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DOMINION OF CANADA

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

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GENEVA, SEPTEMBER 2 to 25, 1929



OTTAWA  
F. A. ACLAND  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1930

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# REPORT OF THE CANADIAN DELEGATES TO THE TENTH ASSEMBLY OF THE LEAGUE OF NATIONS

TO HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

The Tenth Ordinary Session of the Assembly of the League of Nations was held in Geneva from September 2 to September 25, 1929.

## ORGANIZATION

Delegates from fifty-three States were present, an increase of three over last year, the three additional States being Peru, Bolivia and Honduras; Brazil and Argentina were not represented.

For the Tenth Assembly, which was felt to be a landmark in the history of the League, most countries sent very strong delegations. There were present seven Prime Ministers or Heads of States actually in office, nine former Prime Ministers or Heads of States, twenty-three Ministers of Foreign Affairs, thirteen former Ministers of Foreign Affairs, and twenty-three delegates with a rank corresponding to that of Cabinet Minister.

Canada's delegation was headed by the Hon. Raoul Dandurand, Leader of the Government in the Senate, supported by the Hon. J. C. Elliott, Minister of Public Works, and the Hon. W. D. Euler, Minister of National Revenue, with the following as alternate delegates: the Right Hon. Sir George Foster, the Hon. Philippe Roy, Minister for Canada in France, Miss Agnes C. Macphail M.P., Malcolm McLean, M.P., and W. A. Riddell, Dominion of Canada Advisory Officer accredited to the League of Nations.

The election of the President of the Assembly, the six vice-presidents, and the chairman of the six committees, who together constitute the General Committee of the Assembly, resulted as follows:—

### *President*

M. Guerrero (Salvador)

### *Vice-Presidents*

M. Briand (France)	M. Balodis (Latvia).
M. Stresemann (Germany)	Mr. Ramsay MacDonald (Great Britain).
M. Adatei (Japan).	Dr. Chao-Chu-Wu (China).

### *Chairmen of the Committees*

First Committee (Legal and Constitutional Questions):

M. Scialoja (Italy).

Second Committee (Technical Organizations):

M. Motta (Switzerland).

Third Committee (Reduction of Armaments):

M. Benes (Czechoslovakia).

Fourth Committee (Budget and Financial Questions):

Count Moltke (Denmark).

Fifth Committee (Social and Humanitarian Questions):

Mr. O'Sullivan (Irish Free State).

Sixth Committee (Political Questions):

M. Janson (Belgium).

The Canadian Delegation was represented on the six committees as follows:—

First Committee:

Hon. R. Dandurand.  
Hon. J. C. Elliott.

Second Committee:

Hon. W. D. Euler.  
Mr. Malcolm McLean.

Third Committee:

Rt. Hon. Sir George Foster.  
Miss Agnes Macphail.

Fourth Committee:

Hon. J. C. Elliott.  
Hon. Philippe Roy.

Fifth Committee:

Mr. Malcolm McLean.  
Miss Agnes Macphail.

Sixth Committee:

Hon. R. Dandurand.  
Dr. W. A. Riddell.

## PLENARY MEETINGS OF THE ASSEMBLY

### (a) *General Debate*

The Tenth Ordinary Session of the Assembly of the League of Nations is considered to have been one of the most productive and most constructive meetings in the whole history of the organization, and its success was in no small measure due to the special circumstances under which it met. The first session of the Conference at The Hague, which was looked upon as a final liquidation of the war period, had ended; the League had completed its first ten years of existence and the doubts and fears of these first years had yielded at last in the face of the tested worth of the new instrument of international co-operation. The evacuation of the occupied areas, under way at the time, the impending adjustment of the Reparations claims, and the renewed hope of ultimate naval disarmament, all combined to create the favourable international situation by which the Assembly profited.

### *Development of Compulsory Arbitration*

The outstanding achievement of the Tenth Assembly was undoubtedly the sudden harvest of signatures of what is known as the Optional Clause of the Statute of the Permanent Court of International Justice. It will be remembered that when the Court was first contemplated, it was the intention of the framers of its constitution that whenever two States found themselves engaged in a dispute of the kind the Court was created to deal with, they should automatically go before it without either having the right to refuse. In the final revision of the Court Statutes, obligatory arbitration was abandoned in order to secure the unanimous acceptance of the Court's constitution by the members of the League. Provision, however, was made in Article 36, paragraph 2 of the Statute for the voluntary acceptance of the compulsory jurisdiction of the Court in legal disputes concerning:

- (a) The interpretation of a Treaty;
- (b) Any question of international law;
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) The nature or extent of the reparation to be made for the breach of an international obligation.

The gradual increase in the number of States signing the Optional Clause has been, therefore, a useful index of the Court's growing influence in the world. Through the eight years of the Court's existence, signatures of this Clause have been dropping in one by one. The Canadian Government had notified the Secretary General of the League in 1925, that it was ready to consider the

acceptance of the Optional Clause and in February, 1929, had advised the other Members of the British Commonwealth of Nations that it considered signature desirable. On the 20th September, 1929, five days after the Irish Free State had signed without reservations, the representatives of the United Kingdom, Canada, Australia, New Zealand, Union of South Africa, and India affixed their signatures to the Optional Clause subject, *mutatis mutandis*, to the reservations set out in the following declaration:—

“On behalf of His Majesty’s Government in Canada, and subject to ratification, I accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years, and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to the said ratification, other than:—

‘Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement, and

‘Disputes with the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree, and

‘Disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of Canada,

‘and subject to the condition that His Majesty’s Government in Canada reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer periods as may be agreed by the parties to the dispute or determined by a decision of all the Members of the Council other than the parties to the dispute’”.

While signing with these reservations, the representatives of Canada and South Africa indicated, that while in their opinion legal disputes between Members of the British Commonwealth might properly go before the Court, as a matter of policy they preferred to have them dealt with by other means.

In all some fifteen nations signed the Optional Clause at this session of the Assembly of the League. Among them, in addition to the Members of the British Commonwealth were France, Italy, and Czechoslovakia. Assuming that ratification by all fifteen signatories does follow, the total number of States which have voluntarily bound themselves to accept the Court’s jurisdiction in all appropriate cases is raised to thirty-two, which is more than half the membership of the League.

Another development of almost equal importance in the scope and authority of the Court is the approval by the Assembly of the Protocol embodying the agreement between League Members and the United States as to the conditions on which the latter country could join the Court. If and when the draft Protocol, thus approved by the Assembly is ratified by all States which have ratified the Protocol of December 16, 1920, and accepted by the Senate of the United States, that country will become a full member of the Court and her delegates will be present to sit with the Council and Assembly when it falls to these bodies to re-elect the bench of judges of the Permanent Court.

These extensions of the sphere and authority of the Court were accompanied by certain changes in its structure, which were foreshadowed at the Ninth Assembly of the League, when a Committee was appointed to revise the Statutes of the Court, not on any fundamental point, but on certain particular details, in the light of the experience of its seven years work. There were four main points regarding which changes in the existing Statutes were proposed and finally approved. In the first place the Court is now to regard itself as in

perpetual session instead of sitting only from the middle of June each year. As this extension of the Court's sessions made additional demands on its judges, it was decided to increase their salaries to something over \$18,000 a year, with special allowances for the President and Vice-President of the Court. The qualifications of the judges were made somewhat more exacting, it being laid down that no judge may exercise any political or administrative function, or engage in any other occupation of a professional nature. A further change, dictated by experience, was the appointment of fifteen full judges instead of eleven full judges and four deputy judges as at present.

In this general connection, it may be noted that the general Act on Arbitration and Conciliation framed at the Assembly of 1928, has already received the adherence of four or five countries, and may be expected to figure prominently on the agenda of the next Assembly.

### *The Amendment of the Covenant*

It will be remembered that at the 1928 Assembly the Lithuanian representative proposed that the Covenant of the League should be amended so as to bring it into harmony with the provisions of the Kellogg Pact, which almost all members of the League of Nations had accepted. The proposal was rejected as premature at the moment when the Kellogg Pact had only been signed and not ratified. Circumstances had altered when at the 1929 Assembly Great Britain put forward a very similar suggestion which this time secured the general approval of the Assembly. Mr. Henderson moved that "it is desirable to re-examine Article 12 and Article 15 of the Covenant of the League, in order to determine whether it is necessary to make any modifications therein." This resolution was referred to a special committee, which will report to all governments with a view to definite action being taken in the course of the Eleventh Assembly, in 1930.

### *Removal of Trade Barriers*

The starting point of all the League's economic work in the last two years has been the series of resolutions drawn up by the World Economic Conference of 1927, and, in particular, the declaration by that Conference that the general level of tariffs in the world has been raised too high and that the time has come to move in the opposite direction. Acting on this suggestion, Great Britain and France introduced a joint resolution recommending that "States should agree not to increase their protective tariff above the present level for a period of from two to three years or to impose new protective duties or create new impediments to trade. It is understood that this undertaking should not lead to any relaxation in the efforts which States are making to reduce their tariff to the greatest possible extent by autonomous or bilateral action in conformity with the recommendations of the World Economic Conference." It was decided to call a preliminary Economic Conference of the States endorsing the object of this resolution at which they could work out the terms of the proposed tariff truce. Of the general proposition that existing trade barriers delayed and, indeed, endangered the economic recovery of Europe, there was little criticism in the Assembly. But when the implications of the Franco-British proposal which had been referred to the Second Committee for examination, were realized, the representatives of the British Dominions voiced their dissent. Spokesmen for Australia, South Africa, and the Irish Free State declined to accept any international obligations which might interfere with their free exercise of tariff autonomy.

The Canadian delegate on the Second Committee, Hon. W. D. Euler, after referring to the special factors involved in Canada's neighbourhood to a highly industrialized country like the United States, concluded as follows:—

"Given the circumstances to which I have referred, due to the dangerous developments of tariffs in other countries and the fact that it may consequently be necessary to find other

markets for Canadian products, given also the probability that at no very distant date an economic conference of the Members of the British Empire will be called, I feel that Canada should reserve entire liberty of action."

A number of the nations of Continental Europe, on the other hand, were prepared to welcome the proposal for a tariff truce as an experimental approach to the economic unification of Europe which M. Briand had adumbrated in his speech to the Assembly. M. Briand invited the delegates to contemplate the possibility of creating the "United States of Europe." He did not formulate any specific proposals or ask the Assembly to decide whether the scheme was feasible or desirable. His initial suggestion that the time was perhaps ripe for the consideration of such a project, was frankly a *ballon d'essai*. The Assembly was at once interested and German, Swiss, and Czechoslovak delegates endorsed the idea as deserving of further study, but agreed with M. Briand that more intimate economic co-operation was a condition precedent to any plan for political union.

As the question is likely to be more thoroughly explored at the next Assembly, M. Briand's statement of his position may be quoted:—

"I think that, among peoples constituting geographical groups like the peoples of Europe, there should be some kind of federal bond; it should be possible for them to get into touch at any time to confer about their interests, to agree on joint resolutions, and to establish among themselves a bond of solidarity which will enable them, if need be, to meet any grave emergency that may arise. That is the link I want to forge."

### Disarmament

The Assembly's examination of past progress toward this goal was inevitably influenced by the impending effort of the great naval Powers to achieve the limitation and, if possible, the reduction of naval armaments. For the time being, the task of disarmament was being borne by other shoulders and in consequence the Assembly's activities in this direction were largely limited to the further study of the draft agreement for the limitation of land and air armaments and trained reserves. This enquiry was pursued in the sessions of the Third Committee and is described in some detail in the attached record of its proceedings. The discussion of disarmament in the plenary sessions tended to turn on the old question of precedence—is security the necessary prior condition of disarmament—or does disarmament anticipate and ensure security? It was generally felt that as the naval difficulty, which had temporarily held up the work of the Preparatory Commission, was in a fair way to settlement, it was better to await the results of the negotiations initiated by Great Britain in the hope that they might make possible an early resumption of general discussion of the whole question of disarmament.

### Minorities

The discussion of this question in the Assembly was largely devoted to the effect of the changes in procedure which the Council had approved at its meeting in Madrid in June. The Japanese delegate who had submitted the report to the Council in which these changes were recommended, claimed that they constituted a substantial improvement in the Minorities procedure and represented the most that the Council could do. The Canadian delegate, who had taken the initiative in securing the revision of the former procedure, felt that the new method while a great improvement was still unsatisfactory. In this opinion he was strongly supported by Dr. Stresemann who felt that the whole question of Minority treatment required careful review. Count Apponyi, the Hungarian delegate, took a similar line, urging that the existing obligations were inadequate and discriminating. He pleaded for the universal acceptance, by all States members of the League, of the obligations imposed on the former enemy and succession States by the Treaties of Paris. It was generally recognized



that judgment upon the new regulations was at the time premature. Experience of their operation would determine their adequacy, or indicate the need for a special organization to deal with Minority questions.

Other points in the debate were the discussion of the draft Convention on Financial Assistance to States victims of aggression, references to Mandates, particularly in connection with the recent troubles in Palestine, a Norwegian proposal seeking to define the exact relation between the proposed International Bank and the League, criticism of the League for sponsoring too many Conventions which had been ratified by only a small number of States, disapproval (by the Delegates of Portugal and Denmark) of the system of election of non-permanent Members to the Council, a Finnish proposal to confer on the Permanent Court of International Justice jurisdiction as a tribunal of appeal in respect of arbitral tribunals established by States, and a Chinese proposal calling for the revision, under Article 19 of the Covenant, of treaties which had become inapplicable.

#### *(b) Elections to the Council*

On September 9 the Assembly elected Poland, Jugoslavia, and Peru, to seats on the Council in succession to the retiring Members: Poland, Roumania and Chile. Poland had been given a vote of re-eligibility in 1926; in the election held this year out of a possible fifty-three votes, Poland received fifty, Jugoslavia forty-two, and Peru thirty-six. Other countries which received votes were Norway twenty-two, Uruguay five, and Denmark, Greece, Lithuania and Sweden one each.

#### *(c) Elections to the Permanent Court of International Justice*

In accordance with the Statute of the Permanent Court of International Justice, the Assembly and the Council on September 19 proceeded independently to the election of successors to the late M. Weiss and the late Lord Finlay. Fifty-two States voted in the Assembly, giving Sir Cecil Hurst, Legal Adviser of the Foreign Office of Great Britain, forty votes, and M. Henry Fromageot, Legal Adviser of the French Ministry of Foreign Affairs, thirty-seven. As a majority vote had been obtained in favour of the same candidates in the election held concurrently by the Council, both Sir Cecil Hurst and M. Fromageot were declared elected as Members of the Court.

### MEETINGS OF THE COUNCIL

The Fifty-sixth and Fifty-seventh Sessions of the Council were held from August 30 to September 6 and from September 13 to September 25 respectively, under the presidency of the Persian Representative.

In addition to the usual routine in connection with the work of the Assembly, the Council was occupied with a number of minority petitions emanating from Upper Silesia and also one from a group of Russians living in Lithuania, with the Hungarian Optants question, the problem of prison reform, the reports of the Mandates Commission and the economic work of the League. On the suggestion of Mr. Henderson, who had been named Rapporteur on the Optants dispute, negotiations between the representatives of Roumania and Hungary are to be resumed at an early date. With regard to the question of prison reform, the matter is to be taken up in detail at the next Session of the Council.

The report of M. Procope (Finland) on Mandates brought forth certain comments both on the question of the proposed administrative, customs and fiscal union of Tanganyika with Kenya and Uganda, and the recent riots in Palestine. The Italian representative felt that a fusion of Tanganyika with

the other territories could not perhaps be held to be absolutely legitimate. In reply, Mr. Henderson assured his colleagues that the proposals of the Hilton Young Commission were still under consideration, and that, before a definite decision was taken, the Permanent Mandates Commission would be communicated with.

The point emphasized in the Report to the Council on the economic work of the League was the question whether the various Governments could not encourage a greater consumption of sugar by the lowering of the excise duty. Governments are to be invited to have their observations or comments on the question forwarded to the League by March 30, 1930.

In connection with the problem of smuggling, Mr. Procope suggested the following:—

“Any vessel obviously engaged in smuggling certain produce or serving as the place in which such smuggled goods are stored can be seized on the high seas by the authorities of the country to which the smuggled goods are being taken or which is threatened by the results of such smuggling. Countries can also, after seizing the vessel, apply their laws in regard to smuggled goods and in regard to the penalties imposed on the crew of such vessels”.

The Council took note of the above, it being understood that it did not imply any opinion on the substance of the idea on their part.

After having had the matter under consideration for some years, the Council at its Fifty-sixth Session decided to reduce the number of annual meetings from five to four so that in future there will be two meetings about the time of the Assembly, a further meeting on the third Monday of January, and the fourth on the second Monday of May.

## FIRST COMMITTEE

### (LEGAL AND CONSTITUTIONAL QUESTIONS)

#### *Revision of the Statute of the Permanent Court*

The 1928 Assembly had adopted a resolution in which the Council's attention was drawn to the advisability of proceeding to the examination of the Statute of the Permanent Court with a view to the introduction of such amendments as might be desirable, and to the submission of the necessary proposals to the next ordinary session of the Assembly.

A Committee of twelve members, aided by the President and Vice-President of the Court, was accordingly appointed, and its recommendations and suggested amendments were submitted to the Council at its June Session in Madrid. The Council then decided to convoke in September a Conference of all States Signatories of the Statute of the Court. The Conference met in Geneva on September 4, under the chairmanship of Jonkheer Van Eysinga (Netherlands) assisted by two Vice-Presidents, Prince Varnvaidya (Siam) and Sr. Urrutia (Colombia).

The Conference held five meetings and from the beginning practically all the States represented expressed willingness to accept the proposed revision without any further alterations. The changes and the new Articles refer particularly to the election of and increase in the number of judges, and the question of procedure with regard to advisory opinions. In referring to the latter point, Sir Cecil Hurst explained that there existed in the United States considerable apprehension in connection with advisory opinions, and that it would be necessary to show the extent to which the opinions given bound the Council, and to point out that Article 13 of the Covenant, especially the last paragraph which provided for the case of failure to carry out an award, did not apply to advisory opinions.

Objection was raised in the Conference to limiting the number of judges to fifteen, and the Polish representative desired to reserve the right of the Council and the Assembly to increase the number. His proposal was defeated after a vigorous speech had been made by the Canadian Delegate, who pointed out the possible evils which such a reservation might entail in the future. Opposition was also raised by certain Delegates to the recommendation dealing with the nomination of judges by the national groups, it being considered to be against the spirit of the Statute to dictate the procedure to be followed by national groups. In spite of this opposition both in the Conference and in the Assembly, the following recommendation was approved:

"The Conference recommends that, in accordance with the spirit of Articles 2 and 39 of the Statute of the Court, the candidates nominated by the national groups should possess recognized practical experience in international law and that they should be at least able to read both the official languages of the Court and to speak one of them; it also considers it desirable that to the nominations there should be attached a statement of the careers of the candidates justifying their candidature".

A further provision of the Statute, originating from the Government of Brazil, provides that countries which are not Members of the League will participate on an equal footing with Members of the League in the election of judges. The new Statute enters into force September 1, 1930, but the present members of the Court will continue under the existing Statute until their term of office expires on January 1, 1931. The Protocol for the Revision of the Court Statute has, so far, been signed by the forty-eight following States:—

South Africa,	France,	Norway,
Australia,	Great Britain,	Panama,
Austria,	Germany,	Paraguay,
Belgium,	Guatemala,	Peru,
Bolivia,	Greece,	Persia,
Brazil,	Haiti,	Poland,
Bulgaria,	Hungary,	Portugal,
Canada,	India,	Roumania,
Chile,	Irish Free State,	Salvador,
China,	Italy,	Siam,
Colombia,	Latvia,	Spain,
Czechoslovakia,	Liberia,	Sweden,
Denmark,	Luxembourg,	Switzerland,
Dominican Republic,	Netherlands,	Uruguay,
Estonia,	New Zealand,	Venezuela,
Finland,	Nicaragua,	Jugoslavia.

*Question of the Adherence of the United States of America to the Protocol of Signature of the Statute of the Permanent Court of International Justice*

In presenting his Report to the Assembly, M. Politis (Greece), Rapporteur, reviewed the negotiations leading up to the present discussion and pointed out that no difficulty had at any time been felt with regard to the acceptance of the conditions laid down by the United States in the Senate resolution of January 27, 1926, in so far as they relate to advisory opinions. His statement on the question follows:—

"Misapprehension appears to exist in the United States as to the powers of the Council to give effect to the opinions rendered by the Court on questions submitted to it by the Council or the Assembly. It has, for instance, been suggested that the provisions of the concluding paragraph of Article 13 of the Covenant would enable the Council to oblige the Members of the League to resort to war for the purpose of enforcing such an opinion.

"This view is erroneous. The last paragraph of Article 13 relates only to awards or decisions, not to advisory opinions. Advisory opinions are given by the Court at the request

only of the Council or the Assembly of the League and in general only for the purpose of guiding the organs of the League or the International Labour Office in questions which come before those bodies in the execution of their duties. They are opinions only and in theory are not binding. Even in cases where an advisory opinion was asked for by the Council or the Assembly at the request of individual States which preferred to submit their disputes to judicial settlement through the machinery of an advisory opinion rather than by direct submission to the Court, the powers of the Council would not go beyond its general duty of securing respect for treaty engagements by ensuring that parties which submit their dispute for decision by a tribunal shall execute in good faith the decision which may be rendered. The power of the Council under Article 13, paragraph 4, in connection with awards or judicial decisions, is limited to 'proposing' measures for the purpose of giving effect to them. It cannot do more. It certainly could not oblige States to take measures which would violate their treaty engagements".

The draft Protocol was adopted by the Assembly without discussion, and was forthwith opened for signature. It has been signed by fifty States, namely:

South Africa,	France,	New Zealand,
Australia,	Germany,	Panama,
Austria,	Great Britain,	Paraguay,
Belgium,	Greece,	Peru,
Bolivia,	Guatemala,	Persia,
Brazil,	Haiti,	Poland,
Bulgaria,	Hungary,	Portugal,
Canada,	India,	Roumania,
Chile,	Irish Free State,	Salvador,
China,	Italy,	Siam,
Colombia,	Japan,	Spain,
Cuba,	Latvia,	Sweden,
Czechoslovakia,	Liberia,	Switzerland,
Denmark,	Luxembourg,	Uruguay,
Dominican Republic,	Netherlands,	Venezuela,
Estonia,	Nicaragua,	Jugoslavia.
Finland,	Norway,	

*Proposal of the Government of Finland to Confer on the Permanent Court of International Justice Jurisdiction as a Court of Review in Respect of Arbitral Tribunals Established by States.*

The Delegation of Finland felt that the very nature of jurisdiction made it essential that on certain conditions resort might be had to a higher authority than that which had rendered a disputed decision. It was pointed out that the aim of the proposal was to confer on the Court jurisdiction in regard to disputes relating to the absolute absence of jurisdiction of another tribunal, or in the case of another tribunal exceeding its powers. The proposal did not intend in any way to confer on the Court the functions of a judge of appeal. Where a court wrongly defined jurisdiction, it should be regarded as being of the same nature as cases where the court exceeded its powers. The Norwegian Delegate pointed out that, in the Finnish draft, it was proposed that specific jurisdiction should be given to the Court, a proceeding which would imply that the jurisdiction in question would be something entirely new, whereas in the case of States which were bound by Article 36 of the Statute of the Court, the Court was already vested with such jurisdiction. In certain cases, however, there were other treaty provisions which prevented its being exercised as between the parties. The Norwegian Delegation therefore proposed an amendment eliminating reference to giving specific jurisdiction to the Court.

The Assembly decided to invite the Council to submit to examination the question, "What would be the most appropriate procedure to be followed by States desiring to enable the Permanent Court of International Justice to assume

in a general manner, as between them, the functions of a tribunal of appeal from international arbitral tribunals, in all cases where it is contended that the arbitral tribunal was without jurisdiction or exceeded its jurisdiction?" The results of the above inquiry are to be communicated to the various Governments with a view to discussion at a future session of the Assembly.

*Amendment of the Covenant of the League of Nations as a Result of the General Adhesion of the Members of the League to the Paris Pact.*

This same proposal had been brought up during the Ninth Assembly by Professor Voldemaras (Lithuania), but it had been then considered not ripe for discussion. In a long detailed statement, Sir Cecil Hurst pointed out the changes which the British Delegation considered to be necessary to harmonize the Covenant with the Briand-Kellogg Treaty. Referring to Article 12, he pointed out that, although war was excluded for a period of three months after the award by the arbitrators, or the judicial decision, or the report by the Council in cases of disputes or ruptures between States, it would be necessary to bring the Article into line with the Paris Pact by adding the essence of Article 2 of that Pact, viz: "and they agree that they will in no way resort to war."

If the above change is accepted, two minor amendments to other provisions of the Covenant will be necessary. The first one would be a change in the fourth paragraph of Article 13, which would then read:—

"The Members of the League agree that they will carry out in good faith any award or decision that may be rendered, and in the event of any failure to carry out such award or decision, the Council shall propose what steps shall be taken to give effect thereto."

The other change would be in the sixth paragraph of Article 15. Here the change would not be so simple because in submitting a justiciable dispute to a body which can give a binding decision, there was the obligation to accept the decision, which was recognized in the above phrase of Article 13, but when the States were submitting to the conciliatory proceedings of the Council there was not, and there could not be, any similar obligation to accept the recommendations of the Council. It was therefore necessary to oblige States not to go to war at all. It was necessary to change the Covenant so that even in certain cases the right to go to war could not remain open, because here they would be resorting to war as an instrument of national policy. He would therefore suggest that, following unanimous agreement on some question or dispute, Members of the League reserve the right to take such action as is deemed necessary for the maintenance of right and justice, other than a resort to war.

Although for the vast majority of States the Pact of Paris had become a reality, Sir Cecil Hurst did not consider it necessary to make any changes in two of the Articles of the Covenant.

- (a) Article 10: It would be extremely dangerous to amend Article 10 on account of the wide divergence of views; for example, some States desired its complete abolition from the Covenant, while others considered it to be the keystone of the arch of security which the League gave them.
- (b) Article 16, dealing with sanctions: If the obligations under Articles 12, 13 and 15 were extended, the obligations under Article 16 would also be extended. The application of sanctions was only a burden if other States actually did resort to war, but the more the possibility of war was reduced, the less possibility there was of having to apply sanctions, and therefore the obligations in Article 16 would appear to be more of a theoretical than a practical extension.

In conclusion, Sir Cecil Hurst was of the opinion that his proposed amendments were so modest that the present Assembly could handle them immediately.

Sr. Cornejo (Peru) considered that, as war was henceforth forbidden as an instrument of national policy, decisions of the Council regarding the settlement of a dispute need no longer be unanimous, but that a majority vote would suffice.

The representative of Denmark considered that it was unnecessary to amend the Covenant, but that a new Article 17 (a), which would be the Kellogg Pact, should be incorporated in the Covenant. In reply to this suggestion, the Swedish Delegates felt that, if the Kellogg Pact were introduced bodily into the Covenant, they would find themselves interpreting it without the assistance of certain of the Powers that had signed it. He pointed out that, while the British Delegation desired that in no case could a Member of the League resort to war, under the Kellogg Pact war could be decided upon in the case where a signatory of the Kellogg Pact had violated its obligations. He would therefore propose deleting the phrases in the Covenant which were incompatible with the Pact, and he would not substitute any other terminology.

In view of the importance of the discussion in the Committee, it was felt desirable not to try to rush through the changes during the Tenth Assembly. The Report of the Committee, which was accepted by the Assembly, invites the Council to appoint a Committee of eleven persons to report on the amendments to the Covenant of the League which are deemed necessary to bring it into harmony with the Pact of Paris. This Committee is to meet during the first few months of 1930, and the result of its deliberations will be communicated to the Members of the League so that action may be taken on the question at the next Assembly. The proposed amendments follow:—

*Article 12 (1)* to be amended to read 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 inquiry by the Council, and they agree that they will in no case resort to war."

*Article 13 (4)* to be amended to read as follows:—

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered. 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 15 (6)* to be amended to read as follows:—

"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 as against any party to the dispute that complies with the recommendations of the report they will take no action which is inconsistent with its terms"

*Article 15 (7)* to be amended to read as follows:—

"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 other than a resort to war."

A suggestion of the Delegate of Peru was not acted upon. It was to the effect that a committee should be established to study some form of declaration specifying that a treaty of peace imposed as a result of war, entered upon in breach of the Peace Pact and the Covenant, should not be recognized by the League.

*Application of Article 19 of the Covenant of the League Regarding the Reconsideration of Treaties which have become inapplicable.*

Draft Resolution proposed by the Chinese Delegation on September 10, 1929:—

"The Assembly:

"Considering that Article 19 of the Covenant of the League of Nations, which provides that

'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.'

is one of the most essential Articles of the Covenant in the cause of international co-operation and peace;

"Observing that, nevertheless, it has not once been acted upon during the decade of the existence of the League;

"Believing that such inaction has been due to the fact that the Assembly has not had the necessary assistance and advice:

"Hereby resolves that there shall be appointed a Committee to consider and report on the best methods to make effective the above-mentioned Article."

In accordance with his statement in the Assembly, Mr. Wu placed before the First Committee the above draft resolution asking that a Committee be appointed to study means of giving effect to Article 19 of the Covenant. He pointed out that his resolution had reference to the unequal treaties and conventions to which his country was subjected. The representatives of Germany, Persia and India supported the proposal. Mr. Noel Baker (Great Britain) welcomed the Chinese proposal, but was not certain whether it was urgent, or even desirable at the present time.

The Hungarian representative congratulated the Chinese Delegation on its excellent proposal, and pointed out that it was Article 19 which had afforded Hungary a meagre basis for entering the League. He considered Article 19 as the complement and the indispensable corrective of Article 10.

In view of the discussion and the fact that a Belgian amendment had been proposed, a sub-committee was formed to study the question. In reporting back to the Committee, M. Pilotti (Italy) wished to say that, notwithstanding certain rumours which he deplored, the sub-committee had worked in an atmosphere of tranquillity and mutual confidence throughout. He stated that the sub-committee had not deemed it advisable to appoint a committee of inquiry as suggested in the Chinese proposal, and that the amendment proposed by the Belgian representative would be taken as the basis of the Report to the Assembly. The full resolution as adopted by the Assembly follows:—

"The Assembly:

"Having taken cognizance of the declaration by the Chinese Delegation that certain treaties formerly concluded between China and other States, being inconsistent with present conditions in China, have become inapplicable within the meaning of Article 19 of the Covenant;

"Appreciating the importance of the points as to which the Chinese Delegation feels concern;

"After having considered the resolution proposed by the Chinese Delegation which is annexed hereto;

"Considering that, under the terms of Article 19 of the Covenant of the League of Nations,

"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";

"Noting that the question of the application of Article 19 has previously been studied:

"Declares that a Member of the League may on its own responsibility, subject to the Rules of Procedure of the Assembly, place on the agenda of the Assembly the question whether the Assembly should give advice as contemplated by Article 19 regarding the reconsideration of any treaty or treaties which such Member considers to have become inapplicable or the consideration of international conditions the continuance of which might, in its opinion, endanger the peace of the world;

"Declares that, for an application of this kind to be entertained by the Assembly, it must be drawn up in appropriate terms, that is to say, in terms which are in conformity with Article 19;

"And declares that, in the event of an application in such terms being placed upon the agenda of the Assembly, the Assembly shall in accordance with its ordinary procedure discuss this application, and, if it thinks proper, give the advice requested."

*Progressive Codification of International Law*

(1) First Codification Conference

The Assembly resolution requests the Council to call the attention of the Governments invited to the Conference to the desirability of appointing without delay their representatives at the Conference, whether plenipotentiary delegates, substitute delegates, or technical delegates, in order that the Members of the Conference may be able to make a thorough study of the documentation already assembled.

(2) Committee of Experts for the Progressive Codification of International Law

Owing to the fact that only about twelve replies had been received on the questionnaires relating to the two new questions considered ripe for codification, and to the fact that some apprehension seemed to exist as to whether the Committee of Experts was to continue its labours, it was considered necessary for the Assembly to make a definite pronouncement on this point. This it did, and called the attention of the Council to the desirability of inviting that Committee to hold further sessions after the first Codification Conference.

(3) Work of the Committee of Three Jurists

In accordance with a resolution of the preceding Assembly, the Committee of Three had drawn up a scheme for the publication of certain international conventions, and a Systematic Survey of the Subjects of International Law. As the publication of these conventions would consist of several volumes of over five hundred pages each, and as considerable overlapping with other volumes would result, the Assembly, on the recommendation of the First Committee, was of the opinion that such a publication would not at present be achieved in a satisfactory manner, and that it would be necessary first of all to codify the various successive conventions which deal with certain particular subjects, so as to determine what precisely are the texts in force, and which States are parties thereto, the ultimate aim being a general codification.

*Draft Amendment to Article 7, Paragraph 1, Rules of Procedure of the Assembly*

The representatives of Belgium, Chile, Italy, Japan and Peru proposed that the Bureau of the Assembly be increased from fourteen members to sixteen, by increasing the number of Vice-Presidents from six to eight. M. Hambro (Norway), in the First Committee, opposed the increase on the ground that it would represent a quarter of the total number of States in the Assembly, and that the increase would in no way make for efficiency. In spite of the opposition the proposed amendment was adopted, by a majority of two votes. In the Assembly M. Hambro again objected, and stated that, in view of the fact that other amendments to Article 7 will be placed before the next Assembly, he thought it wiser to postpone consideration of any change until the next Assembly. This proposal was adopted.

*Ratification of International Conventions concluded under the Auspices of the League of Nations*

This proposal introduced by the Delegate of Denmark gave rise to considerable debate in the Committee. M. Andersen (Denmark) pointed out the striking difference between the number of Conventions adopted by Conferences held under the auspices of the League and signed by different governments, and the number of Treaties and Conventions which were ratified and put into force. He cited the statement made in the Assembly by Mr. William Graham (Great Britain), who said that since 1920 probably forty-five Conventions had been



drawn up by the League, of which twenty-two had made practically no progress. It was dangerous to arouse hopes which came to nothing, thus supplying arguments to sceptics and those inclined to ridicule the work done at Geneva. Since previous methods had proved inadequate, Mr. Andersen suggested:—

- (1) That a special time should be laid down in the proposed convention within which it would have to be ratified if it was to come into force, and a provision might be included whereby a new meeting of the contracting States could be held if the number of ratifications obtained on the expiration of that period were insufficient.
- (2) That at the opening of each Assembly the Delegations would report on the progress of the ratifications in their respective countries, and state the reasons for failure to ratify.

Mr. Noel Baker (Great Britain), in supporting the Danish proposal, suggested that the Council in the first instance should send a questionnaire to governments asking for information as to their practice on certain specific matters in connection with ratification, and upon the basis of material thus collected the Commission of Enquiry could make a report of the Assembly at its next session. Other views expressed were that the League should have fewer international conferences, that better preparation should be made for those which are convened, and that the Delegates on their return home could do a great deal to interest their respective governments in the ratification of conventions still outstanding.

The Delegate of Canada suggested a resolution whereby a delegate from each State would be called to the platform at the next Assembly to submit a list of ratifications deposited since the close of the last Assembly, a list of Conventions which the State does not intend to ratify, and a list of Conventions which are at present being considered.

Considerable objection was voiced as to the manner in which the documents containing the signatures and the list of ratifications were compiled. The resolution finally adopted by the Assembly took note of the various suggestions made in the First Committee, and a Committee of seven members familiar with the technical aspects of general conventions or with parliamentary and constitutional practice is to be set up to investigate the reasons for the delays in ratifications, and the means by which the number of signatures and ratifications or accessions might be increased. In addition, the Secretariat, for greater clarity, is to draw up annual double column tables indicating the position as regards signatures and ratifications of, or accessions to, the various Conventions concluded under the auspices of the League of Nations.

## SECOND COMMITTEE

### (TECHNICAL ORGANIZATIONS)

#### *Economic Work*

By far the most important question before the Second Committee was the work of the Economic Organization of the League. Interest was added to the discussion by the statement made in the Assembly by M. Hymans (Belgium), proposing a "tariff-truce" for two years, and by the public statement made by M. Briand regarding the "United States of Europe".

In submitting his Report on the work since the last Assembly, Dr. Breitscheid (Germany) made a very comprehensive review of economic conditions since the Economic Conference of 1927. None of the three methods—autonomous tariffs, bilateral treaties and collective conventions—tried out to reduce or

to stabilize tariffs had met with much success. An attempt had been made also to reduce tariffs by groups of commodities, but in connection with the question of aluminum, it had been necessary to abandon hope of arriving at a solution. With respect to the question of cement, preliminary work had already been done, and a Committee of Experts would meet in the autumn to discuss the question in detail. These were the only results of the recommendations of the Economic Conference relating to the collective reduction of tariffs.

Other speakers voiced the same disappointment at the lack of results from the work of the Economic Organization. The view was expressed that the numerous recommendations of the Economic Conference had remained ineffective largely because they had been framed by experts and not by responsible representatives of governments. The Delegates of Great Britain and France criticized the work of the Economic Consultative Committee, which had been set up after the Conference and had carried on long discussions without result. The Belgian Delegate considered that the Economic Organization should study, not particular commodities, but the whole question of trade, beginning with Europe where the situation was most serious. The Delegate of the Irish Free State complained that so far the League had done nothing for States whose economic development was in its infancy, except to ask them to deprive themselves of their only means of protection.

A number of draft resolutions were brought before the Committee of which one of the most important was a Franco-British resolution concerning a tariff-truce. The Rapporteur suggested a period of three years instead of two for the proposed truce, and considered that such an agreement would not be an end in itself, but would merely afford a breathing-space to enable States to conclude agreements for the reduction of tariffs.

In the discussion which followed there was a clear-cut division between the viewpoint of the Dominions and certain other overseas countries and that of most European countries. Thus India, the Irish Free State and Australia insisted that due consideration must be given to the peculiar circumstances of countries whose industrial development was still in its early stages. The Delegate of India could not agree to a tariff-truce, as he felt obliged to reserve the right to encourage the national industries, and his government could therefore not attend a conference which had as its object the prohibition of raising tariffs for a number of years. The New Zealand representative considered that customs tariffs as a means of raising national revenue were perfectly legitimate. South Africa emphasized the necessity of protection to young and growing countries. The representative of Canada, after analyzing Canada's peculiar position in relation to a highly industrialized country like the United States, stated that any proposal that Canada should pledge herself to throw open her markets to a nation which closes hers to the Dominion was altogether unjustified; he felt that Canada should reserve entire liberty of action.

The resolution as finally adopted provides for a preliminary conference to discuss the question of an economic truce. States which attend this conference should be prepared to consider entering into an agreement not to increase their protective tariffs above the present level for a period of from two to three years, or to impose new protective duties or create new impediments to trade; the conference would also, if necessary, elaborate a program of subsequent negotiations for facilitating economic relations by all practicable means and especially by reducing hindrances to trade. Members of the League and also non-Members are requested to intimate to the Secretary-General of the League before the end of 1929 whether they are prepared to take part in such a conference. On the basis of the replies received, the Council will decide whether the Conference should be convoked. If an agreement is reached, the States parties to it will

then begin the negotiations referred to above, and a final Conference, to which all States will be invited, will take note of the results of the negotiations and will supplement them if necessary.

A second resolution deals with the question of coal. The Governing Body of the International Labour Office is to be invited to consider the inclusion in the Agenda of the International Labour Conference of 1930 of questions relating to hours, wages and conditions of work in coal mines, with the object of agreeing upon an international convention or conventions. The Governing Body is to be further requested to consider the advisability of convening at an early date a preparatory technical conference consisting of representatives of the Governments, employers and workers of the principal coal-producing countries of Europe, in order to advise it as to what questions relating to conditions of employment in coal mines might best be included in the Agenda of the 1930 International Labour Conference, so that a practical international agreement might be reached.

A third resolution requested the Council to examine such recommendations as the Economic Committee may put forward in regard to the present conditions in the sugar industry, especially price fluctuations and the existing disproportion between supply and demand, and to consider, having regard more particularly to the results of the investigation, whether it is desirable or not to summon a meeting of the representatives of the Governments concerned to study these recommendations.

Other economic questions discussed in the Report of the Second Committee to the Assembly included the Convention for the abolition of import and export prohibitions and restrictions, and the international arrangements relating to the export of hides, skins and bones.

#### *Work of the Financial Committee*

The work done by the Financial Committee falls into two categories, one dealing with subjects of a general nature, the other with work accomplished for particular States. Questions of a general character which were considered during the last year were the purchasing power of gold, the counterfeiting of currency and of other bills and securities, double taxation, a scheme of financial assistance in the case of war or threat of war, and the publication of monetary and banking laws.

Work for particular countries was done in connection with Greece, Bulgaria, the Saar Territory, Esthonia, Danzig, Austria and Hungary. The policy of the League is to withdraw its financial control as soon as possible; thus the financial supervisory organs in Austria and in Hungary have completed their task, and it is now proposed to wind up the work of the Greek Refugee Settlement Commission.

During the year a new technical organ of the League has been set up: the Fiscal Committee\*, which was created as a result of a recommendation of the Government experts on double taxation and tax evasion. Its special duties will be to study taxation questions, and to advise the Council in regard to them.

An inquiry has also been started, to examine and report on the causes of fluctuation in the purchasing power of gold, and its effect on the economic life of the nations.

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\* The Council appointed as a corresponding member of this Committee Mr. Watson Sellar, Acting Assistant Deputy Minister of Finance.

*Relations between the Proposed Bank for International Settlements and the League of Nations*

The Delegations of Denmark, Norway and Poland presented a resolution providing for the establishment, under Article 24 of the Covenant, of relations between the League and the Bank for International Settlements which is to be set up in connection with the Young Plan. In support of this resolution, it was urged that the activity of the Bank might affect the general credit structure and therefore the economic life of all States. The Delegates of the Governments represented at the Hague Conference pointed out that the proposal was at least premature, as the details of the Bank's organization had not yet been determined and as no definite suggestion had been made as to the form which the relations between the Bank and the League should take. After a long discussion, the resolution was withdrawn; the minutes of the discussion, however, will be transmitted to the Organizing Committee of the Bank.

*Communications and Transit*

This Committee examined and approved an agreement in settlement of the difficulties which had arisen between the French, British, Italian and Roumanian Governments regarding the jurisdiction of the European Commission of the Danube.

During the year a Conference on Transit Cards for Emigrants was held, and an agreement was reached whereby emigrants proceeding to a port of embarkation will be able to travel through the various countries with fewer formalities and charges.

Preparatory work has also been undertaken for the holding of future conferences, and a further Conference has been called for the autumn of this year to study the problem of transport of newspapers and periodicals in Europe. Next year's program calls for two Conferences: one on certain questions connected with river law in Europe, and the other on the unification of buoyage and lighting of coasts. The Delegate of France thought that the question of commercial transport by air and commercial road transport by motor car should be studied, and that it would be desirable if the organization could submit proposals regarding this question to the next assembly.

The Committee noted the progress already made in connection with calendar reform. It is probable that in 1930 committees of inquiry on the question will have been established in most countries. The Fourth General Conference on Communications and Transit, which is to be held in 1931, will consider any recommendations made as a result of the inquiries of these national Committees.

*Health Organization*

In reviewing the year's work of the Health Organization, congratulations were extended to the Organization for having made further contacts with Greece, Bolivia and China, countries representing three continents. Very little criticism was offered in the Committee beyond the statement of the representative of India that he would like to see an investigation undertaken by the Health Organization into the question of infant mortality. He also suggested that the program of work of the Health Committee be drawn up for a period of five years so that the budget could be arranged accordingly.

Progress was noted and approved in connection with the work of the Malaria Commission, the Cancer Commission, the inquiry into health conditions in certain South Sea Islands, the Sleeping Sickness Conference and the health program relating to various colonial administrations.

New work to be undertaken by the Health Committee includes a reorganization of the health services of Bolivia, similar to that undertaken last year in Greece, and a study by the Leprosy Commission which is to be undertaken in the Far East in 1930.

### *Intellectual Co-operation*

For some time past it has been felt that the Organization for Intellectual Co-operation has been spreading its activities over too wide a field, and that it has not been successful in arriving at any concrete results. Accordingly in the discussion in the Committee the work of the Organization was severely criticized. It was felt that it was absolutely essential for the Organization to revise its program, its status and its methods, and there was an insistence that the Institute should make for some definite goal.

During the debate, the Hungarian representative complained about scientific and technical books published in Hungary being denied entrance to the neighbouring States. He referred particularly to the Hungarian minority in Czechoslovakia which was prevented from becoming acquainted with scientific researches written in its mother tongue, and he proposed a resolution recommending freer circulation of scientific and technical publications. The Czechoslovakian Delegate replied that his country was not seeking to deprive the Hungarian minority of its intellectual nourishment, but that the propaganda carried on by Hungary was not compatible with the security of Czechoslovakia, and that in any case the Second Committee was not a suitable platform for a manifestation against the Treaty of Trianon. On the advice of several other speakers, the Hungarian Delegate withdrew his draft resolution.

Supplementary credits were requested and granted:—

- (1) For the remodelling of the Organization for Intellectual Co-operation by means of a Committee of Inquiry which is to investigate the whole scope of the work of the Organization. The rôle of the Committee of Inquiry would not be to create a new Organization but to improve and perfect the existing one by making use of the statistics and facts which had already been collected.
- (2) For the purpose of printing and distributing the pamphlet "The Aims and Organization of the League of Nations."

In the draft resolution approved by the Assembly, reference was made particularly to the work of the International Educational Cinematographic Institute (Rome), the importance of the efforts made by the young people to establish closer international co-operation, and also the instruction of the young in the aims of the League of Nations. In connection with the latter, approval was given for the convocation in 1930 of a sub-committee of experts to study the question.

### THIRD COMMITTEE

#### (REDUCTION OF ARMAMENTS)

##### *1. Work of the Preparatory Commission for the Disarmament Conference*

The choice of a date for the convening of the Preparatory Disarmament Commission had been left by the Ninth Assembly to the discretion of M. Loudon (Netherlands), President of the Commission. On the latter's invitation, the Preparatory Commission met on April 15, and it adjourned on May 6, 1929; at this Session, which might be called "the Session of mutual concessions", an agreement was reached on two points which hitherto had been a source of friction, the limitation of the material of land armaments, and trained reserves. It will be remembered that, when it became evident that agreement could not be arrived at, either for direct limitation of land armaments or for budgetary limitation, a decision was taken to limit land armaments solely by a method of publicity of expenditure: in other words, States would agree to publish the figures showing the amount spent on land armaments. The question of trained reserves was disposed of by omitting any reference to it in the draft Convention.

The two above agreements, one positive, the second negative, were due largely to the fact that the Delegations of Great Britain and the United States announced that, as they were not particularly interested in land armaments and, by implication, in land armies, they would leave the solution of these problems to the nations which considered these armaments and armies of vital interest to their national safety.

When the Third Committee met it found itself called upon to express an opinion upon the work of the Sixth Session of the Preparatory Commission. Lord Cecil, representing the British Labour Government, disagreed entirely with the decisions taken by the Preparatory Commission in the matter of trained reserves and the limitation of land armaments, and it was evident, from the very outset, that he would do all in his power to have the discussion reopened before the Preparatory Commission.

France, Italy, and Japan were satisfied with the *status quo*, and would have preferred that the Third Committee express approval of what had been done already and that, when the naval problem had been elucidated by conversations or a Conference, the Preparatory Commission should meet again to dispose of naval armaments and other pending matters, but not to go over the ground already traversed.

Lord Cecil, in search of a solution, decided to present a resolution, the effect of which was to centre the attention of the Third Committee on the moot points and ultimately, he hoped, to have these points reconsidered by the Preparatory Commission. As practically the whole of the discussion before the Third Committee centered round Lord Cecil's resolution, it is given here in full:—

“The Assembly,

“Being convinced that a progressive and general reduction of armaments is urgently needed throughout the world.

“Expresses the hope that the Preparatory Commission will finish its labours at the earliest possible moment.

“And considers that in completing the Draft Disarmament Convention it should consider how far the following principles have been or ought to be adopted:—

“(a) The application of the same principles to the reduction and limitation of personnel and material whether in land, sea or air forces.

“(b) The limitation of the strength of a force either by limiting its numbers or its period of training or both.

“(c) The limitation of material either directly by enumeration or indirectly by budgetary limitation or by both methods.

“(d) The recognition of a competent international authority to watch and report upon the execution of the treaty”.

It is curious and worthy of note that the representative of one State, by submitting a resolution, can sometimes impart to deliberations, the special tone and character which he wishes: before the Third Committee the matter of disarmament in general was not discussed *per se* but always in relation to the Cecil resolution. It was difficult, if not impossible, for Lord Cecil to propose something the effect of which would have been to nullify the Preparatory Commission's decisions. Indirectly, however, he hoped to succeed by enumerating certain general principles which, according to him, could be considered in completing the draft Disarmament Convention. Sub-paragraphs (b) and (c) above would have permitted the re-opening of the whole discussion on trained reserves and the limitations of land armaments. France, Italy and Japan were strongly opposed to this course: among other Delegations which joined forces with them were the Netherlands, Poland, Roumania and Jugoslavia. The following, however, were favourably disposed towards the Cecil Resolution: the German, Norwegian, Danish, Swedish, Hungarian, Austrian, Chinese and Canadian Delegations.

Lord Cecil, in presenting his resolution, stated that disarmament was the only direct and positive safeguard against the outbreak of war. Agreements as to arbitration and security rested on the good faith of those who made them, and it would limit the usefulness of the League of Nations if it were said that the Assembly had no right to pass any resolution or make suggestions in regard to the work being carried on by the Preparatory Commission. He then reviewed the disarmament situation since the spring of 1927. With regard to the air arm, the broad general principles of reduction in aircraft had been established in 1927, and there had been no material advance since then. As for the naval arm, he recalled the unhappy difference of opinion which had arisen, and the resulting deadlock and adjournment of the question: the Preparatory Commission had done nothing further in the matter of naval disarmament, but a great deal had been done outside the Preparatory Commission, and he hoped that the negotiations going on at present would bring about a real advance. Of course it was desirable that there should be an agreement on the naval side of the question, but it must not be imagined that reduction and limitation of naval armaments alone were going to be any security for peace. The bulk of the fighting had always been done by troops on land, and it was vital to get a satisfactory treaty on land and air questions. The limitation of land material had not advanced one inch, and perhaps an unfriendly critic might say that in some respects there had been retrogression from the spring of 1927. He insisted upon the enormous importance of material in land warfare, and thought that it was not an extravagant possibility to suggest that, although in future there might be great national armies still in existence, they would more and more depend for their strength upon material and less upon the actual number of soldiers; it would mean an approximation of the conditions of land warfare to the conditions of warfare by sea and air.

Lord Cecil did not discuss at length or insist upon the first principle (a). With regard to Sub-paragraph (b) he admitted that it would be affectation for him to conceal the fact that this was likely to lead to considerable difference of opinion. He thought there were only two ways in which to limit the effectiveness of a land force—or indeed of any force—one was by limiting its numbers direct, the other by limiting its period of service. He considered that the Preparatory Disarmament Commission should reconsider the whole problem as, in his opinion, the solution arrived at was unsatisfactory. He attached by far the greatest importance to Sub-paragraph (c): quoting the resolution voted by the Preparatory Commission regarding limitation of armaments by a system of publicity of expenditure, he asked the members of the Committee whether they thought, really, that this was a satisfactory position in which to leave this grave question. He felt that the Committee would be failing in its duty if it did not press upon the Preparatory Commission the further consideration of the matter. If the only result of the preparatory work was to be a draft treaty which expressly excluded any reduction or limitation of material, the League would be offering to a hungering world, not bread, but a stone. As to the fourth point, (d), he was not suggesting any particular form of supervision, but he felt satisfied that to establish a disarmament treaty without providing for supervision in some form, would be a very incomplete solution of the problem entrusted to the Preparatory Commission. He concluded by making a strong appeal to the representatives of the Powers with great land armies, and particularly to the French Delegate, to accept his views. Lord Cecil's speech created a very deep impression upon the Committee, and he was warmly applauded.

M. Loudon (Netherlands), President of the Preparatory Commission, stated that he had been somewhat painfully surprised to see that the second part of the Cecil resolution was what he considered an undeserved criticism of the work

of the Commission. Referring to point (a) of the resolution, he considered that the same principles had been adopted, as regards personnel, for land and air forces, and he had no doubt that the Preparatory Commission would adopt the same conditions for the limitation of naval effectives when that chapter was reached. As regards material, he could not follow Lord Cecil. The three categories of material—land, naval and air—had appeared hitherto to be too different to be governed by the same principles. Referring to point (b), he said that limitation by numbers had been adopted, but that it had seemed difficult to the Preparatory Commission to limit the periods of military service without also limiting the periods of service in the naval and air forces. That point would be dealt with, he thought, at the next meeting of the Preparatory Commission. M. Loudon appreciated Lord Cecil's motives in submitting point (c). At its meeting of the 4th May last, after considerable discussion the Preparatory Commission had adopted by twenty-two votes to two, with one abstention, a draft Resolution submitted by the Delegations of France and the United States of America, to the effect that the "limitation and reduction of material must be sought by means of publicity". This decision, born of a spirit of accommodation on the part of States which originally favoured diametrically opposed solutions, could not be discarded without re-opening a discussion which was bound to revive differences of opinion: it would be perilous to follow such a course unless all States were now in agreement, which did not seem to be the case. Point (d) dealt with the creation of a competent international authority which would supervise the execution of the Convention: this question had not been disposed of by the Preparatory Commission, which meant to treat the matter at its next Session.

M. Massigli (France) agreed with M. Loudon, and reminded the Committee that the Preparatory Commission had already settled some of the points raised in Lord Cecil's resolution: there was a mountain of minutes to prove it, and the recommendation was therefore pointless. The texts drawn up by the Commission were compromise texts, framed after long discussion, and then recast and reshaped. The Commission had decided eventually to accept them because in the present state of affairs they seemed to be the only texts that might lead to a solution. In answer to Lord Cecil's appeal for France's co-operation, he reminded Lord Cecil of what he (M. Massigli) had done before the last Session of the Preparatory Commission. He had made an appeal for budgetary limitation of material, but his lead had not been followed. Should he then have said, "There is no agreement, so we must stay where we are?" He had compromised, and he thought that the Commission had realized the spirit in which he had done so. It was quite true that since then one of the Governments (the British) represented on the Commission had changed its attitude, but was that a sufficient reason for asking the Commission to reopen the whole question? It would be a very dangerous precedent to set, because no Government was eternal.

Count Bernstorff (Germany) shared Lord Cecil's opinion, and thought that the nations were dissatisfied with the progress made in disarmament. He recalled his statement that there seemed to be no disposition to reduce land or air forces, and that a Convention established on this basis would only afford an illusory solution which the German Government could not accept. The type of Convention recommended by the Preparatory Commission would really resolve itself into a Convention of mutual assistance against disarmament for ten years (or whatever number of years was set for the duration of the first convention). Germany was of the opinion that a convention worthy of the name should deal with four points: effectives with the colours, effectives in reserve, material in service, and material in stock. The German Government did not see why trained reserves should be left out of account in a disarmament convention, nor why the total duration of military service could not be reduced, the number of reserves limited, and their period of training shortened.



General de Marinis (Italy) agreed with the views of MM. Loudon and Massigli. A large majority of the Preparatory Commission, after extremely protracted and detailed discussion, had succeeded in reaching an agreement on a number of proposals concerning the methods to be employed for the limitation and reduction of land and air armaments. If an attempt were now made to reopen the question on which agreement had been reached, the solution of the problem would be delayed rather than advanced; it would be extremely dangerous to issue instructions to the Preparatory Commission.

M. Sato (Japan) took the same stand as General de Marinis. He doubted the advisability of rediscussing points that had been settled. After a thorough exchange of views and mutual concessions, often secured at considerable cost, the Delegates had finally succeeded in surmounting numerous difficulties and in arriving at an understanding. The effect of the adoption of the British proposal would be to jeopardize all the results already obtained.

M. Lange (Norway), supporting Lord Cecil, recalled that the President of the Preparatory Commission had requested the Delegates to interfere as little as possible with the methods of work that hitherto had been followed by the Commission. If, however, the manner in which the preparatory work was being conducted involved serious risk, ought they to refrain from expressing their misgivings? It was a great pity that the question of trained reserves had been omitted from the Preparatory Commission's Draft Convention, and that limitation of armaments by budgetary expenditure had not been adopted. Referring particularly to Lord Cecil's point (d), he was strongly in favour of the recognition of a competent international authority which would be something more than a supervisory organ: it should be a body set up to watch progress and formulate suggestions for subsequent reductions. He thought that public opinion throughout the world was extremely alarmed at the small progress the League had made in disarmament. It was not an exaggeration to say that, if the present system of armaments continued for another ten years, they would undoubtedly be involved in another war.

M. Sokal (Poland) opposed Lord Cecil's resolution on the ground that if it were accepted, the Third Committee would become a sort of court for the rehearing or annulment of decisions taken by the Preparatory Commission.

M. Munch (Denmark), in accepting the resolution, stated that the Preparatory Commission had continued its patient work year after year during which more and more agreements likely to increase the feeling of security had been concluded: nevertheless it had not been possible to obtain a definite result in practical disarmament. M. Munch thought it might be advisable to refer to the Preparatory Commission the Draft Scheme for the Reduction of Armaments prepared two years ago by the Inter-Parliamentary Union so that the Preparatory Commission might submit that draft to the Disarmament Conference, thus following the course already adopted in the case of the Disarmament Draft of the Soviet Republics. The starting point in the Inter-Parliamentary draft was the present state of armaments. A gradual reduction was proposed in all countries in which armaments exceeded a certain level; this reduction to be based on the average armaments of the country in question during the previous three or five budgetary years. After detailing the various points in the Inter-Parliamentary Union draft, he concluded by saying that it was this scheme which, in his opinion, took most fully into account the complexity of the problem of disarmament.

Sir George Foster (Canada), who was in sympathy with the Cecil resolution, said that in Canada "there were no two opinions on the necessity for disarmament. . . . There were in Canada ten millions of people with their homes and their livelihoods. They had practically no navy and no army. . . .

Ten million souls had revolted determinedly, sincerely, and permanently from the idea that Governments, dictators or bureaux could, in the future, levy upon the individual lives of the country for their use as pawns in the settlement of what were generally technical differences between nations." Sir George referred to the gradual approach of the United States of America to participation in the Permanent Court of International Justice, to the conclusion of the Paris Pact, and to the progress being made at present in regard to the reduction of naval armaments. "These were some of the indications of the sentiment . . . which was now growing stronger throughout the world—an outgrowth of the awakened moral consciousness in the nations." Referring more particularly to Lord Cecil's proposal, he asked whether the Preparatory Commission was "so set upon what it had resolved two years ago, that it was not open to the impulse, spirit and information of the succeeding years, and would it not welcome this as something which would assist it in arriving at a better solution of its arduous labours? He did not think so. . . . If the Third Committee rejected the resolution and passed no other, it would go forth to the world that it was entirely satisfied with the results so far obtained by the Preparatory Commission, but he did not think that would interpret the world's opinion. There was an expectancy growing out of the wide dissatisfaction and discontent regarding the long road traversed without adequate and appreciable results, and, if nothing were said by the Committee or the Assembly, it would constitute an affirmation by these bodies that all that could be done had been done." He concluded by stating that "the atmosphere reigning in the Assembly gave every cause for optimism, and he was convinced that, if goodwill and courteous contacts were cultivated, the future peace of the world would be secured."

M. Lone Liang (China) strongly supported Lord Cecil. Referring to the question of the limitation of land war material regarding which the Commission had openly confessed its failure to reach any real agreement, he said that no practical results had been achieved, only something entirely illusory. He recalled that the Chinese Delegation had proposed the abolition of the system of compulsory military service, considering that this was the best solution to the question of trained reserves, and one likely to lead to a diminution in the spirit of national militarism throughout the world. Although public opinion in most countries had been in favour of that proposal, as indicated by the many telegrams and letters received by the Chinese Delegation, the Commission had seemed to regard it as a purely utopian idea, and had endeavoured to side-track it. He said it would be absurd to maintain that the decisions arrived at before the Preparatory Commission were to be recorded as final and not subject to revision.

As will be seen from the above synopsis of some of the views expressed by the various Delegations, opinion was divided on the question of Lord Cecil's resolution. It was difficult if not impossible to say how the final vote would have turned out. It was thought that, had Lord Cecil's resolution been put to the vote, it would have carried by a very small majority, but this is by no means sure.

M. Politis (Greece), who had not spoken previously, proposed a compromise resolution which met with general approval and was adopted with a few minor alterations. To obviate unnecessary repetition the text of the compromise resolution as finally adopted is given below:—

"The Assembly,

"Having taken cognizance with interest of the work of the last session of the Preparatory Commission for the Disarmament Conference;

"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 of 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;

"Decides that the Minutes of the plenary meetings of the Assembly and of the Third Committee shall be communicated to the Preparatory Commission for any necessary action".

M. Politis, in presenting his resolution, said that he had followed the debates which had centred round Lord Cecil's suggestions with the keenest interest, and the fact that he had not intervened in the discussion was due to a desire to remain impartial. He thought that the majority of the Committee did not seem disposed to accept the British suggestions for a variety of reasons which were not all reasons of substance, but in some cases reasons of method, expediency and even courtesy towards certain Powers not represented on the Committee but having taken part in the proceedings of the Preparatory Commission. On the other hand, a large number of Delegations had stated that they shared Lord Cecil's views. Among the statements made some came from Delegations which were not represented on the Preparatory Commission, and for this reason they were of particular importance. It was interesting for the Preparatory Commission to know not only the opinions of the Governments represented thereon, but also of all the others. This was how the situation appeared to him at the end of the debate, and a vote placing on record the difference of opinion would have given quite an inaccurate idea of this debate. M. Politis then went on to explain his resolution paragraph by paragraph, concluding that he was convinced that the Committee would find that the work it had done was faithfully reflected therein. It was worded in such a way that all the matters discussed, including the Inter-Parliamentary Union draft scheme for disarmament, might be referred to the Preparatory Commission, thus giving satisfaction to all those who had taken part in the debate.

Lord Cecil in replying to M. Politis noted that it had been brought out very clearly in the debates that with respect to three of the items in his resolution the result had been already obtained. It had been conceded quite definitely both by the Chairman of the Preparatory Commission and by all the speakers that points (a), (b) and (d) were still open before the Preparatory Commission; it was therefore unnecessary to press the resolution regarding those three points. With reference to point (c) it was not so obvious that the matter was still open before the Preparatory Commission, but he was not quite sure about this: however, there were statements made by the Chairman of the Preparatory Commission which rather encouraged his belief that even this point might be raised before the Preparatory Commission, and he thought that M. Politis' resolution might further help. He was grateful to M. Politis for suggesting a solution to a very difficult problem. In that resolution M. Politis had not only pointed out that the Assembly should take note of the statements which he (Lord Cecil) and others had made in the course of the debate, but had said quite specifically that, in his judgment, they should be allowed to repeat their views in the Preparatory Commission. Unless the provision of every expert was at fault, war would become more and more a war of machinery and less a war of men, and, if a convention were produced as regards limitation of armaments from which the limitation of machines and material was excluded, he was very much afraid that it would be of little value. Unless material was

limited in some way or another the disarmament treaty would be very little better than a sham. He thought that very largely the object which the British Government had in presenting the resolution to the Committee had been attained, as the subject had been ventilated. Fair warning had been given to everybody of the British Government's attitude in these matters. In the circumstances he did not think it would be right to press his motion to a division. M. Politis thought that the resolution would be defeated, but as to this, he was not sure. He thought that he might win, but what would be the use of winning by a narrow majority? He did not think that relations would be embittered as a result of a vote favourable to him, but relations would certainly not be improved. Under the circumstances he withdrew his resolution and accepted M. Politis' resolution.

When the resolution was being discussed later before the Assembly, Lord Cecil, who was the only speaker besides the Rapporteur, took occasion again to make his attitude clear. The British Government's critics had attributed strange motives to his action in submitting that resolution. Some had maintained that its purpose had been to delay disarmament, others, to injure certain military Powers. Both charges, equally inconsistent, were equally far from the truth. They were hysterical nonsense. Lord Cecil's object in moving his resolution had been plain and open. He had desired to draw the attention of the Preparatory Commission to certain principles on which disarmament ought to proceed. Lord Cecil referring more particularly to the question of material stated that the next war would be almost, if not quite, as fatal to victors as to vanquished. But no permanent form of peace would be possible unless armaments were reduced and limited. That was the attitude of the British Government towards the Assembly and towards the peoples of the world.

Later the Council instructed the Secretary-General to communicate the resolution to the Members of the Preparatory Commission together with the minutes of the plenary meetings of the Assembly and those of the Third Committee at which the question of disarmament was discussed.

The present outlook for future disarmament appears to be as follows. After the Naval Conference which will take place in London during January, very probably the Preparatory Disarmament Commission will be convened to meet sometime before the Eleventh Assembly. If an agreement is reached in the Preparatory Commission, it will be possible for the Assembly to set the date of the Disarmament Conference for some time in 1931. In addition, the Committee on Arbitration and Security will meet, at a date not yet fixed, in order to dispose of the following questions which were referred to it by the Assembly: financial assistance to States victims of aggression, Model Treaty to strengthen the means of preventing war, communications affecting the working of the League in times of emergency, and the facilities to be granted in times of emergency to aircraft engaged in transport of importance to the working of the League.

## *2. Draft Convention for Financial Assistance to States Victims of Aggression.*

At the request of the Ninth Assembly, the Financial Committee prepared a complete and detailed draft Convention, which was examined, with great thoroughness, by the Third Committee. In fact, the Committee devoted much more time to this subject than to the debate on Disarmament and the Work of the Preparatory Commission.

There are two distinct aspects to Financial Assistance, one financial, the other political. Sir Henry Strakosch, a member of the Financial Committee, in his pamphlet, "A Financial Plan for the Prevention of War," has explained in such clear and brief terms the purpose, the structure and the application of

the Convention from the financial point of view, that this side of the question will not be amplified here, particularly as the discussion centred round the political side to the almost total exclusion of the financial. The Committee, feeling hardly competent to discuss technical considerations, accepted, practically without comment, the financial dispositions of the draft Convention prepared by the Financial Committee. The political problems raised, however, were very important, and, in some cases, of a delicate nature.

Sir Henry Strakosch informed the Committee that the draft Convention had been passed by the unanimous vote of the Financial Committee, a body composed of hard-headed men whose very calling compelled them to look at things from a realistic point of view. He did not suggest that they were impervious to idealism, but he thought that the past record of the Financial Committee was sufficient proof that they would not allow their sense of the real to be carried away by idealism. He said this in order that they might appreciate the atmosphere in which the plan was conceived, elaborated and finally approved, and in order also to counteract a possible misconception, due to some criticism of the plan that it was the result of a bout of frenzied idealism on the part of a few cranks.

In the beginning it appeared rather as if, generally speaking, the Delegates favoured the plan for financial assistance: the impression grew, however, as the discussion went on, that there was little real enthusiasm for the scheme: certainly no one cared to have it put into force at once.

Count Bernstorff was lukewarm in his appreciation, and said that in any case the German Constitution made it necessary for the German Government to pass a law by a two-thirds majority before it could adhere to the Financial Assistance Convention—which certainly would be impossible before the Disarmament Convention was in force.

Dr. Munch (Denmark), who did not like the scheme, believed that the creation of a large fund for the purchase of war material might, in certain cases, be too great a temptation for the large industrial firms which manufactured war material. They would be tempted to regard this fund as their certain prey: with the resources at their disposal they might endeavour to bring about a situation which could be characterized as a threat of war.

Lord Cecil was the only strong supporter of the draft Convention; he was the one who spoke in the warmest terms about the good it might do. He thought that a Convention like the present one would render it unnecessary, particularly for some of the smaller Powers, to lay up stores of munitions to enable them to meet a national crisis. The argument, however, which carried most weight with him was that the possession of this power in the hands of the Council might be of capital importance when a great crisis arose. He could conceive of a case where one Power was obviously aggressive and was determined to rush, by the exercise of great force, against a smaller power, thus presenting the world with a *fait accompli* before anything could be done. The fact that the Council was recommending the granting of a loan to the smaller Power might make just the difference in the action of the supposed great and piratical Power.

Sir George Foster considered that, in dealing with financial assistance, there was another method which had not been discussed in the Committee. The underlying idea, as was obvious, in the draft Convention, was that a war was possible and might eventuate; but might not something be gained by approaching the matter from what might be called the negative point of view? Instead of agreeing to give to victims of aggression financial assistance, upon the details of which the Delegates did not appear to be unanimous, it might not be difficult,

he thought, to get all the Members of the League to agree that in the case of any violation they would not allow the aggressor State to obtain, within their territories, cash, credit, war material or the other elements necessary for the carrying on of war. This was a somewhat different plan from that before the Committee, and it did not involve the difficulties which had arisen during the discussion of the draft Convention now before them.

Sir Muhammad Habibullah (India) stated that the Indian contribution towards the expenses of the League was large, and hoped for the day when it might be reduced. He made it plain that, if India assented to the draft Convention, it would be on the distinct understanding that any contribution she might be asked to make should not be based upon her contribution at the time of her entry into the League, but on the actual contribution she might be paying at the time the liability arose.

M. Sandler (Sweden), although favourable in principle to the draft Convention, believed that in the case of a general conflagration the ingenious machinery of the draft would not work.

General Tanczos (Hungary) stated that Hungary could only continue to balance the budget so long as her financial position did not become worse. For that reason the Hungarian Government could not for the time being accept any Convention that might involve her in additional commitments.

Sir Granville Ryrie (Australia) was the only Delegate to say categorically that he was opposed to all financial assistance, both in the case of war, and in the case of threat of war.

In addition to the general discussion, which is summarized above, some of the points of political interest which held the attention of Delegations were:—

- (a) Should financial assistance be given only in case of war, or in case of threat of war as well? Should the Council be empowered to make the Convention operative without consulting the other signatory States?
  - (b) Should the operation of the Convention be linked up with, and be dependent upon, the general Disarmament Convention?
  - (c) For what decisions, under the Convention, is the unanimous vote of the Council necessary, and for what decisions does a simple majority suffice?
  - (d) What authority is to settle disputes concerning the interpretation or application of the Convention?
- (a) Should financial assistance be given only in case of war, or in case of threat of war as well? Should the Council be empowered to make the Convention operative without consulting the other signatory States?

Most of the Delegations, among which were the Japanese, German, Danish, Norwegian and Hungarian, were opposed to the application of financial assistance in cases of threat of war: only the British and Netherlands Delegations favoured the extension of the plan to a threat of war.

M. Munch (Denmark) thought it would be difficult for the Council to surmount the difficulties raised by the operation of the Convention in the case of such a threat. He need not stress the difficulty, so often discussed, of deciding which of the States in conflict threatened the other. There were other difficulties. If the Council in such a situation declared that one of the parties to the dispute was threatened by the other, and must be helped financially, it would obviously lose the possibility of mediating between the States in question. If, on the other hand, the Council first tried to reconcile the two States and only applied financial assistance after mediation had failed, this financial help would by then have lost a great deal of its value.

Lord Cecil was the only Delegate to be really insistent upon including "threat of war" in the application of the Convention. He was aware of the difficulties inherent in the phrase "threat of war." The expression was, however, not the invention of those who had framed the Convention: it was found in Article 11 of the Covenant, and was the basis of the proceedings recommended by the Preparatory Commission, the Council and the Assembly, which might be taken when a threat of war occurred. He quite agreed that the threat of war must be imminent and serious, and, if it would help in any way, he would be prepared to add such words to the Convention as would make it clear that the threat must not be remote or contingent. He replied to M. Munch by saying that the suggestion of the Danish Delegate seemed to him to be a triumph of ingenuity: he thought the danger of the organization of a threat of war by armament firms was very remote. Certainly, if there were the slightest suspicion of that, the Council would not lend itself to such proceedings.

M. Lange (Norway) was very definitely against the application of the Convention in case of threat of war. It was difficult to imagine how the plan could be put into operation in the case of a threat of war when no attack had yet taken place. In such a case they would have to decide who was the victim before there was a victim.

Generally speaking, most of the Delegates agreed that the decision as to the coming into operation of financial assistance should be left to the Council if the Convention were to be effective: otherwise it was thought that such delay would ensue, if the signatories to the Convention had to be consulted before putting the Convention into operation, that the Convention would become inoperative and ineffective.

M. Loudon (Netherlands) said that to require the previous consent of all the signatory States would nullify the effect of the scheme, and the Netherlands Government, recognizing this, had agreed to the decision being left to the Council alone. In making this exceptional concession it maintained, nevertheless, as a general principle, that in any other cases States were free to decide for themselves who was the aggressor.

Sir George Foster stated that Canada was deeply sympathetic with any project which had for its aim the prevention of war, but the draft Convention raised a difficult question for Canada as regards its possible participation in war without the sanction of the constituted authorities of the Nation, her Government and her Parliament. He had some doubt, personally, whether or not the authority of the Council's decision was the best that could be obtained. Two of the fourteen Members would certainly be eliminated, and possibly more. Consequently, there might be a comparatively small body of men left to take a decision which would result in an application of the Convention and this in a state of war, either prospective or actual.

Were the advantages to be derived from the putting into force of the Convention so great as to over-balance the objection to which he had alluded? Sir George suggested that there should be two classes of signatories: one, the class which adopted the Convention and could be counted upon in making up the loan; the other, the class which would comprise those who adhered to the same principle as that to which his Government adhered, and who, after knowing the decision of the Council as to the aggrieved party to which the loan was to go, came in as contributors to the loan, after agreeing with the Council's decision. This view, however, obtained no support, and M. Massigli (France) said that he viewed it with considerable alarm, because it might offer a serious temptation to Parliaments to delay their accession until the time came for the Convention to be brought into operation.

(b) Should the application of the Convention be linked up with and be dependent upon the general Disarmament Convention?

Practically all Delegations were unanimous in agreeing that it would not be practicable to endeavour to put into force the plan for financial assistance until a general Disarmament Convention had been concluded. As a matter of fact, as pointed out above, general and unqualified support was not given to the financial assistance proposal, and it appeared that in some cases Delegations insisted upon linking it up with the general Disarmament Convention, in order to shelve it at least for the time being.

M. Munch (Denmark) believed that an essential condition for the putting into force of the draft Convention was that the reduction of armaments, contemplated in Article 8 of the Covenant, should be carried out in a satisfactory manner. If the Committee wished to adopt the Convention immediately as it stood, the Danish Delegation would raise no objection, but would be unable to sign it until it formed part of a series of agreements giving effect to the stipulations of Article 8 of the Covenant and thus increasing the guarantees of a lasting peace.

Lord Cecil did not think that the British Government would be prepared to take part in the Convention unless its coming into force were made dependent on the adoption of a scheme of reduction and limitation of armaments.

(c) For what decisions under the Convention is the unanimous vote of the Council necessary, and for what decisions does a majority vote suffice?

In general, the Delegations favoured the unanimity rule in all decisions falling under Article 1 of the Convention, that is, the actual giving of financial assistance to States victims of aggression.

Lord Cecil thought that this rule of unanimity was one of the best safeguards against the misuse of the Convention.

The draft Convention proposed to exclude from the vote of the Council the representatives of States "involved in the war or threat of war". This latter disposition raised strong protest. M. Lange (Norway) wondered what States would not be involved in a threat of war, and insisted that the suspension of the right to vote would have to be limited, in conformity with the rule laid down in the Covenant, to Members who were actual parties to the dispute: this view was accepted by everybody.

(d) What authority is to settle disputes concerning the interpretation or application of the Convention?

Various proposals were submitted, in an attempt to solve this question. The draft Convention suggested that "any dispute as to the interpretation, or as to the method of application of the present Convention shall be settled by a decision of the Council of the League of Nations." M. Lange, discussing this text, said it was contrary to all principles to make a party judge in any dispute in which it was itself involved. The Norwegian, Netherlands and Portuguese Delegates proposed that disputes should be referred to the Court of International Justice for settlement by summary procedure—with the exception, of course, of decisions taken under Article 1 involving the putting into operation of financial assistance. The Portuguese Delegate suggested, in addition to the Court of International Justice, the reference of disputes to the decision of the Assembly, but he received no support, as it was realized that the Assembly did not meet often enough and in any case was too unwieldy a body for this purpose. The Chairman of the Financial Committee, in reply, stated that the Financial Committee had not considered an appeal to the Permanent Court of International Justice because it



believed that, for the proper working of the Convention, extremely rapid decisions were essential. No definite decision was taken respecting the difficulty raised in point (d).

It was evident, as the discussion continued far beyond the usual bounds—that it was out of the question to expect that a final text for the Convention could be adopted by the Tenth Assembly. In view of the many constitutional and political difficulties, there was no urgent desire on the part of Delegates to vote for financial assistance at the present time.

The Third Committee proposed that the Council instruct the Committee on Arbitration and Security to draw up a new text in cooperation with the Financial Committee. The text would, after it had been communicated to the Governments, be submitted for the approval either of a special conference or at the latest for that of the next Assembly. The Council subsequently requested the Committee on Arbitration and Security to prepare, in collaboration with the Financial Committee, a new draft Convention, taking into account the observations made and the amendments submitted by the various Delegations.

### 3. *Establishment of a Wireless Station*

The 1928 Assembly gave consideration to the two following alternatives: (a) the independent construction and operation by the League of a wireless station of world-wide range, and (b) the establishment of a similar station jointly financed by the Swiss Federal Government and by the League of Nations; in normal times this latter station would be operated by the Swiss Government, but during an emergency it would be handed over to the League subject to reservations of a diplomatic character formulated by the Swiss Government. No decision was reached at that time, as it was felt that the data available were insufficient. The question was left over in order that further technical, financial and legal studies might be undertaken in an attempt to elucidate the problem. Since the last Assembly the Swiss Government forwarded to the Secretary-General a memorandum in which it suggested a third solution (c) to the problem, i.e., the erection of a wireless station which would be operated at all times by a company called the "Société Radio Suisse," the major shareholder of which would be the Swiss Government; the essential differences between this and the two former proposals were that, under the new plan, the cost to the League would be much lower, but, on the other hand, the League would not have control of the station either in normal times or in periods of emergency.

M. Motta (Switzerland) said that the Swiss Government had built, just recently, a wireless station at Prangins, near Geneva; this had been done because the Confederation felt that it ought not to leave the League, any longer, without a wireless station. It was true that this station only possessed a medium-wave transmitter, and that distant countries could not be reached. The Swiss Government, however, was prepared to discuss with the League the establishment of a short-wave transmitter.

M. Haas, Secretary-General of the Advisory and Technical Committee for Communications and Transit, explained that the Council had requested the Committee to study one or more schemes for providing the League in times of emergency with absolutely independent means of communication. The most natural solution had been the first proposal—that of a wireless station, of world-wide range, belonging to and managed entirely by the League. But, in view of financial considerations, the question had been raised whether independence in times of emergency could not be secured by some other means. This led to the second proposal—to collaborate with the "Société Radio Suisse" to establish a wireless station, operated in normal times by the "Société Radio Suisse," but

in times of emergency coming under the control of the League. The Committee considered also the third proposal made by the Swiss Government, but felt that the terms of reference of the Assembly and of the Council were such that the Committee was not at liberty to examine in detail a scheme which did not provide, at least in times of emergency, for the complete independence of the wireless station.

Lord Cecil thought that the League ought to have a wireless station, and he personally had no doubt that the station should be under the complete control of the League in times of crisis. If the majority agreed with him, this would rule out the third solution suggested by M. Motta. Lord Cecil submitted a resolution in which the Assembly instructed "the Secretary-General to take the necessary steps for the provision, as early as possible of a radio-telegraphic station, comprising in any case a post with a world-wide radius so far as this may be technically possible."

M. Cassin (France) agreed that the first thing to be ensured was the independence of the League of Nations regarded as an international community: it was entitled to establish independent communications with the most remote countries. This principle which was laid down in 1926 could not be abandoned.

M. Sato (Japan) expressed satisfaction that most of the speakers desired to establish a long range station: he belonged to a country whose communications with the League were much inferior to those of the countries of Europe. The first solution did not appear acceptable as it was too expensive: the second, on the other hand, seemed reasonable, and the Japanese Government might perhaps accept it, but he was rather in favour of re-examining and re-discussing the third solution.

M. Villegas (Chile), supporting the British proposal, suggested that the different Governments might undertake immediately to give the proposed wireless station the preference for their communications to and from Geneva.

M. Cobian (Spain) raised the delicate question of who would decide, under plan (b), when there existed a state of emergency. In order to pass from the normal period to the period of crisis during which the wireless station would come under the League's control, somebody would have to make a grave pronouncement. Who? At what moment would it be made? Going further, he asked if it was not immediately before the crisis that it would be most necessary for the station to be at the League's disposal? He rather favoured the first plan, unless a solution were found to the problem he had just raised touching the period of emergency.

M. Motta, realizing that solution (c) was unpopular, reminded the Committee that the Swiss Government had, in the first place, proposed solution (b), which seemed to have received the support of nearly all Delegations and was, in effect, embodied in Lord Cecil's proposal. The benefit to the League under scheme (c), proposed by the Swiss Government, was that, once the station had been constructed, the only annual expenditure in which the League would have been involved would amount to about 23,000 francs, a trifling figure compared with the 450,000 francs of plan (a) and the 200,000 francs of plan (b). Be that as it may, M. Motta noted that solution (b) met with almost unanimous approval.

Following the general discussion, a joint sub-committee of members of the Third Committee and the Fourth Committee (Budget and Financial Questions) was appointed, and met on the 17th September. The mixed sub-committee unanimously decided to recommend the adoption of the second solution. In

reaching this decision the mixed sub-committee was guided by financial considerations and by the fact that at the present time it might be of the greatest importance for the League to have at its disposal, in times of emergency, not only a short-wave, but also a medium-wave station. It was not thought necessary to propose to the Third Committee any amendment to the text of Lord Cecil's resolution.

The Assembly, on the Third Committee's recommendation, instructed the Secretary-General to take the necessary steps for the provision, as nearly as possible, of a radio-telegraphic station, comprising in any case a post with a world-wide radius so far as this may be technically possible, in conformity with the proposals submitted to the Assembly by the Communications and Transit Committee. The Swiss Government could be represented at this station by an observer, and the Assembly further declared that the use of this station by the League of Nations in times of crisis could in no case be invoked against Switzerland as affecting her international responsibility.

A definite decision, therefore, has been taken by the Assembly regarding the establishment of a wireless station. In the League budget an item of 50,000 francs was included and passed by the Assembly; this amount of course is not meant as a first contribution towards the construction of the station, but only to cover the expenses of calling for tenders, initiating technical studies and having plans prepared. The credits for the actual building of the short-wave station, in co-operation with the "Société Radio Suisse," will be included in the budget for 1931.

#### 4. *Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War*

At the Fourth Session of the Special Commission held just prior to the Assembly, a further attempt was made to prepare a draft Convention on the Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War. No material progress was made towards the drafting of a single text although there was some advance in respect of the problem which so far has been a stumbling block, that is, the publicity to be given to private and State manufacture.

Prior to the Fourth Session of the Special Commission, Article 5 of the draft Convention had set forth the degree of publicity upon which the entire Commission could agree; reservations voicing the more ambitious hopes of certain Delegations were inserted formerly as remarks to the Article. At this Session, however, there was a reversal of policy, and it was decided to insert in the body of Article 5 the views of the majority of the Delegations, with the result that the new text represented the maximum upon which a majority agreed instead of a maximum upon which the entire Commission agreed.

The Rapporteur, M. Sandler, pointed out that, in the Report of the Fourth Session of the Special Commission submitted to the Council on 21st August by the Roumanian Representative, the latter drew the Council's attention to the fact that the Special Commission, after endeavouring once more to reconcile the different points of view, had not been able to eliminate certain fundamental divergencies of opinion.

M. Sandler stated that, at the Fourth Session, stress had been laid on the essential connection, first, between the organization of the supervision of private manufacture, and the publicity which should be given to State manufacture, and secondly, between the question of the manufacture of arms, ammunition and implements of war, and that of the international trade in arms. Furthermore, several Governments had affirmed that they were unable to express a final opinion on the methods of securing publicity for State manufacture until they knew the conclusions reached by the Preparatory Disarmament Commission on

the question of publicity in respect of material. In view of these remarks, the Rapporteur thought that it would be unwise for the Third Committee to add anything beyond recommending that the Council consider the convening of a further meeting of the Special Commission, after the Preparatory Disarmament Commission had concluded its work in connection with the publicity of implements of war.

During the course of the discussion, M. Fierlinger (Czechoslovakia) made an interesting suggestion. The Special Commission, he stated, had taken for its starting point the idea that the system of licences for private manufacture should be adopted as being the most perfect and efficient method of supervision yet discovered. A number of States, including the United States of America, had, however, found it difficult to accept this principle, and, if the United States did not accede to the Convention, no great Power in Europe would be willing to ratify it. That was one reason why they should endeavour to find a different basis for the Convention. He did not wish to influence the future decisions of the Special Commission, but thought it should seek to discover a new system of information and statistics more rapid and more effective than that in force at the present time for commercial information. The great advantage of finding and adopting such a system, instead of the system of licences, would be that all States could agree to it; in any case, the system of licences accepted by the Special Commission did not offer any particular advantages, and most European countries had adopted, for their own purposes, national regulations for the close supervision of the private manufacture of arms.

The Roumanian Delegate submitted a resolution (later adopted), the effect of which is to suspend further work on the Private Manufacture draft Convention until after the Preparatory Disarmament Convention has disposed of the question of the Publicity of War Material. Sir George Foster, discussing the resolution, called attention to the last paragraph in which the Council was requested, as soon as the Preparatory Commission had concluded its work, to convene a further meeting of the Special Commission to complete the text of a preliminary draft Convention. Sir George thought that this was a peremptory instruction to the Council, and he suggested that it might be left to the Council to decide whether or not it was advisable or necessary to call a further meeting of the Commission. He thought the Council should be left to exercise its choice. He would suggest the words: "to consider the advisability of convening a further meeting of the Special Commission." This amendment was adopted by the Committee.

##### *5. Model Treaty to Strengthen the Means of Preventing War*

This Model Treaty was accepted by the Ninth Assembly which recommended it for the consideration of States Members and non-Members of the League, and hoped that it might serve as a basis for States desiring to conclude a treaty of this kind. It was not thought that the question would be discussed before the Third Committee this year as it had been definitely disposed of by the Ninth Assembly. It will be remembered that the idea of the Model Treaty originated in 1927, when the German Government asked that certain suggestions, which it made then to strengthen the means of preventing war, should be embodied in a General Protocol, open to the signature of all States. However, during the Third Session of the Committee on Arbitration and Security there was such opposition to the idea of a Protocol that it was decided to give to the Treaty the form of a model multilateral treaty which might be used also as a bilateral treaty. It is of interest to note that since the Ninth Assembly no State has entered into a treaty on the German model.

The Model Treaty would not have been resuscitated had it not been for a resolution submitted by Lord Cecil, in which he asked that the Model Treaty be reshaped into a draft general Convention which could be referred to Governments in time to enable the latter to indicate, at the Eleventh Session of the Assembly, whether they were prepared to accept it.

Lord Cecil in presenting his resolution explained that the broad object of the Treaty was to strengthen the hands of the Council in their duty to prevent war breaking out: the method suggested in the Treaty was that as many States as possible—Members of the League or not—should agree to accept beforehand the directions of the Council for the carrying out of Article II. In order to bring this about, he was proposing that the Treaty be changed from a Model Treaty into a general Convention open for general signature, and to this end he suggested that it be referred to the Committee on Arbitration and Security, which could review it to ensure that it was in all respects fit for such a purpose.

Count Bernstorff, very naturally, welcomed Lord Cecil's resolution because the latter embodied a suggestion which originally was contained in a German proposal submitted by Herr Von Simson. The French, Japanese and Italian Delegations, which during the Third Session of the Committee on Arbitration and Security had been opposed to the idea of a general Convention, were not in favour of Lord Cecil's proposal, but did not go the length of actually refusing to accept the suggestion of referring the matter to the Committee on Arbitration and Security. M. Sato (Japan) reminded the Committee, however, that the Japanese Delegation had assisted in the preparation of the Model Treaty on the understanding that it was not to be of a general character.

The Assembly accepted Lord Cecil's suggestion and the Council, giving effect to the Assembly's recommendation, instructed the President of the Committee on Arbitration and Security to summon, in due course, the latter Committee in order to consider the possibility of establishing a draft General Convention on the general lines of the Treaty.

6. *Communications affecting the working of the League in Times of emergency: facilities to be given aircraft*

The International Commission for Air Navigation (Paris), which is not a body coming directly under the League of Nations, has been considering for some time past, and notably at its last Session, the question of the special legal status of aircraft employed to maintain aerial communications of importance to the operation of the League. The work of the Air Navigation Commission, in this respect, is not yet complete, and this Commission is to meet again at the end of the year to continue its task of studying and reporting upon the proposals made in 1926 by the French Delegation to ensure the independence and security of the League's communications in time of emergency, and more particularly respecting the facilities to be given aircraft engaged in transport of importance to the League's working.

The Rapporteur stated that, as it was necessary, in the interest of the freedom and security of aircraft flying over States with a view to ensuring communications of importance to the League in times of emergency, that as little as possible should be left to chance and unilateral decisions, and that each State should be aware of its obligations, it would be desirable for the Secretary-General and the various Governments to agree beforehand on the rules to be observed and the normal routes to be followed by such aircraft. These definite regulations would facilitate the mission to be carried out by aircraft in the joint service of the League and of the different countries. A certain elasticity,

however, might be provided for, by making provision for departures from established rules and routes for aircraft, or by the Secretariat and some particular Government entering into special agreements, in this respect.

Count Bernstorff, making use of the lead that certain aspects of this problem gave Germany, stated that the indispensable control of the air, particularly in times of crisis, was impossible in certain countries which, through treaties, were subject to restrictions regarding aviation, and which therefore had no police aircraft at their disposal.

The Assembly, following the Third Committee's proposal, requested the Council, as soon as the work of the Air Navigation Commission was finished, to have a study made by the Committee on Arbitration and Security of the measures required to ensure that aircraft engaged in transport of importance to the working of the League of Nations may be free in times of emergency to fly in such a way and over such territory as may be necessary for the carrying out of their mission. Subsequently the Council gave effect to the Assembly's recommendation.

#### FOURTH COMMITTEE

##### (BUDGET AND FINANCIAL QUESTIONS)

###### *League Buildings*

Approval was given to the report of the special committee appointed by the Assembly to study the question of the new buildings and during the Assembly the laying of the corner stone took place. Three points still remained unsettled: certain modifications of detail to the library, the question of acoustics, and the approval of the detailed estimates to be drawn up by the architects at the same time as the plans. The Committee is to decide these three points and submit its decisions to the Council of the League of Nations for endorsement.

###### *Allocation of Expenses*

In view of the fact that there must be submitted to the Assembly of 1932 a revised scale of allocation which will be based on the budget estimates for the year 1930-31 of the various States Members, it was proposed that States should be requested to submit their estimates with as little delay as possible. This was agreed to.

###### *Budget*

In marked contrast to the discussion which took place at the preceding Assembly, little criticism was offered this year on the main budget, the discussion centering particularly on the supplementary credits. The Secretary-General pointed out that the increase of 155,000 francs was due to the two Conferences on Codification and Disarmament which would be held in 1930 and that, had it not been for these Conferences, the budget would have actually shown a decrease.

###### *Secretariat and Special Organizations*

In discussing credits for League publications, several delegates called attention to the serious delay in the printing and distribution of important League documents, especially minutes of Conferences, a delay which had a prejudicial effect on the ratification of Conventions. The Norwegian Delegate was of the opinion that the minutes of various Committees were the poorest part of the League's work and that in certain cases reports had been "doctored" by reproducing all the complimentary expressions and leaving out the criticisms. It was also pointed out that the revised account of a discussion was frequently confused by independent corrections inserted by the different delegates who

had taken part in it. The Secretary-General pointed out that minutes and documents could be distributed with less delay if a credit of an additional 35,000 francs for printing could be agreed on.

An additional supplementary credit of 35,800 francs was agreed on to take care of the future organization of the High Commissariat for Refugees, it having been decided that the central service of the High Commissariat is to be placed under the administrative authority of the Secretary-General. The change is in the nature of an experiment and is for one year. The other two additional credits are due to the Conference on Financial Assistance for States Victims of Aggression and the Committee to study the means of accelerating the ratification of conventions concluded under the auspices of the League.

#### *International Labour Organization*

The budget of the International Labour Organization was accepted after very little discussion. A statement was made by both the Secretary-General and the Director with respect to the contribution of Brazil to the Organization. Brazil, although no longer a Member of the League, still continues to contribute to the Labour Organization. In accepting the contribution of Brazil, the statement was made that it was understood that in so doing the Labour Organization was in no way prejudicing any constitutional questions arising under the treaty provisions which had established the Labour Organization.

M. Hambro (Norway) desired information with respect to the political activities of the Director, criticized him for a statement he had made at a French Socialist Party banquet and wished to know whether the League officials should be allowed to take part in political activities. In reply M. Thomas explained that his association with the French Socialist Party was due to his desire to make the work of the League better known and that this was not the first time he had taken part in such manifestations. The budget of the Labour Organization was adopted by the Committee as submitted.

#### *Permanent Court of International Justice*

The budget of the Permanent Court was approved without alteration, the increase in expenditure being due to the increase in salaries provided for by staff regulations. Modifications in the Statute of the Court, especially in regard to pensions and salaries of the judges, will probably considerably increase the 1931 budget.

The total Budget as finally approved by the Fourth Committee amounted to 28,210,248 gold francs, a net increase of 559,742 gold francs over the original budget, and an increase of 1,183,968 over the budget for 1929. Canada is assessed for 35 units out of a total of 968, which would bring the amount of her contribution to 1,001,377.97 gold francs. From this amount, however, there is deducted the sum of 14,683.66 gold francs, Canada's share of the surplus for the financial year 1928, and the sum of 31,917.80 gold francs, representing the repayment from the Building Fund authorized by the Assembly to those States which, by the prompt payment of their share of the League's expenditure up to the end of 1925, had contributed to the formation of the capital set apart for the construction of the new buildings. The net contribution of Canada to the expenses of the League for 1930 thus amounts to 954,776.51 gold francs, or nearly 185,000 dollars.

#### *Organization of the Secretariat, of the International Labour Office, and of the Registry of the Permanent Court of International Justice*

The Ninth Assembly expressed the opinion that the staff regulations, which were drawn up in the early days of the League, should be considered in the light of the experience since acquired. The matter is being considered by the

Supervisory Commission, which, in view of the complexity of the questions involved, was not prepared to report to the Tenth Session of the Assembly. Certain proposals having been made, however, by the British and Italian Delegates, the Assembly decided to appoint a Committee, including members of the Supervisory Commission, to examine what steps could be taken to ensure the best possible administrative results for the Secretariat, the International Labour Office, and the Registry of the Permanent Court of International Justice. The Report of this Committee is to be submitted to the Governments for consideration before the next Session of the Assembly.

#### *Supervisory Commission*

Two proposals were brought before the Committee in connection with the composition of the Supervisory Commission: an Austrian proposal to increase the number from five to seven members was defeated on the grounds that an increase would make for inefficiency; discussion of a Swiss proposal that members should be declared non-eligible and should be replaced compulsorily after a term of six years of office was postponed until the next Assembly. Next year the question of the limitation of the re-eligibility of the members of the Supervisory Commission will probably be reconsidered on the basis of a definite proposal.

Two other questions completed the work of the Fourth Committee. The first was a proposal that the expenses of three Delegates of each State to the Assembly should be borne by the League. This proposal was intended primarily to improve the representative character of Delegations to the Assembly, especially from the smaller extra-European countries. It was hoped to encourage these countries to include in their Delegations a larger proportion of statesmen actively engaged in political life. The suggestion met with little response and no action will be taken until a definite proposal has been made by the Government of one of the Members of the League. The second question dealt with the proposed change of the meeting place for the Assembly. An additional 50,000 francs was voted to allow for the holding of the Assembly in the Bâtiment Electoral instead of in the Salle de la Réformation as heretofore.

### FIFTH COMMITTEE

#### (SOCIAL AND HUMANITARIAN QUESTIONS)

The work of the Advisory Commission for the Protection and Welfare of Children and Young People (Child Welfare Committee, Traffic in Women and Children Committee) gave rise to little discussion, although many Delegates took the opportunity offered of making statements on conditions in their own country.

#### *Child Welfare*

General approval of the work of the Child Welfare Committee was expressed, and particular mention was made of its work on the questions of the status of illegitimate children, the education of blind children, the effect of the cinematograph on children, and the preparation of draft international conventions relating to the repatriation of minors abandoned in a foreign country and to assistance for indigent minors of foreign nationality. The Committee noted that, at the request of the Child Welfare Committee, the Governments have been asked to submit observations on these draft conventions.

The Committee heard with interest an account given by the Director of the International Educational Cinematographic Institute (Rome) of the work of the Institute during its first year.



### *Traffic in Women and Children*

As a result of the light thrown on the question by the work of the League organizations, there has been in recent years a marked change in public opinion on the question of licensed houses; and further evidence of this was forthcoming in the discussion in the Fifth Committee this year. In particular, the Delegates of France and Belgium announced that the local authorities, within whose competence the matter lies, had abolished the system in a number of towns. It was considered that the study now being made of laws and regulations devised to protect public order and health against the dangers arising out of prostitution in countries where the licensed house system has been abolished will be of great value to the authorities in other countries where the question of abolition is being considered.

Several Delegates of Eastern countries said that their Governments would welcome the proposed extension to the East of the inquiry into the international traffic in women, carried out by a Special Body of Experts from 1924 to 1927. The Fifth Committee recommended that, if this extension of the inquiry were decided upon, the Special Body of Experts should include persons who are well acquainted with the special conditions in the East, and that women should be among these persons.

### *Traffic in Opium*

The greater part of the Fifth Committee's time was given to this question, and the discussion which took place on it was marked by a clear realization of the gravity of the problem and a general determination to put an end to the illicit traffic as soon as possible.

The Committee expressed its satisfaction with the work of the Advisory Committee in exposing the extent and methods of the illicit traffic, and associated itself more particularly with the Advisory Committee's view that strict measures should be taken to prevent the smuggling of drugs through the post.

From the information before the Committee and the statements made by several Delegates, it seems probable that ten or twelve more ratifications of the 1925 Opium Convention will be registered in the near future. There will then be over forty parties to the Convention, and its provisions for the control of the international trade will be more generally applied and will play their part in the suppression of the illicit traffic.

An interesting statement was made by M. Gallavresi, Vice-Chairman of the Permanent Central Opium Board, regarding the work of organization accomplished at the first two meetings of the Board (see Report of Canadian Delegates to the Ninth Assembly, p. 22).

The most interesting part of the discussion, however, centered around the question of the limitation of the manufacture of narcotics. At the first meeting devoted to opium questions, the representative of France announced that his Government was taking steps to impose on manufacturers a strict system of limitation. Other speakers laid emphasis on the desirability of such a system, and some gave accounts of the measures which were being or were about to be taken in their countries to prevent the manufacture in excess of legitimate requirements of quantities of drugs which would inevitably find their way into the illicit traffic. It became evident that there was a possibility of arriving at unanimous agreement on the principle of direct limitation of manufacture. The British Delegate thereupon put forward a proposal for a Conference on the question; this proposal, which was supported by the Canadian Delegate, was very fully discussed by the Committee and was accepted with amendments proposed by the Italian, Jugoslavian, Chinese and Swiss Delegates. In its final form, the resolution recognizes the principle of the limitation of manufacture by international agreement and outlines the method by which the problem should be approached. The Advisory Committee will prepare and submit to the Council plans for limitation, having regard to the medical and scientific requirements of the world and the means

to be taken to prevent limitation from resulting in an increase in the price of narcotics which would lead to the establishment of new factories in countries where narcotics are not now manufactured. The Council will then decide on the convening of a Conference for the limitation of manufacture.

## SIXTH COMMITTEE

### (POLITICAL QUESTIONS)

#### *Mandates*

During the discussion of this item, several questions of principle were raised: that of the conception of sovereignty as regards mandated territories, that of the temporary or permanent character of the mandates, and that of the maintenance of the mandated territories as separate units.

On the question of where sovereignty resides in the case of mandated territories, opinions differed widely. The Delegate of China expressed the view that sovereignty rested temporarily with the League of Nations, while the Delegates of Great Britain and New Zealand stated that, as the bestowal of the mandates was vested in the Allied and Associated Powers, the mandates could not be alienated except by the agreement of all these Powers. From the statements of the South African Delegate, it seems evident that his Government still holds the view that sovereignty is absolutely vested in the mandatory Power. A decision to this effect has been given by the South African Court of Appeal.

As regards the duration of mandates, the Delegates of certain States which are not mandatory Powers emphasized the temporary character of the mandates, while Delegates of mandatory Powers drew attention to the danger of creating unrest in the mandated territories by general statements of this nature. The Italian Delegate considered that a mandate would cease when the mandated peoples had reached a stage of civilization at which they were fit to govern themselves. This eventuality, which might be near at hand for certain "A" mandates, lay in the dim and distant future for populations subject to "B" and "C" mandates. The word "mandate" of itself and within the meaning of civil law implied this transitory character. Moreover, Article 22 of the Covenant spoke of "tutelage," and under the civil code tutelage came to an end when the ward attained his majority. The French Delegate replied that the idea of colonial mandates could not be considered to emanate directly from ordinary civil law; it was rather an embodiment of Anglo-Saxon thought which had assumed concrete form in the three types of mandates. It was true that tutelage ceased when the object of it attained his majority, and this was stipulated in the articles dealing with "A" mandates, but nothing was said in respect to "B" and "C" mandates.

It was in connection with the administrative, customs and fiscal union between Tanganyika, Kenya and Uganda proposed in the Hilton Young Report that the Italian Delegate raised the question of the duration of the mandates. He said that, while Article 10 of the mandates appeared to authorize such a scheme, it also contained a very important and explicit reservation to the effect that no measure should be taken contrary to the rules of the mandate. The precedent of the incorporation of the Cameroons in the colony of Nigeria had been cited. It was, however, quite a different matter when a relatively small territory like that of the Cameroons was incorporated, and when it was proposed to incorporate an enormous territory like Tanganyika. The British Delegate explained that the Hilton Young Report had not yet been given detailed consideration by the Government; any decision taken would be reported to the Mandates Commission which would thus have an opportunity of making observations on it.

Almost all the speakers made some reference to the recent events in Palestine. The British Delegate gave assurances that no acts of terrorism or disorder would be allowed to modify their policy for the full application of the terms of the mandate for which they had international responsibility to the League as a whole.

### *Slavery*

Under the Slavery Convention of 1926, the States Parties are obliged to communicate to the League information regarding their legislation on slavery. In this connection, Lord Cecil pointed out that very few States had supplied such information, while in certain countries bordering on British territory slavery was still in existence. He thought that the position was becoming a very serious one, and he therefore proposed the re-appointment of the Commission on Slavery to report generally on the execution of the Slavery Convention of 1926.

The British proposal was supported by a number of Delegations, including those of India, Norway and Spain, but was strongly opposed by others. In view of this conflict of opinion, the Sixth Committee appointed a sub-committee, which examined the question in detail and unanimously concluded that, in view of the changes in the general situation and the fact that a very short time had elapsed since the signature of the Convention, it would be preferable (1) to endeavour to obtain further ratifications, (2) to investigate thoroughly the results of the application of the Convention and the present state of the problem. The Sixth Committee adopted the sub-committee's suggestion.

### *\*Refugees*

The Sixth Committee considered the Report of the Advisory Commission appointed by the Council in accordance with a decision of the Ninth Assembly (see Report of Canadian Delegates, p. 22), together with the Report of the High Commissioner for Refugees (Dr. Nansen) on the various measures taken for the assistance of Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish refugees. It agreed with the Advisory Commission that the work of the High Commissariat should be continued along the same lines and should be wound up within a maximum period of ten years. The League will continue to bear the administrative expenses of the High Commissariat.

The Ninth Assembly decided that the work of settlement of Armenian refugees in the Republic of Erivan should be carried out under the auspices of the League (see Report of Canadian Delegates, p. 24). Although certain Governments and private organizations offered contributions, it has proved impossible to obtain sufficient funds for the settlement scheme in which the Armenian Government had agreed to co-operate. This being the case, the Sixth Committee accepted Dr. Nansen's proposal that the League should discontinue its connection with this work. The contributions offered will therefore revert to the subscribers, with the exception of a gift of £100,000 from the Armenian organizations, which will be used for settlement on a small scale. The High Commissioner will keep in touch with the movement and will inform the Council if it appears to be opportune for the High Commissariat to resume its co-operation in this work.

RAOUL DANDURAND,  
 J. C. ELLIOTT,  
 W. D. EULER,  
 GEORGE E. FOSTER,  
 PHILIPPE ROY,  
 AGNES C. MACPHAIL,  
 MALCOLM McLEAN,  
 W. A. RIDDELL,

\* This question would normally have been referred to the Fifth Committee, but the Assembly referred it to the Sixth Committee, which had a small agenda.

