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DOMINION OF CANADA

REPORT OF THE
CANADIAN DELEGATES
TO THE
SEVENTH ASSEMBLY OF THE
LEAGUE OF NATIONS

September 6 to 25, 1926

AND TO THE CONFERENCE OF STATES SIGNATORIES OF THE
PROTOCOL OF SIGNATURE OF THE STATUTE OF THE
PERMANENT COURT OF INTERNATIONAL
JUSTICE, SEPT. 1 TO 23, 1926



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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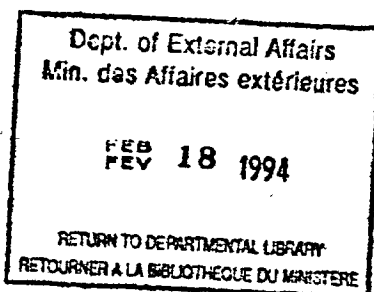
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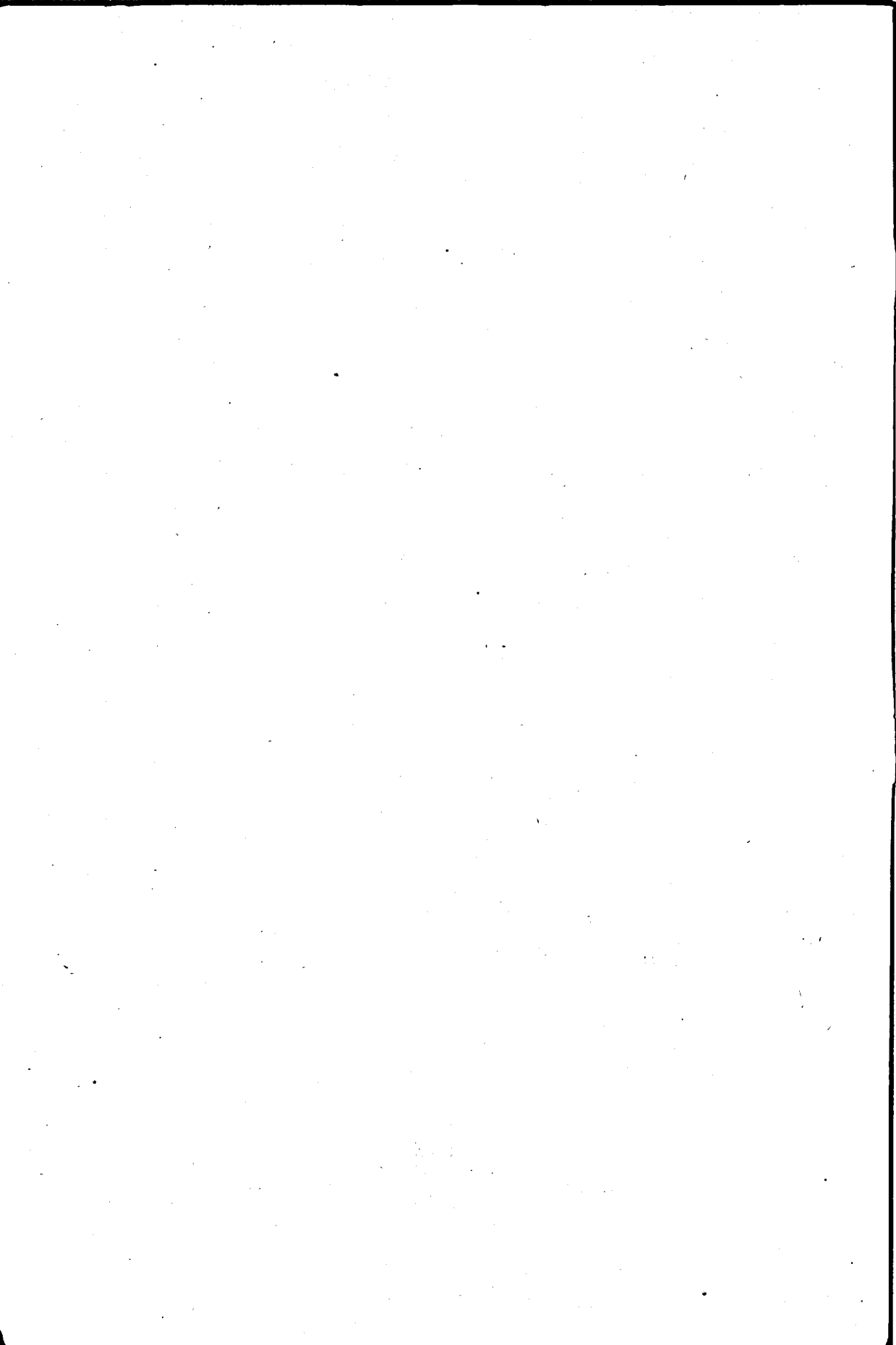
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REPORT OF THE CANADIAN DELEGATES
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To His Excellency,

The Governor General in Council:

The Seventh Ordinary Session of the Assembly of the League of Nations met at Geneva on September 6, 1926, and closed its sessions on the 25th, having proved to be the shortest of the series.

Delegates were present from 48 out of the 55 states comprising the League. Seventeen states were represented by Foreign Ministers, two by Prime Ministers, and the others by men who had held more or less distinguished positions in their respective countries. The nations not represented were Argentina, Bolivia, Brazil, Costa Rica, Honduras, Peru and Spain.

Dr. Benes, Foreign Minister of Czechoslovakia and Acting President of the Council, opened the Assembly and reviewed briefly the work of the past year.

M. Nintchitch, Foreign Minister of Serbia, was elected President by 42 out of 48 votes cast.

On September 8, Germany, by a unanimous vote, was admitted to membership in the League, and her delegates, headed by Dr. Gustav Stresemann, took their seats in the Assembly on September 10.

The business of the Assembly was distributed as usual among six committees, upon each of which every nation represented is entitled to one member. The committees, with their officers and allotted work, were as follows:—

1. *Legal and Constitutional Questions.*—(Pacific settlement of international disputes; arbitration, security and reduction of armaments; proposals made by the Committee on the Composition of the Council as regards the method of election and tenure of the non-permanent seats). Chairman: M. Motta (Switzerland); Vice-Chairman: Dr. Limburg (Netherlands).

2. *Technical Organizations.*—(Work of the Economic and Financial Commission; work of the Organization for Communications and Transit; work of the Health Organization; work of the Committee on Intellectual Co-operation). Chairman: Mr. Desmond Fitzgerald (Irish Free State); Vice-Chairman: M. Veverka (Czechoslovakia).

3. *Reduction of Armaments.*—(Pacific Settlement of international disputes; arbitration, security and reduction of armaments; work of the Preparatory Commission for the Disarmament Conference). Chairman: M. Villegas (Chile); Vice-President: M. Buero (Uruguay).

4. *Budget and Financial Questions.*—Chairman: M. Titulesco (Roumania); Vice-Chairman: M. Vermaire (Luxemburg).

5. *Social and General Questions.*—(Protection and welfare of children and young people; traffic in opium and other dangerous drugs; protection of women and children in the Near East; Russian and Armenian refugee questions). Chairman: M. Mensdorff (Austria); Vice-Chairman: M. Parra-Perez (Venezuela).

6. *Political Questions.*—(Conclusion of an international convention on slavery; mandates). Chairman: M. de Brouckère (Belgium); Vice-Chairman: M. Nemours (Haiti).

Sir George Foster served on the first and sixth of these Committees, Sir Herbert Ames on the fourth, Mr. Roy on the second and third, and Dr. Riddell on the fifth. The six Chairmen, elected by each of these Committees, became *ipso facto* Vice-Presidents of the Assembly. The six other Vice-Presidents, elected by the Assembly, were as follows:—

Sir Austen Chamberlain (British Empire);
 M. Briand (France);
 Viscount Ishii (Japan);
 M. Scialoja (Italy);
 M. Figueroa (Guatemala);
 Baron Lehmann (Liberia).

The twelve Vice-Presidents, with the President of the Assembly, constituted the General Committee, which had under its supervision the conduct of the sessions.

The Assembly held in all 17 plenary meetings, at which the work of the Council, and of the various Commissions during the past year, was reviewed, and the reports of the six committees were received, discussed, and disposed of by resolutions and orders passed thereon. The Report of the Council naturally takes first place in the proceedings of the Assembly, and this year presented a record of extremely varied, important and successful work.

The administration of the Saar District, with its 750,000 German inhabitants and its extensive productive, economic and commercial interests and relationships, had proceeded satisfactorily, and with increasingly better understanding and good will between the interested parties; and the same had been true in regard to the League administration of the Free City of Danzig with its preponderating German population and large Polish interests consequent upon its forming the sole ocean port of the large traffic passing via the Polish corridor.

The Chairman of the Saar Commission is a Canadian, George W. Stephens, of Montreal, who, on March 18, 1926, succeeded M. Rault of France, who had previously acted in that capacity. Two years before Mr. Stephens was appointed a member of the Commission in the place of another Canadian, R. D. Waugh, of Winnipeg, who then retired.

The term of the British Commissioner, Mr. MacDonnell, who had represented the League in the Free City of Danzig, having expired, Dr. van Hamel (Netherlands) was in December, 1925, appointed to succeed him. In both these areas time and tactful management are bringing about improved social, racial, and political relations, and rendering the work of administration more satisfactory, and less burdensome year by year.

The report also outlined the results and marked the completion of the successful restoration of the financial and economic situation in Austria and Hungary, which had been undertaken by the Council of the League in 1922 and 1924 respectively, and had been carried on under the League plan and by the League Commissioners, Mr. Zimmerman, a Hollander, at Vienna, and Mr. Jeremiah Smith, a Boston lawyer and financier, at Budapest. The Governments of both these countries, through their Prime Ministers, bore hearty and willing testimony to the great efficacy and complete success of the League's work, which resulted, for both countries, in restored internal confidence, a balancing of the budgets, a safe banking system, a stable currency and improved external credits.

A not less striking and successful activity was outlined in the matter of the settlement of the 1,400,000 Greek refugees who had been chased by the Turks from Asia Minor after the destruction of Smyrna in 1922, and landed in the ports and on the coast of the Greek islands and mainland in 1924 in all stages of misery and destitution. Numbering about one-quarter as many people as the whole population of Greece, they constituted a problem with which that country, enfeebled by the results of a disastrous war, found itself wholly unable to cope. The burden was assumed by the League through its efficient Financial

Committee. Financial assistance was obtained, first by an advance from the Bank of England to the extent of £2,000,000, and afterwards by a loan of £10,000,000 subscribed in the world's money markets on the faith and confidence inspired by the financial plan itself and its efficient supervision by the League, and on securities provided in the main by the Greek Government. The major part of these refugees have been settled on lands or placed in occupational business in Macedonia and Greece, with the assured prospect of the settlement of the remainder within the present year.

A similar undertaking, though on a less extensive scale, was initiated and is being carried out by the League in Bulgaria, where some 220,000 refugees have been taken in hand for like settlement and relief under a Commissioner appointed by the Council, and with funds raised by public loan based on securities furnished partly by the Bulgarian Government and partly growing out of the plan of the League and its supervision by the Commissioner.

The enormous significance of these three transactions in the financial and economic results accomplished, primarily for the countries directly affected and incidentally for the benefit of the economic conditions of Europe generally, was fully appreciated and commended by the Assembly and hailed as convincing evidence of the wholesome and healing ministrations of the League.

In the political field covered by the Council's report, salient points were noted with satisfaction and pride. The final and happy settlement of the boundary between Iraq and Turkey was recorded, in which the tactful work of the Council, aided by the judicial decisions of the Permanent Court of International Justice, shifted the dispute from the narrow ground of a difference between two interested nations to the broad ground of a difference between Turkey on the one hand and fifty-five nations, supported by the clear findings of a Court of International Law, on the other, and brought about the final acquiescence of Turkey in a peaceful accord with Great Britain, the Mandatory of Iraq, thus finally settling one of the most menacing and troublesome questions of the Near East.

Not less satisfactory was the prompt and effective handling by the Council of the Greco-Bulgarian clash, which demonstrated the capacity and prestige of the League in preventing war between members of the League and in apportioning and enforcing penalties upon the offending power, and which firmly established the principle and practice of prompt and effective interference in the interests of peace. In a few hours, comparatively, with a promptitude and authority which were unchallenged, and a perfect unity of agreement by all members of the Council, the states involved were summoned and admonished, instructed as to their movements, their contentions impartially and thoroughly examined, penalties awarded and enforced, and measures adopted to prevent future recurrence of like trouble—all cordially and fully agreed to by the states in dispute, and approved and supported by the moral and national conscience of the world.

The principles therein laid down and practically applied, that member states must not directly proceed to war, but must submit their disputes to the League and be governed by its decision, and that the aggressor must pay the financial penalties of his aggression, were emphatically upheld and proclaimed as precedent and practice for the future, and by a Council at which representatives of all the great powers belonging to the League were present. Justly was this action and achievement accepted by the Assembly as a paramount precedent to be hereafter implicitly obeyed by all members of the League, and it was hailed as a strong guarantee against future wars.

The outstanding feature of the session was of course the entry of Germany into the League. Intense interest was aroused, and many doubts were expressed in the days precedent to the event itself. The evil shadow of the abortive March Assembly still haunted the members of the Assembly, and threw its sombre and suspicious lines in every direction. It will be remembered that

after the close of the Extraordinary Assembly in March Germany continued her application, on which that Assembly had taken favourable action, and which was confidently expected to hold good for the Seventh regular Assembly. The contingency centred around the Council and the bare possibility that again there might appear a dissentient representative ready to re-enact the role played by Brazil in March, and rumours flew thick and fast as to wrecking possibilities. All these, however, proved baseless, and Germany was accorded by unanimous vote of Council and Assembly her permanent seat at the Council and a sympathetic and cordial entry into the Assembly. Never have there been more tense moments in the history of the world than the hour on the 8th day of September, 1926, when in the presence of the representatives of 48 nations of the world the vote was taken and recorded by individual states—one uninterrupted affirmative—and that on the 10th of September when the German delegation as a sequence to that vote took its seat and was welcomed by the warm plaudits of that august Assembly into the world circle of the workers for peace. The manly, frank and statesmanlike utterance of Dr. Stresemann, head of the German delegation, and the fervid and spontaneous welcome of M. Briand, were both masterpieces of their kind and worthy of the great institution whose spirit they expressed, and of the world of onlookers who applauded them.

The entrance of Germany into and her participation in the work of the League possesses a deep and far-reaching significance. It means the transference of the principal antagonist of the Allies in the Great War from the position of an outside opponent of and menace to the League, into that of a member and co-worker therein, and brings all questions of difference from a cold, formal, long-distance, outside consideration, to the intimacy and sympathetic treatment of the family circle of nations, in which all have taken on them the common obligations and duties of the League, and the pledge of mutual co-operation. It brings into the counsels of the League a powerful and practical intellectual and business factor for the consideration and decision of its many and weighty problems, and gives greatly added force to its decisions. It practically marks the entry into common compact and action of all the enemy nations, and thus presents a more united front in the promotion of peace settlements as substitutes for force settlements between nations in international affairs, and records a notable advance towards universality in the constitution and influence of the League. The results have already been manifested in the altered attitude of the French and German peoples towards each other along economic, business, social and political lines, and the stimulation of a like attitude, and of arbitration compacts, between Germany and Italy, and other European countries. The argument of opponents of the League, that it was ineffective in Europe with Germany outside, and liable to a constant menace of an entente between Germany, Russia and Turkey in opposition to its aims, has been eliminated and with vast positive gain to the prestige and influence of the League. In the United States as well the repercussion will be generally powerful and persistent, and especially upon certain important elements of its population now that Germany and the Irish Free State have entered into League co-operation.

In the general League activities the record presented by the Council for 1926 was eminently satisfactory. Continued and effectual progress was reported in the supervision of the administration of minorities in the 15 States which are under treaty obligations to ensure to them their rights of property, of language, and freedom of religious observances, and in the administration of mandates affecting so many millions of backward peoples, two of the most delicate and complex subjects within the scope of the League's work. In both fields there is observable a better understanding of the situation and the proper methods of treatment, as well as of the relative obligations and duties of the nation members and the League Council and Assembly, coupled with a publicity that acts equally on the conscience and counsels of the parties involved.

The humanitarian undertakings of the League become yearly better organized, more sympathetically co-operative, more compelling in their appeal, and more effective in results. Gradually the nations are drawing the lines more tightly on the evil forces behind the manufacture and traffic in opium and noxious drugs, the traffic in women and children, and in obscene literature, and tracing to their haunts and breeding places the pestilential and epidemic diseases that have in the past taken such heavy toll from humanity. In all these a wealth of scientific and expert effort is being enlisted and organized which defies calculation and challenges the respect and admiration of the world's best elements.

For full information on the more important work of the Fifth Committee the following references to the published documents are given:—

Traffic in opium and other dangerous drugs (A. 20.1926.XI.)

Traffic in women and children (A. 18. C.240.M.89.1926.IV.)

Child Welfare (A. 26. C. 224 M.80.1926.IV.)

Specifically and presently the League is coming to practical grips with two of the fundamental and pressing problems that have engaged its attention from its formation, the question of the suppression of the manufacture and traffic in arms and that of the reduction of warlike armaments. At no single moment since its formation has there been any relaxation in the pursuit of the solution of these harassing and vital problems, the difficulties of which become all the more apparent as the quest for solution grows more persistent. The lines that have been explored have been numerous and the information amassed has been in character and volume most important. It may, however, be said that all this has been preparatory and has served mainly to show the almost insuperable difficulties of solution. During the last year, however, notable advance has been made in two particulars, viz., the deepening conviction that the peace of the world demands a solution, and the grim determination of the member nations of the League to find that solution, whatever time and effort it may take. In this the members of the League have enlisted all the outside nations, except Russia, and the co-operation may now be declared practically universal. On the strength of these two convictions a Preparatory Commission has been kept diligently at work during 1926 exploring the lines and laying down the basis upon which a world convention may be convoked to discuss and decide the methods to be adopted which shall at once diminish and ultimately eliminate the burden and the menace of competitive warlike armaments from the world community of nations, and render war thereafter less likely and in the end impossible.

Thus have the increasing labours of the League for the seven years of its existence brought this most vital of all its problems within the ambit of possible solution, not to-day or to-morrow perhaps, but in a future hopefully in sight. It is now believed possible that the first world convention may be held during the year 1928 and that its aims will be pursued to the end of successful achievement.

The new and outstanding accomplishment of the Seventh Session was the International Slavery Convention, due largely to the initiative and persevering devotion of Viscount Cecil and the British Empire delegation. It became apparent a year or more since that there existed insidious and quite widely distributed remnants of slavery in the form of actual bodily possession and in analogous and equally noxious forms of commandeered and enforced labour in various countries. A resolution was passed by the Assembly in 1924, under which investigations were made and facts obtained. In 1925 a draft convention was drawn up to complete and extend the work accomplished by the Brussels Act of 1889-1890 and other international agreements, and submitted to the states members of the League for examination and suggestion, and at the Seventh Assembly these were considered by the Sixth Committee and a form

of convention was unanimously reported to the Assembly, by which it was unanimously adopted and submitted for signature. In accordance with instructions the Canadian delegation appended its signatures along with some thirty others before the Assembly closed. The convention goes into force for each country upon ratification.

The preceding is a mere outline of some achievements along the lines of the principal activities of the League, and most inadequate in information as to its whole work. To serve that purpose your delegation would advise the study of the full reports as published by the League and easily available. (Documents A. 6 and A. 6 (a) 1926).

The principal work of the Assembly in the legal and constitutional field had to do with the composition of the Council. Owing to the situation brought about by the result of the Extraordinary Session of the Assembly in March, 1926, the Council set up a Special Committee to study the question and report its findings. This Committee held a series of meetings in May, which resulted in the adoption of draft rules for the election by the Assembly of non-permanent members whose number was to be increased from six to nine, to be elected for three years, and not eligible for re-election for three years after the expiry of their office. A permanent seat was to be accorded to Germany only on the principle that permanent seats were for the present best limited to great powers.

This left the contentions of Spain, Brazil, and other claimants unsatisfied. A second meeting of the Committee, on the request of the Spanish representative, was held at Geneva, August 30th to September 3rd, at which the draft rules of the May session, the question of permanent seats, and certain amendments submitted by the French Government to the draft rules, were discussed. A sub-committee of nine members was appointed to submit a final draft, whose conclusions were adopted on September 1st by a unanimous vote, the Spanish representative abstaining from voting.

The Council on September 4 approved the report of the Committee, unanimously recommended Germany for a permanent seat on the Council on her entry into the League, and commended the report to the favourable consideration of the Assembly.

On September 8, M. Motta, rapporteur of the General Committee of the Assembly, proposed that the Assembly, without previous reference to a committee, should take a decision on the resolution of the Council as a whole and recommended unanimous approval of both sections of the report. The Assembly approved the report by a unanimous vote of the 48 states represented. The proposals for the method of election to and tenure of the non-permanent seats were referred to the First Committee, whose report was adopted by the Assembly on September 15, and is as follows:—

ARTICLE I

The Assembly shall each year, in the course of its ordinary session, elect three non-permanent Members of the Council. They shall be elected for a term commencing immediately on their election and ending on the day of the elections held three years later by the Assembly.

Should a non-permanent Member cease to belong to the Council before its term of office expires, its seat shall be filled by a by-election held separately at the session following the occurrence of the vacancy. The term of office of the Member so elected shall end at the date at which the term of office of the Member whose place it takes would have expired.

ARTICLE II

A retiring Member may not be re-elected during the period between the expiration of its term of office and the third election in ordinary session held thereafter unless the Assembly, either on the expiration of the Member's term of office or in the course of the said period of three years, shall, by a majority of two-thirds of the votes cast, previously have decided that such Member is re-eligible.

The Assembly shall pronounce separately, by secret ballot, upon each request for re-eligibility. The number of votes cast shall be determined by the total number of voting tickets deposited, deducting blank or spoilt votes.

The Assembly may not decide upon the re-eligibility of a Member except upon a request in writing made by the Member itself. The request must be handed to the President of the Assembly not later than the day before the date fixed for the election; it shall be submitted to the Assembly, which shall pronounce upon it without referring it to a committee and without debate.

The number of Members re-elected in consequence of having been previously declared re-eligible shall be restricted so as to prevent the Council from containing at the same time more than three Members thus elected. If the result of the ballot infringes this restriction to three Members, those of the Members affected which have received the smallest number of votes shall not be considered to have been elected.

ARTICLE III

Notwithstanding the above provisions, the Assembly may at any time by a two-thirds majority decide to proceed, in application of Article 4 of the Covenant, to a new election of all the non-permanent Members of the Council. In this case the Assembly shall determine the rules applicable to the new election.

ARTICLE IV—TEMPORARY PROVISIONS

1. In 1926, the nine non-permanent Members of the Council shall be elected by the Assembly, three for a term of three years, three for a term of two years, and three for a term of one year. The procedure of the election shall be determined by the General Committee of the Assembly.

2. Of the nine Members thus elected in 1926, a maximum of three may be immediately declared re-eligible by a decision of the Assembly taken by a special vote by secret ballot, a separate ballot being held for each Member, and adopted by a majority of two-thirds of the number of votes cast. Immediately after the announcement of the results of the election, the Assembly shall decide upon the requests for re-eligibility which have been presented. Should the Assembly have before it more than three requests for re-eligibility, the three candidates having received the largest number of votes, in excess of two-thirds of the votes cast, shall alone be declared re-eligible.

3. The according in advance in 1926 to one, two or three Members elected at that date of the quality of re-eligibility shall not affect the Assembly's right to exercise the power given by Article II in the years 1927 and 1928 in favour of other non-permanent Members retiring from the Council in those years. It is, however, understood that, if three Members already possess the quality of re-eligibility, the Assembly will only exercise this power in very exceptional cases.

(For full particulars of the work of the Committee of Council, see League Documents—C. 299. M. 139. 1926. V.; C. 394. M. 137. 1926. V.; A. 48. 1926. VII.)

Owing to dissatisfaction with its non-permanent representation on the Council of the League, Brazil gave notice on June 12, 1926, of its proposed withdrawal from the League, and on the same grounds, Spain, on the 11th September, followed on the same line. As, however, neither of these nations had any disagreements with the principles and objects of the League and only differed on the question of a permanent seat on the Council, and as two years must elapse before withdrawal can be completed, it is hoped that in the case of two such devoted adherents, wiser counsels may in the meantime prevail and the old relations be resumed.

As at former Assemblies of the League, questions concerning the budget and expenditure were referred to the Fourth Committee for examination and report.

On a resolution affirming that it was desirable "to keep in view a maximum limit of expenditure with the object of securing that the contributions of individual states shall not normally in future exceed their contributions for the current year," the Committee decided that, while it might not be advisable, in view of the special circumstances under which the League activities were carried on, to set a hard and fast limit, every endeavour should be made to confine League expenditure within present bounds and to go beyond the present budget figure only in case of very exceptional conditions.

The confidence of the members of the League in the careful and continuous work of the Supervisory Commission was again demonstrated by the manner in which the Fourth Committee accepted its reports on past expenditure and followed its advice in authorizing new credits.

The present system of financial control ensures careful and economical administration in all League expenditure. The contributory states may rest assured that there is no extravagance in the financial administration of the Secretariat, the International Labour Office or the Permanent Court of International Justice.

The estimates for 1927 submitted by the Secretary-General were somewhat amended and finally passed, the figures standing at 24,512,341 gold francs, equivalent to \$4,729,738. Of this sum the Secretariat requires 13,373,840 g.f., the International Labour Office 7,340,724 g.f., the Permanent Court of International Justice 2,122,947 g.f., while 1,674,830 g.f. is appropriated for Building Fund and permanent equipment. The unit of contribution for 1927 will be \$4,655.25, for, although the total of the sum voted for next year is greater than for the current year, yet the admission of Germany—to whom 79 units are attributed,—has increased the divisor from 937 to 1016 and thus lessened the unit contribution. Canada's contribution for 1927 should be \$162,933.75 as against \$165,271.05 in 1926.

During the seven years of its existence the League has gradually acquired assets of considerable value. The statement dated December 31, 1925, showed lands and buildings to a value of 8,778,824.67 g.f.; furniture, fittings, etc., valued at 2,569,066.80 g.f.; contributions receivable 9,283,429.47 g.f.; working capital 4,400,024.53 g.f. and cash on hand 13,015,455.95 g.f.; or total assets amounting to approximately \$7,400,000.

A building fund annuity scheme was approved, whereby states that had been paying members of the League before September 1, 1926, should be allotted an annual rebate, calculated with reference to the sums paid by each state prior to that date. The agreed proportion for Canada was fixed at .04559686. In other words, the annual contributions payable by Canada will be reduced by approximately 4½ per cent of whatever sum is inserted in any future budget under the head of Building Fund. For 1927 this rebate should amount to about \$12,300.

The question of arrears of unpaid contributions occupied the attention of the Fourth Committee in secret session. Your representative strongly urged that, since, in the final analysis, any deficit resultant from unpaid contributions had to be, in a subsequent year, levied on states that had already paid their full share, somewhat more drastic measures were necessary than those methods employed to secure prompt payments. In this attitude your delegate was strongly supported by the representatives of Great Britain and the Dominions. The Committee decided, as a preliminary to more severe action, to ask the Secretary-General to have a study made of the legal position of a member state that neglected to pay its dues, and to have this report submitted.

All the reports and recommendations of the Fourth Committee were subsequently unanimously approved by the Seventh Assembly.

Respectfully submitted,

(Sgd.) GEORGE E. FOSTER.
HERBERT B. AMES.
PHILIPPE ROY.
W. A. RIDDELL.

January 25, 1927.

REPORT OF CONFERENCE OF STATES SIGNATORIES OF THE PROTOCOL OF SIGNATURE OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The undersigned, having been appointed by Order in Council of the 7th August, 1926, as representative of Canada to the Conference of States Signatories of the Protocol of the Statute of the Permanent Court of International Justice, begs leave to submit herewith his report.

The Conference was called for the purpose of considering the proposal of the United States to adhere to the Protocol of Signature of December 16, 1920, of the Statute of the Permanent Court of International Justice on condition that each of the states signatories should previously accept five reservations and conditions as follows:—

“I. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Treaty of Versailles.

“II. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States Members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy-judges of the Permanent Court of International Justice or for the filling of vacancies.

“III. That the United States will pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

“IV. That the United States may at any time withdraw its adherence to the said Protocol and that the Statute for the Permanent Court of International Justice adjoined to the Protocol shall not be amended without the consent of the United States.

“V. 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 State 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.”

On the receipt of the letter of the Secretary of State of the United States conveying this proposal, the Council of the League of Nations on March 18 passed a resolution suggesting that a conference of the states signatories of the Protocol above mentioned be convened at Geneva charged with the task of studying the way in which the Governments of the signatories might give satisfaction to the reservations to the proposals of the Government of the United States, and that the said Government be invited to participate therein. This invitation was declined.

The Conference met at the International Labour Office in Geneva on September 1, 1926. Delegates were present from forty signatory states. The Conference was organized by the election of Jonkheer van Eysinga (Netherlands) as President, and M. Zumeta (Venezuela) and the Right Honourable Sir Francis Bell (New Zealand) as Vice-Presidents.

A general public discussion of the whole subject occupied the first two days, at the conclusion of which a sub-committee of fourteen was appointed to study the reservations and their possible effect on the working of the Court and the League. This committee, of which the Canadian representative was a member, held prolonged and consecutive sessions, and on the 23rd September submitted a unanimous Report and Draft Final Act, which, after a short discussion, was unanimously approved by the Conference on the same date and thereafter signed by the states. A portion of the report thus finally adopted is appended hereto as conveying the clearest possible expression of the disposition and conclusions of the Conference.

EXTRACT FROM REPORT

"In the course of its sessions, continued from September 1 to September 23, 1926, the delegates named above, while regretting that they have not had the assistance of a representative of the Government of the United States, have studied the reservations and conditions of the United States with a strong desire to satisfy them in the largest possible measure. The Conference has unanimously welcomed the proposal of the United States to collaborate in the maintenance of the Permanent Court of International Justice; such collaboration has been awaited with confidence by the states which have accepted the Statute of the Court. The Conference has taken full account of the great moral effect which the participation of the United States in the maintenance of this institution of peace and justice would have on the development of international law and on the progressive organization of world society on the basis of a respect for law and the solidarity of nations. Nor has it been unmindful of the valuable American contributions to the progress of international justice in the course of the 19th and 20th centuries, notably in the fruitful participation of the delegates of the United States in the two Hague Peace Conferences and more recently in the large part taken by an eminent American jurist in the preparation of the Statute of the Court.

"The Conference has recognized that adherence to the Protocol of Signature of December 16, 1920, by the United States under special conditions necessitates an agreement between the United States and the signatories of the Protocol.

"The Conference has formulated the following conclusions as the basis of the replies to the letter addressed by the Secretary of State of the United States to each of the states signatories of the Protocol of December 16, 1920, by which the signatory states would declare their views as to the acceptance of the reservations and conditions proposed by the United States.

"RESERVATION I

"It may be agreed that the adherence of the United States to the Protocol of December 16, 1920, and the Statute of the Permanent Court of International Justice annexed thereto shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Treaty of Peace of Versailles of June 28, 1919.

"RESERVATION II

"It may be agreed that the United States may participate, through representatives designated for the purpose and upon an equality with the other states, Members of the League of Nations represented in the Council or in the Assembly, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy-judges of the Permanent Court of International Justice, or for the filling of vacancies.

"RESERVATION III.

"It may be agreed that the United States pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

"RESERVATION IV.

"A. It may be agreed that the United States may at any time withdraw its adherence to the Protocol of December 16, 1920.

"In order to assure equality of treatment, it seems natural that the signatory states, acting together and by not less than a majority of two-thirds, should

possess the corresponding right to withdraw their acceptance of the special conditions attached by the United States to its adherence to the said Protocol in the second part of the fourth reservation and in the fifth reservation. In this way the *status quo ante* could be re-established if it were found that the arrangement agreed upon was not yielding satisfactory results.

"It is to be hoped, nevertheless, that no such withdrawal will be made without an attempt by a previous exchange of views to solve any difficulties which may arise.

"B. It may be agreed that the Statute of the Permanent Court of International Justice annexed to the Protocol of December 16, 1920, shall not be amended without the consent of the United States.

"RESERVATION V.

"A. In the matter of advisory opinions, and in the first place as regards the first part of the fifth reservation, the Government of the United States will, no doubt, have become aware, since the despatch of its letters to the various Governments, of the provisions of Articles 73 and 74 of the Rules of Court as amended by the Court on July 31, 1926 (Annex A). It is believed that these provisions are such as to give satisfaction to the United States, having been made by the Court in exercise of its powers under Article 30 of its Statute. Moreover, the signatory states might study with the United States the possible incorporation of certain stipulations of principle on this subject in a protocol of execution such as is set forth hereafter (Annex B), notably as regards the rendering of advisory opinions in public.

"B. The second part of the fifth reservation makes it convenient to distinguish between advisory opinions asked for in the case of a dispute to which the United States is a party and that of advisory opinions asked for in the case of a dispute to which the United States is not a party but in which it claims an interest, or in the case of a question, other than a dispute, in which the United States claims an interest.

"As regards disputes to which the United States is a party, it seems sufficient to refer to the jurisprudence of the Court, which has already had occasion to pronounce upon the matter of disputes between a Member of the League of Nations and a state not belonging to the League. This jurisprudence, as formulated in Advisory Opinion No. 5 (Eastern Carelia), given on July 23, 1923, seems to meet the desire of the United States.

"As regards disputes to which the United States is not a party but in which it claims an interest, and as regards questions, other than disputes, in which the United States claims an interest, the Conference understands the object of the United States to be to assure to itself a position of equality with states represented either on the Council or in the Assembly of the League of Nations. This principle should be agreed to. But the fifth reservation appears to rest upon the presumption that the adoption of a request for an advisory opinion by the Council or Assembly requires a unanimous vote. No such presumption, however, has so far been established. It is therefore impossible to say with certainty whether in some cases, or possibly in all cases, a decision by a majority is not sufficient. In any event the United States should be guaranteed a position of equality in this respect; that is to say, in any case where a state represented on the Council or in the Assembly would possess the right of preventing, by opposition in either of these bodies, the adoption of a proposal to request an advisory opinion from the Court, the United States shall enjoy an equivalent right.

"Great importance is attached by the Members of the League of Nations to the value of the advisory opinions which the Court may give as provided for in the Covenant. The Conference is confident that the Government of the United States entertains no desire to diminish the value of such opinions in connection with the functioning of the League of Nations. Yet the terms employed

in the fifth reservation are of such a nature as to lend themselves to a possible interpretation which might have that effect. The Members of the League of Nations would exercise their rights in the Council and in the Assembly with full knowledge of the details of the situation which has necessitated a request for an advisory opinion, as well as with full appreciation of the responsibilities which a failure to reach a solution would involve for them under the Covenant of the League of Nations. A state which is exempt from the obligations and responsibilities of the Covenant would occupy a different position. It is for this reason that the procedure to be followed by a non-member state in connection with requests for advisory opinions is a matter of importance and in consequence it is desirable that the manner in which the consent provided for in the second part of the fifth reservation will be given should form the object of a supplementary agreement which would ensure that the peaceful settlement of future differences between Members of the League of Nations would not be made more difficult.

"The Conference ventures to anticipate that the above conclusions will meet with acceptance by the United States. It observes that the application of some of the reservations of the United States would involve the conclusion of an appropriate agreement between the United States and the other states signatories of the Protocol of December 16, 1920, as was indeed envisaged by the Secretary of State of the United States in his reply to the Secretary-General of the League of Nations dated April 17, 1926. To this end, it is desirable that the states signatories of the Protocol of December 16, 1920, should conclude with the United States a protocol of execution which, subject to such further exchange of views as the Government of the United States may think useful, might be in the form set out below. (Annex B.)"

(For full report, annexes, and Final Act, see Document V. Legal Questions 1926. V. 24, and V. 25.)

Respectfully submitted,

(Sgd.) GEORGE E. FOSTER.

January 25, 1927.

