlin, 1919, 175 pp.

A study of the Covenant and the previous attempts at international organisation.

WEHBERG, Hans.

Die Volkerbundsatzung erlautert unter Berücksichtigung der Vertiage von Locarno, des Kriegsachtungspaktes usw. 3. Aufl. Berlin, Hensel & Co. Verlag, 1929.

A commentary on the League Covenant.

ARBITRATION AND SECURITY

BAKER, Philip.

The Geneva Protocol for the Pacific Settlement of International Disputes. London, P. S. King & Son, 1925, 228 pp

An analysis of the provisions of the Geneva Protocol.

CONWELL-EVANS, T. P.

The League Council in Action—a Study of the Methods employed by the Council of the League of Nations to prevent War and to settle International Disputes. London, Oxford University Press, 1929, 291 pp.

An analysis of the legal bases of the jurisdiction of the League Council in the settlement of international disputes. A study of the procedure under Articles 11 and 15 of the Covenant. League commissions of enquiry. The advisory opinions of the Permanent Court of International Justice. The Council's recommendations.

DETH, Aart van.

Etude sur l'interprétation du paragraphe 8 de l'article 15 du Pacte de la Société des Nations. Thèse. Amsterdam, 1928, 147 pp.

The settlement of disputes under the Covenant of the League.

LASTUREL, Pierre.

L'affaire gréco-italienne de 1923. Etude critique avec des documents inédits. Paris, l'Ile de France, 1925, 190 pp.

A critical review of the facts and the enquiry.

LOWELL, A. Lawrence.

The Corfu Crisis. The Council of the League of Nations and Corfu. How the League of Nations met the Corfu Crisis, by Manley O. Hudson; Documents. Boston, World Peace Foundation, 1923, 210 pp.

A brief review of the origin of the dispute, the nature of the measures taken, and the conclusions to be drawn.

MASSART, E.

Le controversie internazionali dinanzi al Consiglio della Società delle nazioni. Pisa, Nistri-Lischi, 1929, 190 pp.

A study of the jurisdiction of the League Council in international disputes, with a detailed analysis of Articles 10 and 11 of the Covenant. The procedure to be followed. Various ways in which the Council deals with international disputes

MILLER, David Hunter.

The Geneva Protocol. New York, Macmillan Company, 1925, 279 pp.

A study of compulsory arbitration.

NICOGLOU, Stephen Ph.

L'affaire de Corfou et la Société des Nations. Préface de M. Georges Scelle. Dijon, F. Rey, 1925, 112 pp.

An analysis of the facts and an examination of the competence of the League.

PHILIPPE, Albert.

Le rôle de la Société des Nations dans l'affaire de Corfou. Lille, C. Robbe, 1924, 148 pp.

A brief review of the facts and a study of the incident in its legal and political aspects.

PHILIPSE, Adrian Hendrik.

Le rôle du Conseil de la Société des Nations dans le règlement pacifique des différends internationaux. 's-Gravenhage, Martinus Nijhoff, 1928, 285 pp.

The organisation of the League Council and its activities in the settlement of international disputes, means by which a dispute may be brought before the Council, provisional measures to preserve the *status quo*, examination and settlement of the dispute

REMOND, Pierre.

Le règlement pacifique des conflits internationaux par la Société des Nations (1920–1926). Paris, Editions de la *Revue Mondiale*, 1927, 236 pp.

Organisation of the pacific settlement of international disputes and procedure observed; brief review of the various disputes that the League has been called upon to settle. Study of the Geneva Protocol and the Locarno Agreements.

ROUSSEAU, Charles.

La compétence de la Société des Nations dans le règlement des conflits internationaux. Paris, Imprimerie administrative centrale, 1927, 320 pp.

Nature and subject of the jurisdiction of the League as defined by the Covenant and by the Council's practice, extent of that jurisdiction and delimitation of the field reserved to the exclusive jurisdiction of States; how the League's jurisdiction is exercised (arbitration procedure, direct negotiations, conciliation commissions), etc.

VISSHER, Fernand.

La question des Iles d'Aland. Bruxelles, M. Weissenbruch, 1921 (Extrait de la *Revue de droit international et de législation comparée*, pp. 243–284).

A legal study of the League's settlement of the question.

WEHBERG, Hans.

Das Genfer Protokoll betreffend die friedliche Erledigung internationaler Streitigkeiten. Berlin, Georg Stilke, 1927, 189 pp.

An analysis of the Geneva Protocol, preceded by a brief historical survey.

PERMANENT COURT OF INTERNATIONAL JUSTICE

BUSTAMANTE Y SIRVEN, Antonio Sanchez.

La Cour permanente de Justice internationale. Traduit de l'espagnol par Paul Goulé. Paris, Recueil Sirey, 1925, 367 pp.

Origins of the idea of a world judicial body, organisation of the Court, its competence, its double jurisdiction, its procedure, its power to enforce its decisions, its judgments.

FACHIRI, P.

The Permanent Court of International Justice Its Constitution, Procedure and Work. London, H. Milford, 1925, 342 pp.

Establishment of the Court, its organisation, its jurisdiction and procedure, its work.

FRANCQUEVILLE, Bernard de.

L'œuvre de la Cour permanente de Justice internationale, avec une préface de A. de Lapradelle. Paris, Les Editions internationales, 1928, 2 vols.

Phases of international justice and essential features of the organisation of the Court; its decisions, classified according to subject: international regulation of labour; nationality and minority questions; international penal law, etc.

HUDSON, Manley O.

The Permanent Court of International Justice and the Questions of American Participation. With a Collection of Documents. Cambridge, Harvard University Press, 1925, 389 pp.

HUDSON, Manley O.

The World Court 1922–1928 The Year-Book of the Permanent Court of International Justice. . . . Accompanied by Essential Documents concerning the Court and American Adhesion thereto. Boston, 1928 (World Peace Foundation Pamphlets, Vol. XI, No. 1), 156 pp.

An analysis of the work of the Permanent Court of International Justice; judgments and advisory opinions delivered during the years 1922–1928.

JESSUP, Philip C.

The United States and the World Court Boston, 1929 (World Peace Foundation Pamphlets, Vol. XII, No 4), 159 pp

The adherence of the United States to the Permanent Court of International Justice. United States reservations. Amendments to the Statute of the Court.

MAGYARY, Géza von.

Die internationale Schiedsgerichtsbarkeit im Völkerbund. Berlin, Otto Liebmann, 1922, 176 pp.

Means provided by the League Covenant for the settlement of international disputes; the organisation and jurisdiction of the Permanent Court of International Justice.

MANDERE, H. Ch. G., van.

Het permanente Hof van internationale justicie 's-Gravenhage (Art. 13–15 van het statuut van den Volkenbond) historisch-critische schets von arbitrage en rechtspraak in internationale geschillen. Leiden, A. W. Sijthoff, 1922, 328 pp.

A handbook to the Permanent Court of International Justice, and a review of the proceedings of the Peace Conference of 1899 and the question of arbitration at the Conference of 1907. The establishment of the Permanent Court of International Justice at The Hague.

PHILIPSE, A. H.

Les fonctions consultatives de la Cour permanente de Justice internationale. Lausanne, Payot, 1928, 72 pp.

An outline of the advisory jurisdiction of the Court, dealing with collaboration between the Court and the Council or Assembly of the League, and the development of the consultative procedure since the establishment of the Court.

PORTAIL, R.

L'affaire du Lotus *devant la Cour permanente de Justice internationale et devant l'opinion publique.* Préface de M. F. Mas. Paris, Librairie de jurisprudence ancienne et moderne, 1928, 203 pp.

Review of the facts; summary of the French and Turkish cases. Critical analysis of the Court's judgment.

La revision du Statut de la Cour permanente de justice internationale. Paris, Editions internationales, 1929, 95 pp.

The organisation of an international tribunal. The achievement of 1920 and the experience of seven years. Composition and working of the Court. The procedure for revision and the putting into force of the revised Statute.

WHEELER-BENNETT, J. W.

Information on the World Court 1918–1928, by J. W. Wheeler-Bennett and Maurice Fanshawe; with an Introduction by Sir Cecil Hurst. Issued under the auspices of the Information Service on International Affairs. London, G. Allen and Unwin, Ltd., 1929, 208 pp.

Outline of the organisation of the Permanent Court of International Justice. Brief analysis of all judgments and advisory opinions delivered from its foundation to the end of 1929. Separate chapter on the relations between the United States and the Court.

SOCIAL QUESTIONS

BEYER, Rolande.

Un aspect de l'activité sociale de la Société des Nations : la traite des femmes. Montpellier, E. Montane, 1926, 151 pp.

Present position with regard to the traffic in women, history of the international campaign, the work of the League; study of the 1921 Convention; results.

GAVIT, John Palmer.

Opium. With an Introductory Note for American readers. New York, Brentano, 1927, 308 pp.

A general study of the opium question.

HADZOPOULOS, Angelos.

Die Fluchtlingsfrage in Griechenland Athens, P. D. Salkellerias, 1927, 150 pp.

A study of the question of the Greek refugees from Asia Minor at Athens.

HOIJER, Olof.

Le trafic de l'opium et d'autres stupéfiants. Etude de droit international et d'histoire diplomatique. Paris, Ed. Spes, 1925, 306 pp.

Legal study of the opium question.

LIAIS, Michel.

La question des stupéfiants manufacturés et l'œuvre de la Société des Nations. Lettre préface de M. Sibert. Paris, Sirey, 1928, 208 pp.

A legal study embodying the legislation of the various countries.

WILOUGHBY, Westel Woodbury.

Opium as an International Problem. The Geneva Conference. Baltimore, Johns Hopkins Press, 1925.

A history of the anti-opium campaign as a subject of international law.

ZENDER, Justin.

La question de l'opium. Genève, Imprimerie Jent, 1929, 283 pp.

The opium question considered statistically, and the international conventions by which it has been attempted to solve the problem.

INDEX

AALAND ISLANDS QUESTION 25, 26, 27–8, 28–9.
Publications of League relating to 432, 458.
ADVISORY COMMITTEES OF LEAGUE 16–17.
For individual Committees, see the Organisations of which they form part.
AGRICULTURE
Work of World Economic Conference, 1927 198.
ALBANIA
Famine relief in 264–5.
ARBITRATION AND CONCILIATION
by Advisory Committee for Communications and Transit 220, 228–30.
by Assembly or Council 22–5 *et seq*
General survey 76–9, 85.
ARBITRATION AND JUDICIAL SETTLEMENT 21–2.
ARBITRATION, SECURITY AND PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES
Committee on Arbitration and Security 86–9, 92–3, 95–6.
Documentation 433, 434, 456–8.
General Act for Pacific Settlement of International Disputes 88–90.
General survey 65–76
Mutual assistance, draft Treaty of 55–65 *et seq*
Permanent Advisory Commission for Military, Naval and Air Questions 53–4 *et seq.*
Protocol for Pacific Settlement of International Disputes 68–76 *et seq.*, 456, 457, 458
Security and assistance 91–7.
Temporary Mixed Commission 54–5 *et seq.*
See also Disarmament.
ARMENIAN REFUGEES 275–6, 441.
ARMS AND AMMUNITION
Documentation 433–4.
Private manufacture and publicity of manufacture of 116–18, 120, 434.
Trade, international, in 113–16, 433.
ASSEMBLY OF LEAGUE
First session 2.
General survey 11–12
ASSEMBLY OF LEAGUE (*continued*)
Publications relating to, records, etc, 431–2, 455.
ASSISTANCE, MUTUAL
Draft Treaty of 55–65 *et seq.*
AUSTRIA
Financial reconstruction 183–9
Documentation and bibliography 436–7, 453.
AUSTRIA-HUNGARY
Disputes *re* reorganisation of railroads of former Austro-Hungarian monarchy 230.

BALFOUR DECLARATION 337–8, 349–50
BARCELONA CONFERENCE AND CONVENTIONS, 1921 2, 3, 208, 213, 215, 216–18, 220.
BELGIUM
Denunciation of Sino-Belgian Treaty of 1865 145, 147–8, 152.
BERNE RAILWAY CONVENTION
Dispute between German and Saar Governments 229.
BIBLIOGRAPHY, CO-ORDINATION OF 323–4
BILLS OF EXCHANGE AND PROMISSORY NOTES 437.
BLIND, PROTECTION OF THE 255
BOLIVIA
Collaboration of Health Organisation 259
Dispute with Paraguay 28, 41–6, 432
BONDELZWARTS AFFAIR 347
BRAZILIAN FEDERAL LOANS 149–50.
BRIAND-KELLOGG PACT 91, 456.
BRUSSELS FINANCIAL CONFERENCE 2, 3, 53, 54, 179–82, 196, 205–6, 436.
BUDGET OF LEAGUE
See League, Financial administration.
BULGARIA
Financial reconstruction 188, 194, 437.
Greco-Bulgarian Convention of Reciprocal Emigration (1919), question of interpretation of 153.
Greco-Bulgarian frontier dispute 26, 27, 28, 31–4, 432.
Refugees, settlement of 194, 441.
Treaty of Neuilly, question of interpretation of 148–9.
BUOYAGE AND LIGHTING OF COASTS, UNIFICATION OF 222.
BUREAUX, INTERNATIONAL 18.

CALENDAR, REFORM OF THE 231, 438, 453.
CANCER 249–51, 439.
CARELIA, EASTERN
See Eastern Carelia.
CENTRAL EUROPE, RELIEF WORK IN 263–4.
CHEMICAL WARFARE
Means of persuading scientists to make public their discoveries *re* 320.
Prohibition of 118–20
CHILDREN AND YOUNG PEOPLE
Deported by Turkish forces in Armenia and Asia Minor 278–80.
Infant welfare and mortality, 253–4, 439.
Instruction in aims of League, *see* Instruction of youth in aims of League.
Protection and welfare of 297–9, 440.
Traffic in women and children, *see that title.*
CHINA
Collaboration of Health Organisation 239, 259–60.
Denunciation of Sino-Belgian Treaty of 1865 145, 147–8, 152.
Drug situation in 299–300, 301, 309–10, 311–12.
CHOLERA 239, 241, 440.
CHORZOW FACTORY CASE 145, 146–7, 152.
CINEMATOGRAPH, RELATIONS BETWEEN INTELLECTUAL LIFE AND 326
Institute, International Educational, Rome 18, 318, 326.
COAL 199, 437.
CODIFICATION OF INTERNATIONAL LAW
Documentation 434.
General survey 164–75.
Communications, international law on 215, 216–20
COMMUNICATIONS AND TRANSIT ORGANISATION
Fourth General Conference, 1931, preparation of 230–1.
General survey 207–31.
Documentation and bibliography 437–8, 454.
CONCILIATION
See Arbitration and conciliation.
COPYRIGHT 324.
CORFU
Italo-Greek dispute, *see under* Greece
COUNCIL OF LEAGUE
First sessions 1, 2.
General survey 13–14.
Procedure to be followed in case of emergency requiring immediate action 34–7.
Publications relating to, minutes, etc. 432, 455, 456, 457.
COUNTERFEITING CURRENCY, SUPPRESSION OF OFFENCE OF 195, 436.
COURT OF INTERNATIONAL JUSTICE, PERMANENT
Documentation and bibliography 435, 458–60.
Financial administration 389–92, 396.
General survey 125–63.
Inauguration 3.
United States of America and 134, 135–8, 435, 459
COVENANT OF LEAGUE
Disarmament, provisions *re* 50–2.
Disputes, provisions *re* peaceful settlement of 19–25.
General survey 10–11.
Publications relating to 431, 454, 455, 456.
Text 417–30.
CUSTOMS FORMALITIES, INTERNATIONAL CONFERENCE ON, 1923 436, 438.
CUSTOMS TARIFFS
Most-favoured-nation treatment and reduction of barriers 197, 199–205, 454.
CUSTOMS TRUCE
See Economic action, concerted.

DANUBE
"Iron Gates" loan 230.
Jurisdiction of European Commission of, between Galatz and Braila 153, 161–2, 229–30.
Navigation, competition between railways and waterways 224–5, 438.
DANZIG, FREE CITY OF
Administration since Treaty of Versailles 382–7.
Documentation and bibliography 443, 452–3.
Loans, municipal 188, 387, 437.
Questions relating to Jurisdiction of Courts of Free City 152, 155, 386.
Legal status of Free City and its competence to become a member of International Labour Organisation 153.
Polish postal service 152, 155, 386.
Site of munitions depot, Polish postal service and limits of port, Polish railways and Danzig administration 226, 386–7
Various problems 452–3.
DISARMAMENT AND ORGANISATION OF PEACE
Arbitration, security and pacific settlement of international disputes, *see that title.*
Conference, preparation of, and work of Preparatory Commission 79–85 *et seq.*, 97–113 *et seq.*, 433.
Documentation 433–4, 448–9.

DISARMAMENT AND ORGANISATION OF PEACE (*continued*)
General survey 49–124.
See also Arms and ammunition.
Chemical warfare.
DISPUTES, PEACEFUL SETTLEMENT OF
General survey 19–48.
Publications relating to 432–3, 457–8.
See also Arbitration and conciliation.
Arbitration and judicial settlement.
Arbitration, security, etc.
DOUBLE TAXATION AND TAX EVASION 195, 437.
DRUGS
See Opium and other dangerous drugs.

EASTER, FIXATION OF FESTIVAL 231.
EASTERN CARELIA, STATUS OF 153, 158–9.
ECONOMIC ACTION, CONCERTED
Customs truce, negotiations for 201–5.
ECONOMIC COMMITTEE OF LEAGUE 195–6
See also Economic and Financial Organisation.
ECONOMIC CONFERENCE, INTERNATIONAL, *1927 196–201 et seq.*
Documentation and bibliography 436, 453–4
ECONOMIC AND FINANCIAL ORGANISATION
Documentation and bibliography 435–7, 453–4
General survey 178–206
ECONOMIC INTELLIGENCE SERVICE 205–6.
ECONOMIC STATISTICS, INTERNATIONAL CONFERENCE ON, 1928 436.
ECONOMIC TENDENCIES AFFECTING WORLD PEACE 198.
ELECTRIC POWER, TRANSMISSION IN TRANSIT OF
Geneva Convention, 1923 219.
EMIGRATION, GRECO-BULGARIAN
Convention (1919), question of interpretation of 153
EPIDEMICS
Commission 232–3, 235, 262.
Epidemiological Intelligence Service 235–42, 439.
Eastern Bureau at Singapore 236–9, 440.
ESTONIA
Monetary and banking reform 188–9, 437.

FAR EAST
Opium traffic in 299–301.
Enquiry 309–10.
Work of Health Organisation in 236–9, 241, 259–60, 440.
FINANCIAL ADMINISTRATION OF LEAGUE
See under League.
FINANCIAL ASSISTANCE FOR STATES VICTIMS OF AGGRESSION 94, 195.
FINANCIAL COMMITTEE OF LEAGUE 189.
See also Economic and Financial Organisation.
FOREIGNERS, INTERNATIONAL CONFERENCE ON TREATMENT OF, 1929 197, 436.
FREE ZONES OF UPPER SAVOY AND THE PAYS DE GEX 149, 151, 152.
FUMIGATION OF SHIPS 239.

GENERAL ACT FOR PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES 88–90.
GENEVA CONFERENCES AND CONVENTIONS, 1923 215, 216, 218–19, 220.
GENOA, ECONOMIC CONFERENCE AT, 1922 3–4, 196, 223–4.
GOLD, PURCHASING POWER OF 195.
GRECO-TURKISH POPULATIONS, EXCHANGE OF 153, 160–1.
Agreement, 1926, interpretation of 153, 160–1.
GREECE
Agreement, Greco-Turkish (1926), *see under* Greco-Turkish populations, etc.
Collaboration of Health Organisation 259.
Convention of Reciprocal Emigration, Greco-Bulgarian (1919). question of interpretation 153
Financial reconstruction 188.
Greco-Bulgarian frontier dispute 26, 27, 28, 31–4, 432.
Italo-Greek dispute (Corfu, 1923) 41, 456–7.
Refugee settlement scheme 191–4, 273–5, 441, 460.

HEALTH ORGANISATION OF LEAGUE
Co-operation with other League Organisations 258
Educational work (publications, study tours, exchange of officials, individual missions) 242–5, 439.
General survey 232–60.
Documentation and bibliography 438–40, 449.
HIDES, SKINS AND BONES, INTERNATIONAL CONFERENCE ON EXPORT OF 199, 436.
HUMANITARIAN WORK OF LEAGUE
See Social and humanitarian.
HUNGARIAN OPTANTS, QUESTION OF 26, 29–30.
HUNGARY
Financial reconstruction 188, 190, 437, 454.
Optants, Hungarian, *see* Hungarian optants.
See also Austria-Hungary.

IMPORT AND EXPORT PROHIBITIONS AND RESTRICTIONS 197, 199, 436.
INDUSTRY
Recommendations of World Economic Conference, 1927 197–8.
INFANT WELFARE AND MORTALITY 253–4, 439
INLAND NAVIGATION
Investigation of conditions in Europe 224–5.
INSTITUTES, INTERNATIONAL
See Cinematographic Institute.
Intellectual Co-operation, Institute.
Private Law, etc.
INSTRUCTION OF YOUTH IN AIMS OF LEAGUE 326–9, 442
INSURANCE ORGANISATIONS
Co-operation with public health services 257–8
INTELLECTUAL CO-OPERATION
General survey, 313–29
Documentation 441–2
Institute, International, Paris 17, 317–18, 320–1 *et seq.*
INTERNATIONAL CO-OPERATION 177.
INTERNATIONAL LAW
See Codification of international law.
INVESTIGATION, RIGHT OF
Exercise and procedure *re* 120–4
IRAQ 331, 333, 338–9, 346, 433.
Frontier between Turkey and, *see* Mosul question.
"IRON GATES" LOAN 230
ITALY
Corfu incident, *see* Greece, Italo-Greek dispute.

JAPAN
Cholera in (bibliography) 440
in League of Nations (bibliography) 446.
JAWORZINA, QUESTION OF 153, 159.

LABOUR ORGANISATION, INTERNATIONAL
Advisory opinions of Permanent Court of International Justice on questions relating to
Appointment of Dutch workers' delegate to 3rd session of International Labour Conference 152–3, 157.
Competence of Organisation in regard to agriculture and agricultural production, and to regulate personal work of employer 153, 157–8.
Danzig, question whether legal status is such as to enable Free City to become a member of Organisation 153
LABOUR ORGANISATION, INTERNATIONAL (*continued*)
Collaboration with Health Organisation 258.
Financial administration 389–92, 396.
Representation on
Child Welfare and Traffic in Women and Children Committees 292.
Permanent Mandates Commission 340.
Statute 11
LANGUAGE AUXILIARY INTERNATIONAL 320.
LAUSANNE, TREATY OF
Application of Art. 107 25, 28, 226.
See also Mosul question
LAW
See Codification of international law.
Private law, etc.
LEAGUE OF NATIONS
Assembly, *see that title.*
Bibliography
Annotated bibliography of principal works on League of Nations catalogued in Secretariat library 445–60.
Short bibliography of publications of League 431–44.
Buildings 10, 18, 397
Communications with Geneva at times of emergency and wireless station near seat of League 94–5, 216, 228, 438.
Council, *see that title.*
Covenant, *see that title*
Development, organisation and work 1–18.
Financial administration 388–97.
Documentation 444
Instruction of youth in aims of, *see that title.*
and Public opinion 398–413, 444.
Publicity of information and Press facilities 406–10
Secretariat, *see that title*
LEPROSY 252.
LIBERIA
Slavery in, enquiry *re* 288.
LIBRARIES, INTERNATIONAL CO-ORDINATION OF 321–2
LICENSED HOUSES 294–5.
LITERARY AND SCIENTIFIC PROPERTY 324
LITHUANIA
Relations with Poland, *see* Polish-Lithuanian relations.
LOANS
Brazilian and Serbian issued in France 149–50, 152.
Danzig 188.
"Iron Gates" 230.

LOCARNO AGREEMENTS 5, 25, 77–9 *et seq.*
"LOTUS" CASE 149, 459.

MALARIA 244–5, 245–8, 439.
MANDATES SYSTEM
General survey 330–51.
Documentation and bibliography 442, 449–51.
MARITIME PORTS
Geneva Convention, 1923, on international regime of 218.
MAVROMMATIS CONCESSIONS CASE 145, 145–6.
MEMEL TERRITORY, STATUS OF 25, 26, 226, 433.
MINORITIES, PROTECTION OF
General survey 354–78
Documentation and bibliography 443, 451–2.
in Poland, *see* Poland, Acquisition of Polish nationality *and* German settlers
in Upper Silesia, *see under* Upper Silesia.
MONROE DOCTRINE
Interpretation of, by League 46–7 *note.*
MORBIDITY AND MORTALITY STATISTICS, INTERNATIONAL STANDARDISATION OF 240–1.
MOROCCO
Nationality decrees in, question of 153, 158.
MOST-FAVOURED-NATION TREATMENT 197, 199–201.
MOSUL QUESTION 26, 28, 38–40, 152, 156, 339
MOTOR VEHICLES
Commercial 219–20.
Touring, taxation of 222–3.
MUSEUMS OFFICE, INTERNATIONAL 322.

NATIONALITY, CONFLICT OF LAWS ON 169, 170–3.
NEUILLY, TREATY OF
Interpretation, question of 148–9
NEWSPAPERS AND PERIODICALS, TRANSPORT OF 223
NUMERUS CLAUSUS 320.

OBSCENE PUBLICATIONS, TRAFFIC IN 293, 296–7, 441.
ODER, TERRITORIAL JURISDICTION OF INTERNATIONAL COMMISSION OF 149, 150–1, 229.
ŒCUMENICAL PATRIARCHATE
Expulsion from Constantinople 26, 152
OPIUM AND OTHER DANGEROUS DRUGS
Illicit traffic, control of, and limitation of manufacture 299–312.
Documentation and bibliography 440, 460.

PALESTINE 330–1, 333, 335–8, 349–50
PARAGUAY
Dispute with Bolivia 28, 41–6, 432.
PASSPORT REGIME, INTERNATIONAL, AND KINDRED QUESTIONS 220–1, 438.
PERSIA
Opium, enquiry *re* production in 307, 440
Sanitary conditions in (bibliography) 440
PETITIONS
Mandates 341–2.
Minorities, procedure *re* 367–71, 376–7.
in Upper Silesia 373–4
POLAND
Acquisition of Polish nationality 152, 153, 154, 363, 374, 375.
German settlers in, question of 152, 153–4, 363, 374.
Relations with Danzig 382 *et seq.*
Relations with Lithuania, *see* Polish-Lithuanian relations
POLISH-LITHUANIAN RELATIONS
Communications, question of 216, 327
Documentation 433
Examination by Council 26, 29–30.
POOR, LEGAL AID FOR
Documentation 434.
POPULAR ARTS 323.
PORTS
Health equipment of 238–9, 440.
PORTUGAL
Request for advice from Financial Committee 194.
PRISONERS OF WAR, REPATRIATION OF 265–8
PRIVATE LAW, INTERNATIONAL INSTITUTE FOR UNIFICATION OF 18, 175, 318.
PROHIBITIONS AND RESTRICTIONS
See Import and export prohibitions and restrictions
PROSTITUTION
See Traffic in women and children.
PUBLIC HEALTH SERVICES
Co-operation between insurance organisations and 257–8
Organisation and working in different countries 242, 439.
PUBLIC OPINION AND LEAGUE OF NATIONS 398–413, 444.
PUBLICATIONS OF LEAGUE
Short bibliography 431–44.

RABIES 253, 439.
RAILWAYS
Berne Railway Convention, dispute *re* 229.
Investigation of conditions in Europe 224–5
Regime, international, of: Geneva Convention on 218–19, 454.

RAILWAYS (*continued*)
and Waterways, competition between 224–5, 438.
RAW MATERIALS 437.
RED CROSS
Collaboration with League 263 *et seq.*, 280–3.
REFUGEES
Armenian, *see* Armenian refugees.
Bulgarian, *see under* Bulgaria.
Greek, *see under* Greece.
Russian, *see under* Russia.
Summary of question 268–78
Documentation and bibliography 441, 460.
RELATIONS, INTERNATIONAL
Co-ordination of institutions for scientific study of 322–3.
RELIEF UNION, INTERNATIONAL 280–4, 441.
RESPONSIBILITY OF STATES FOR DAMAGE SUFFERED WITHIN THEIR TERRITORIES BY FOREIGNERS 169, 174–5.
RHINE
Navigation, competition between railways and waterways 224–5, 438
RIVER LAW IN EUROPE, UNIFICATION OF 221.
ROAD TRAFFIC
Commercial motor traffic 219–20.
Regulations *re*, unification of 222.
Taxation of motor touring vehicles 222–3.
RUSSIA
Famine relief in 264.
Refugees 269–70 *et seq.*, 441.

SAAR TERRITORY 379–82, 383.
Documentation and bibliography 443, 453.
ST. NAOUM, MONASTERY OF 153, 159, 160
SAMOA, WESTERN, 330, 348–9.
SECRETARIAT OF LEAGUE
General survey 15–16.
SECURITY
See Arbitration, security, etc.
SERA AND SEROLOGICAL PRODUCTS, STANDARDISATION OF 255–7, 440.
SERBIAN LOANS ISSUED IN FRANCE 149–50, 152.
SHIPS, FUMIGATION OF 239.
SINGAPORE
Eastern Bureau of Epidemiological Intelligence Service 236–9.
Documentation 440.
SLAVERY 284–8, 442
SLEEPING SICKNESS 248, 439
SMALLPOX AND VACCINATION 239, 251–2.
SOCIAL AND HUMANITARIAN ACTIVITIES
General survey 261–312
Documentation 440–1, 460.
SOCIAL INSURANCE AND MEDICAL ASSISTANCE 257–8.
SOUTH-WEST AFRICA 330, 343–4.
SUGAR 199, 437.
SYPHILIS, SERO-DIAGNOSIS OF 257, 439.
SYRIA 330–1, 333, 335–6, 347–8, 451.
SZENT-GOTTHARD MACHINE-GUN INCIDENT 92, 226.

TANGANYIKA 330, 346.
TAXATION
See Double taxation and tax evasion.
TECHNICAL ORGANISATIONS OF LEAGUE 16–17.
For individual Organisations, see Communications and transit. Economic and financial, etc Health, etc.
TERRITORIAL WATERS 169, 173–4.
TONNAGE MEASUREMENT IN INLAND AND MARITIME NAVIGATION 221–2, 438.
TRACHOMA 255.
TRAFFIC IN WOMEN AND CHILDREN 289–96, 441, 460.
TRANSIT
See Communications and transit.
TRANSJORDANIA 333, 338.
TRANSLATIONS OF IMPORTANT LITERARY WORKS 325.
TRANSPORT STATISTICS 225.
TREATIES, REGISTRATION OF 16, 434.
TUBERCULOSIS 248, 248–9, 439.
TUNIS
Nationality decrees in, question of 153, 158.
TURKEY
Agreement, Greco-Turkish, 1926. *See under* Greco-Turkish populations
Frontier between Turkey and Iraq, *see* Mosul question
Greco-Turkish populations, exchange of, *see that title.*

UNITED STATES OF AMERICA
and Permanent Court of International Justice 134, 135–8, 435, 459.
UNIVERSITY DEGREES, EQUIVALENCE OF 324–5.
UPPER SILESIA
Chorzow factory case 145, 146–7, 152.
Documentation relating to 433.
German interests in 145, 146–7.
Hungarian optants, *see that title.*
Minorities in 145, 147, 375–6.
Procedure for examination of minority petitions 373–4.

WAR OR THREAT OF WAR
Draft Convention to strengthen means of preventing war 38.

WAR OR THREAT OF WAR (*continued*)
Financial assistance to States victims of aggression, *see that title*.
See also Disputes, etc.
WATER POWER, DEVELOPMENT OF, AFFECTING MORE THAN ONE STATE
Geneva Convention, 1923 219.
WATERWAYS
Barcelona Convention 217–18.
and Railways, competition between 224–5, 438.
WIMBLEDON, CASE OF S.S. 145, 150.
WIRELESS STATION NEAR SEAT OF LEAGUE 228, 438.
WOMEN
Deported by Turkish forces in Armenia and Asia Minor 278–80.
Police 294.
Traffic in, *see* Traffic in women and children.