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Report of the
Canadian Delegates

TO THE

Fifth Assembly of the League of Nations

September 1 to October 2, 1924

PRINTED BY ORDER OF PARLIAMENT



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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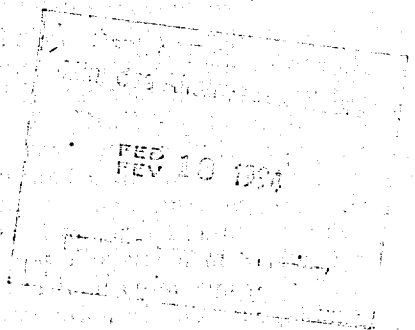
Fifth Assembly of the League of Nations

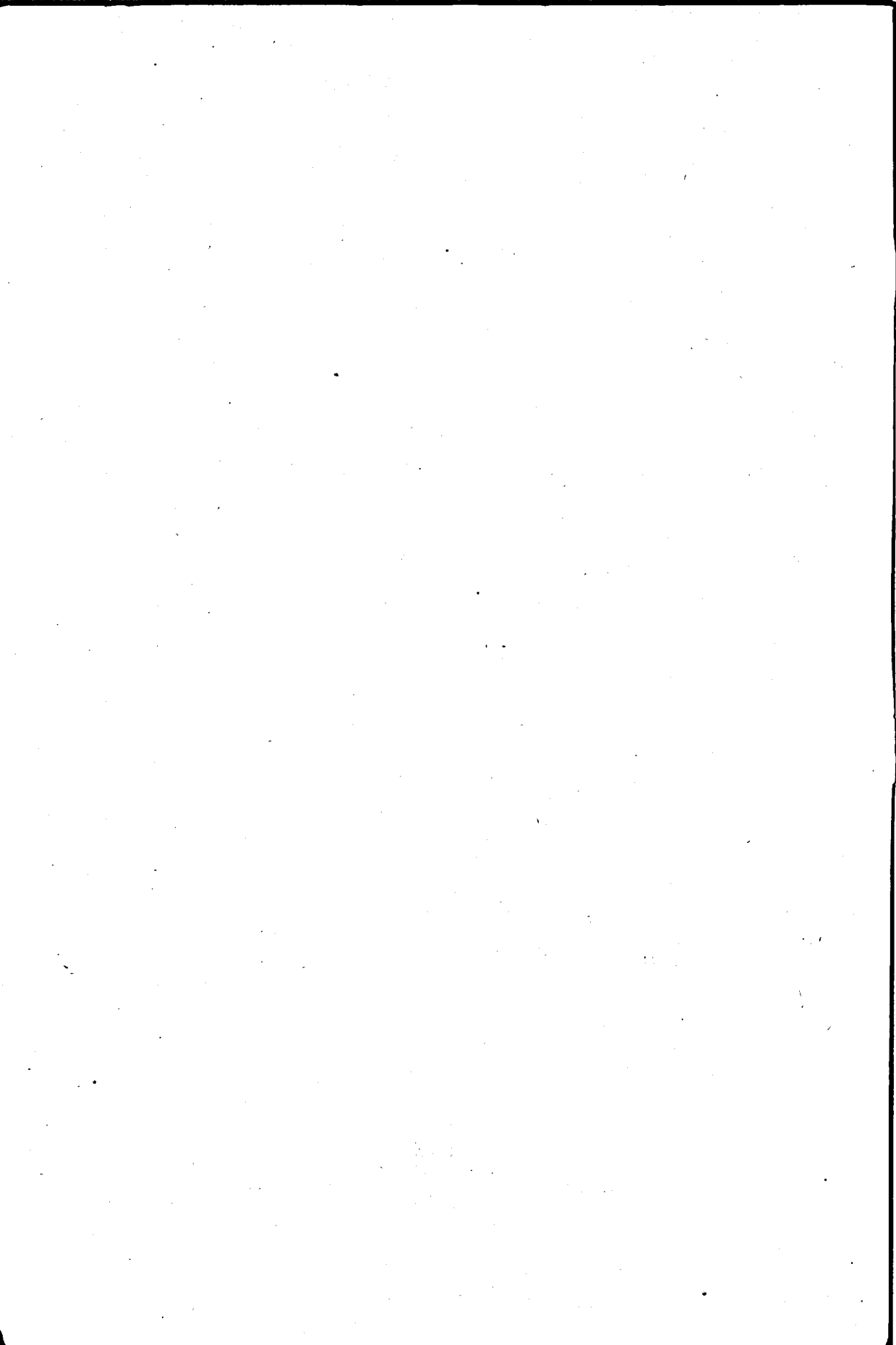
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OTTAWA, February 28, 1925.

*To His Excellency,
The Governor-General in Council.*

The undersigned delegates, appointed to represent Canada at the Fifth Assembly of the League of Nations, have the honour to report as follows:—

The Fifth Assembly began its sessions at Geneva on September 1. Representatives were present from all the Members of the League except Argentina, Bolivia, Peru, Nicaragua, and Honduras. On September 24 the Assembly decided to admit the Dominican Republic to the League, making fifty-five States Members of the League, and fifty in attendance.

M. Motta of Switzerland, a former President of that republic, was elected President of the Assembly, and representatives of the British Empire (Great Britain), France, Italy, Poland, China, and Colombia Vice-Presidents. Representatives of Australia, Panama, Rumania, Japan, Denmark, and Finland were elected as Chairmen of the six Standing Committees, and of the Netherlands, Belgium, Greece, Venezuela, Canada (Mr. Dandurand), and the Irish Free State as Vice-Chairmen.

The full Assembly, consisting of some hundred and fifty members, deals with all proposals in the first instance, and disposes of them finally. The greater part of the actual work of the session is done by six committees, each composed of one representative from each state: all new questions brought before the Assembly are assigned to one or other of these committees for investigation and report, and they also consider, as regular order of business, the work done during the year by the various permanent organizations of the League. Each committee in turn appoints sub-committees to deal with each of the more important matters referred to it. When the Assembly is not in full session the committees meet both morning and afternoon, and sometimes in the evening. The meetings are so arranged that one delegate may take part in the work of two committees. Mr. Dandurand was the Canadian representative on the First Committee (Legal and Constitutional Questions) and the Fifth Committee (Social and Humanitarian Questions). Mr. Macdonald was the representative on the Third Committee (Armaments) and the Sixth Committee (Political Questions). Mr. Skelton served as substitute on the Second Committee (Technical Organizations of the League) and the Fourth Committee (Finance).

The most important question which came before the Assembly was the proposal as to arbitration, security, and disarmament, which eventually took shape in the Protocol for Pacific Settlement of International Disputes, or the Protocol of Geneva, as it is termed more briefly. The Draft Treaty of Mutual Assistance, framed by the Fourth Assembly, had been rejected during the year by a number of Members, including Great Britain and Canada. The question as to what further action should be taken was given a new turn by proposals from Mr. Ramsay MacDonald, emphasizing the need of further resort to international arbitration, and from M. Herriot, accepting a rejection of arbitration as the test of aggression and emphasizing the need of joint enforcement of arbitration awards. The Assembly undertook the examination of these suggestions, which were in turn remitted to the First and Third Committees and to sub-committees. The draft which was eventually agreed upon as the basis of dis-

cussion took the form of a Protocol; the Assembly on October 2 unanimously agreed to recommend its acceptance to the earnest attention of all the Members of the League.

The full text of the Protocol and other relevant documents is being presented separately. It is only necessary here to present a very brief summary.

The Protocol is an undertaking, on the part of such states as decide to sign it, to agree to certain proposals as among themselves and to seek to have them incorporated by amendment in the Covenant of the League of Nations. The proposals fall under the three heads of arbitration, security, and disarmament.

As to arbitration, using that term in its wider sense of mediation to secure the settlement of international disputes, the Covenant already binds the Members of the League to submit all disputes likely to lead to war to the Council, to Court, or to arbitrators. The Protocol provides, first, for compulsory reference of all disputes falling within certain classes, usually termed justiciable disputes (questions of international law or treaty interpretation, or breach and damages for breach of international obligation), to the decision of the Permanent Court of International Justice. At present, reference of such disputes to the Court is optional: they may instead be sent to the Council, which cannot give a binding decision unless unanimous. Second, the Protocol provides for a more elaborate and extended procedure in case of other disputes; if the Council fails to secure a settlement, and one party so requests, the dispute must be referred to arbitration; if arbitration is not asked for by either party, the Council may again seek a decision by unanimous vote; failing this, it must refer the dispute to arbitrators, whose decision will be binding. Disputes arising out of measures of war taken by a state in carrying out the will of the League are exempted from this procedure, and also disputes as to matters which are found by the Permanent Court to be wholly within the domestic jurisdiction of one party, though this is not to prevent further consideration of the dispute by the Council or Assembly under Article 11 of the Covenant.

As to sanctions, or methods of enforcement, the endeavour has been made to secure unailing tests of aggression and a pledge of all signatories to apply military and economic pressure against the state held to be the aggressor. A state which resorts to war after refusing to submit a dispute to peaceful settlement or refusing to comply with a judicial sentence, an arbitral award, or a unanimous Council report, or which violates the armistice or other preventive measures which the Council is empowered to impose, is considered an aggressor unless the Council unanimously holds otherwise. Against this aggressor every signatory must apply the economic and military sanctions provided in Article 16 of the Covenant and elaborated in the Protocol, "co-operating loyally and effectively . . . in the degree in which its geographical position and its particular situation as regards armaments allow." The Protocol further provides for optional agreement, partial or general, in advance, as to military and economic measures to be taken against an aggressor, and for the application of the procedure to states not Members of the League.

With increased provision thus made, first, for either a peaceful settlement of every dispute or an absolute and binding decision as to which of the warring states is the aggressor, and, second, for unquestioned aid from all signatories to the peaceful victim of aggression, the way is clear, it is considered, for the third step, a reduction of armaments. Provided that by May 1, 1925, a majority of the permanent members of the Council (Great Britain, France, Italy, and Japan), and ten other states have signed and ratified the Protocol, a World

Conference for the Reduction of Armaments, open to all states, is to be held in Geneva on June 15, 1925; unless a plan for reduction is accepted by this Conference and carried into effect, the Protocol is to cease to bind the signatories.

The general position taken by the Canadian delegation, in agreeing, in common with all other delegations present, to submit this plan for earnest consideration, is indicated in the following statement to the Assembly by Mr. Dandurand, on October 2:—

The PRESIDENT.

Interpretation: I now call upon Mr. Dandurand, the First Delegate of Canada, to address the Assembly.

MR. DANDURAND (Canada): I do not take this platform to make any criticism, however slight, of the achievement of our committee, which it may well be will stand forth a red letter day in the annals of humanity.

I rise simply to explain to you, in a few words, how, up to this time, Canada has regarded the problems whose solution we have been seeking here, and to state to you the ground of her preoccupations in face of the obligations which she may be called upon to carry out.

I must first pay my tribute of admiration to the chief builders of the fine structure which has been presented to us, to the presidents of the two committees who guided our labours with tact and firmness, to the architects who prepared the plans, MM. Benes and Politis, as well as to their brilliant fellow-workers.

The three chief pillars upon which this structure has been erected, arbitration, security and disarmament, have long been accepted and applied in my country. It may be worth while to refer to the fruits which they have yielded us, for they are the results that you are seeking here. Not only have we had a hundred years of peace on our borders, but we think in terms of peace while Europe, an armed camp, thinks in terms of war.

As to arbitration, we have put it into practice in every field, including our rights to territory. In agreement with the United States we have set up a permanent International Joint Commission, composed of three Canadian and three United States members, who are charged with the duty of regulating every difference which may arise on our frontiers, and particularly on the great lakes and rivers which constitute our border-line for many hundred miles. During the past twelve years, more than a score of questions have been settled in this friendly manner between our two countries.

In the last few days, our first Committee found itself unable to conclude its labours because the question of national sovereignty and the repercussion, beyond one's own borders, of the exercise of rights of domestic jurisdiction, had suddenly been raised. That committee concluded that in the interest of world peace the League of Nations could not wholly stand aside from such problems. Toward the solution of similar difficulties, may I bring to your attention the views of a statesman of the United States, Mr. Charles E. Hughes, Secretary of State.

In an address which he delivered in Montreal, on the 4th of September, last year, at the annual meeting of the Canadian Bar Association, Mr. Hughes expressed his appreciation of the work of our International Joint Commission, and he added the following suggestion, as an expression of his

personal opinion, arising out of the good work of this body. The suggestion has a direct bearing on the question of domestic jurisdiction and national sovereignty:—

“While I do not undertake” (he declared), “to speak officially upon this subject, I may take the liberty of stating as my personal point of view that we should do much to foster our friendly relations and to remove sources of misunderstanding and possible irritation, if we were to have a permanent body of our most distinguished citizens acting as a commission with equal representation of both the United States and Canada, to which automatically there would be referred, for examination and report, as to the facts, questions arising as to the bearing of action by either government upon the interests of the other, to the end that each reasonably protecting its own interests would be so advised that it would avoid action inflicting injury upon its neighbour.”

The Prime Minister of Canada, Mr. Mackenzie King, who was present at this meeting, at once expressed his concurrence in the suggestion. Is there not in this suggestion an intimation that the exercise of a right may be tempered by equity and conciliation?

This, then, is the spirit in which we face our international problems. This habit of having recourse to arbitration and to peaceful settlement has given us the feeling and assurance of complete security. On a frontier of more than three thousand miles stretching from the Atlantic to the Pacific, we have not a single soldier, not a single cannon, and the three thousand men in our permanent force are certainly not a threat to the peace of the world. This, then, has been our position as regards arbitration, security and disarmament. What is the bearing of the Protocol on these three points? It is my firm conviction that Canada, faithful to her past, will be prepared to accept the compulsory arbitration, and the compulsory jurisdiction of the International Court. Further, I believe she would be prepared to accept all the sanctions that might be imposed in case she refused to accept the decisions of the court of the arbitrators.

As to disarmament, we have already attained the ideal toward which you are striving. There remains the question of sanctions. Prepared to accept sanctions against herself, in what measure can Canada pledge herself to impose them upon others? We have already demonstrated that in times of serious crisis we have a full appreciation of our international responsibilities. Canada, in complete independence, entered the great war, out of sentiment, not out of interest or necessity, and to-day she is raising in taxes for the payment of interest on her war debt and war pensions a sum exceeding her whole annual revenues before the war. Nearly five hundred thousand men, out of a population of eight millions, crossed the Atlantic, and sixty thousand of them did not return. When the war was over, we signed the Covenant of the League of Nations. We will be loyal to that Covenant. We are not forgetful, however, of the conditions under which we signed it. Canada was then far from thinking that she would have the whole burden of representing North America when appeals would come to our continent for assistance in maintaining peace in Europe. The falling away of the United States has increased, in our eyes, the risks assumed, and the history of Europe in the past five years has not been such as to lessen that apprehension. The heavy sacrifices to which we agreed for the re-establishment of peace in Europe led us to reflect on what the future might hold in store. May I be permitted to add that in this Association of Mutual Insurance against fire, the risks assumed by the different States are not equal. We live in a fire-proof house, far from inflammable materials. A vast ocean separates us from Europe. Canada therefore believed it to be its duty to seek a precise interpretation of what

appeared to her to be the indefinite obligations included in Article 10 of the Covenant. We besought you to make more precise the scope of the obligations flowing from this clause, in order that the geographical situation and special conditions of each State might be taken into account, and that it would appear quite clearly that our own parliament retained the decision as to the measure of its participation in the conflict. That interpretation secured the support of the Fourth Assembly, with a single dissenting vote. We hope that it will be possible to find, in the Protocol which is presented to us, the policy expressed in last year's resolution interpreting Article 10. I recognize that the closely elaborated plan before us forms a logical and harmonious whole, corresponding to the needs of Europe and designed mainly for application to that continent. Our Government and our Parliament will have to consider in what measure this Protocol will meet the conditions of our country, and decide whether it can undertake to subscribe to its obligations. We can assure our colleagues that this study will be made with the fullest sympathy and in the same spirit that has animated the members of this Assembly, who have conscientiously striven to find the most certain method of ensuring peace to the world.

The Canadian Delegation, animated by the same sentiments, will vote for the resolutions before us.

The other work of the Fifth Assembly may most conveniently be reviewed by noting the chief questions discussed by the various committees.

The First Committee (Legal and Constitutional Questions) gave much time to framing the arbitration sections of the Protocol. It also drew up an amendment to Article 16 which was adopted by the Assembly and now goes forward to the Member States. As originally drafted, this Article required Members of the League, on deciding that a breach of the Covenant had occurred, to impose an economic boycott against the offending state, and particularly "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." It was considered by some countries, notably Great Britain and Switzerland, that it would be an impossible task to regulate the intercourse of their own nationals or the nationals of the offending state living abroad; France, on the other hand, contended that the experience of the last war proved the necessity of checking the activities of enemy groups sheltered in neutral territory. An amendment was adopted by the 1921 Assembly, substituting the words "persons residing in" for "nationals of"; it did not secure the necessary number of ratifications, and after an abortive effort at the 1923 Assembly, a compromise amendment was agreed upon in 1924, which met the approval of both the British and the French delegations. The new amendment makes restriction of the activities of "residents" compulsory and of "nationals" optional.

Another important proposal, initiated by the Swedish Government, led to the adoption of a resolution calling for the appointment of a Committee of Experts to draw up a provisional list of the divisions of international law which might now be regulated by international agreement, and, after consideration of this list by the governments of the world, to report as to the matters sufficiently ripe for codification.

The Second Committee (Technical Organizations) heard reports on the financial reconstruction of Austria and of Hungary through agencies of the League, which were on the whole distinctly encouraging. The work of the Health Organization, the Organization for Communications and Transit, and the Finan-

cial and Economic Committee was also reviewed in detail. A proposal from the French Government to provide quarters and endowment in Paris for an Institute to carry on the work of the Committee on Intellectual Co-operation was accepted, though with opposition from delegates who considered this step, however generous, would lessen the international character of the work. An offer from the Italian Government to establish an Institute for International Private Law at Rome, under control of the League, was also endorsed.

The Third Committee (Armaments), besides dealing at length with the later sections of the Protocol, recommended, and the Assembly provided, for the holding of a Conference, in which the United States had expressed its willingness to take part, for the control of the international traffic in arms and munitions. Provision was made for continuing the publication of the very useful statistical information on this question collected by the Secretariat. The Temporary Mixed Commission was instructed to prepare a draft convention on the difficult subject of control of private manufacture of arms and munitions.

The Fourth Committee (Budget) examined as usual into the reports of the financial operations of the League in 1923, and approved the budget for 1925. The reports showed a gratifying improvement in the League's finances, both as to the regularity of payments by the Member States and the checking of expenditure. The detailed survey of all budget proposals by a Supervisory Commission, corresponding to national Treasury Board review, was found of distinct benefit. Many proposals for increased credits for worthy objects were considered, but the greater number were refused or reduced. The budget voted for 1925 totalled 22,658,138 gold francs (\$4,372,000) as against 23,328,676 gold francs (\$4,502,000) for 1924. The question of arrears of payment by a few of the smaller states, chiefly in previous years, was discussed at length, and a solution reached in several cases. The provisional basis of allocation of expenses among the Members was continued, with some minor amendments; the ratification this year of an amendment to the constitution makes it possible to consider next year the adoption of a permanent scale to take the place of the original Universal Postal Union scale; the difficulty of equating national wealth, budgets, and other standards, and the complications of foreign exchange, make it a difficult task. Canada's allotment for 1925 will be 35 units out of 935, or \$163,656, a reduction of \$4,697 from 1924. The improved finances of the League made it possible to recommend the erection of a Conference Hall for the Assembly, to take the place of the present very inadequate temporary structure. Architects of all countries belonging to the League will be invited to submit plans.

The Fifth Committee (Social and Humanitarian Questions) covered a wide range. Preparations for the two Conferences on the Traffic in Opium, initiated at the previous Assembly, were reported well under way. Further international action in combatting the traffic in women and children was proposed, and the Declaration of Geneva, or Children's Charter, was endorsed by the Assembly. The situation of the three million Armenian, Greek, and Russian refugees was given much consideration; as repatriation schemes had failed, the problem had now become largely one of finding employment in the countries where the refugees had settled, and for this and other reasons the work carried on so effectively under Dr. Nansen was transferred to the International Labour Office; the hope was expressed that after the coming year no further aid from the League would be required. The work for the protection of women and children in the Near East, at Constantinople and Aleppo, was reviewed, and provision made for an inquiry into an Italian plan for an international federation for mutual assistance in the relief of peoples overcome by disasters.

The Sixth Committee dealt with Political Questions. It recommended the admission of the Dominican Republic into the League, approved the programme and method of work proposed by the Temporary Commission on Slavery for inquiries into the extent of that institution in backward areas, and reviewed the subject of mandates, in the light of the report of the Mandates Commission and of observations made by the representatives of Belgium, France, New Zealand, and South Africa. Recommendations of a sub-committee, under the chairmanship of Mr. Macdonald, into the situation in Georgia, were accepted by the Assembly and transmitted to the Council.

The concluding business of the Assembly was the election of members of the Council. The Council now consists of representatives of four permanent members, Great Britain, France, Italy, and Japan, and of six non-permanent members. The Covenant does not prescribe any method of selecting members. In 1921 an amendment was proposed, prescribing a definite method, but its adoption has been prevented by the opposition of some states now represented on the Council. In 1922 a resolution was adopted to limit the tenure of office to three years, and to make retiring members ineligible until three years later. This resolution has not yet been acted upon. All of last year's non-permanent members were re-elected, Belgium, Brazil, Czecho-Slovakia, Spain, Sweden, and Uruguay, of whom Belgium, Brazil, and Spain have been members continuously since the first election in 1920.

In conclusion, we should like to record our impression of the high degree of efficiency of the permanent Secretariat at Geneva, the seriousness and ability of the discussions in the Committees and the Assembly, and the very evident growth of an international consciousness and of new standards of international conduct, side by side with a defence of legitimate national interests.

R. DANDURAND.

E. M. MACDONALD.

